ATTACHMENT NO. 2

Appendix I
City of Pomona
Zoning and Development Code

Adopted
July 1, 2024

CODE AMENDMENTS

ADOPTION DATE	EFFECTIVE DATE	CASE FILE	DESCRIPTION
04/07/2025	05/07/2025	CODE-001403-2024	Amended sign regulations
06/15/2026	07/15/2026	CODE-000378-2025	Omnibus code amendment

CONTENTS

Part 1. Introductory Provisions 1-1
Sec. 100. Legal Requirements 1-2
Sec. 110. Orientation 1-8

Part 2. Summary of Zoning Districts 2-1
Sec. 200. Zoning Districts 2-2

Part 3. Form 3-1
Subpart 3A. Form Introduction 3-3
Sec. 300. Orientation 3-4
Sec. 310. General Provisions 3-7
Subpart 3B. Form Modules 3-9
Sec. 320. House Form Modules. 3-10
Sec. 330. Low-Rise Form Modules 3-16
Sec. 340. Mid-Rise Form Modules 3-22
Sec. 350. Special Form Modules 3-26
Subpart 3C. Form Rules 3-31
Sec. 360. Lot Size 3-32
Sec. 370. Coverage 3-34
Sec. 380. Amenity 3-40
Sec. 390. Building 3-46

Part 4. Frontage 4-1
Subpart 4A. Frontage Introduction 4-3
Sec. 400. Orientation 4-4
Sec. 410. General Provisions 4-6
Subpart 4B. Frontage Modules 4-11
Sec. 420. Neighborhood Yard Frontage Modules 4-12
Sec. 430. Multi-Unit Frontage Modules 4-16
Sec. 440. General Frontage Modules. 4-18
Sec. 450. Shopfront Frontage Modules 4-22
Sec. 460. Special Frontage Modules 4-24

Subpart 4C. Frontage Rules **4-29**
Sec. 470. Build-To 4-30
Sec. 480. Parking Location 4-41
Sec. 490. Landscaping 4-43
Sec. 4100. Transparency 4-50
Sec. 4110. Entrances 4-65
Sec. 4120. Ground Story 4-75

Part 5. Use **5-1**
Subpart 5A. Use Introduction **5-3**
Sec. 500. General Provisions 5-4
Subpart 5B. Use Modules **5-7**
Sec. 510. Use Modules 5-8
Sec. 520. Allowed Uses 5-11
Subpart 5C. Use Rules **5-19**
Sec. 530. Use Definitions 5-20
Sec. 540. Use Standards 5-50
Sec. 550. Accessory Uses and Structures 5-77
Sec. 560. Temporary Uses and Structures 5-88

Part 6. Site **6-1**
Subpart 6A. Site Introduction **6-3**
Sec. 600. General Provisions 6-4
Subpart 6B. Site Rules **6-7**
Sec. 610. Parking and Access 6-8
Sec. 620. Landscaping and Screening 6-42
Sec. 630. Signs 6-73
Sec. 640. Environmental Protection 6-97

Part 7. Alternate Typologies **7-1**
Subpart 7A. Alternate Typologies Introduction **7-3**
Sec. 700. General Provisions 7-4
Subpart 7B. Alternate Typologies **7-7**
Sec. 710. Open Lot 7-8
Sec. 720. Manufactured Housing Park 7-14
Subpart 7C. Alternate Typology Rules **7-19**
Sec. 730. Alternate Typology Rules 7-20

Part 8. Historic and Other Supplemental Provisions 8-1

Sec. 800. Historic Preservation 8-2
Sec. 810. Specific Plans 8-36
Sec. 820. Overlay Districts. 8-38
Sec. 830. Special Provisions. 8-44

Part 9. Streets 9-1

Subpart 9A. Streets Introduction 9-3
Sec. 900. General Provisions 9-4
Subpart 9B. Street Types..... 9-5
Sec. 900. Street Type 9-6
Subpart 9C. Street Rules..... 9-7
Sec. 910. Street Types 9-8

Part 10. Division of Land..... 10-1

Sec. 1000. General Provisions 10-2
Sec. 1010. Subdivision Design Standards. 10-4
Sec. 1020. Subdivision Map Standards 10-10

Part 11. Administration 11-1

Sec. 1100. Authority 11-4
Sec. 1110. Application Filing and Processing. 11-9
Sec. 1120. Public Hearings. 11-24
Sec. 1130. Appeals 11-27
Sec. 1140. Performance Guarantees 11-29
Sec. 1150. Legislative Review 11-31
Sec. 1160. Discretionary Review 11-39
Sec. 1170. Administrative Review 11-58
Sec. 1180. Subdivision Review 11-63
Sec. 1190. Historic Preservation Review 11-66
Sec. 11100. Nonconformities 11-76
Sec. 11110. Violations and Enforcement 11-89

Part 12. General Rules..... 12-1

Sec. 1200. General Standards and Measurement 12-2
Sec. 1210. General Terminology 12-22

Part 13. Appendix..... 13-1

Sec. 1300. Landscape (Formerly Sec. 503-J) 13-3
Sec. 1310. Public Art Requirement (Formerly .5809-24) 13-31
Sec. 1320. Original Artwork Murals (Formerly .5809-25) 13-38

PART 1.

INTRODUCTORY PROVISIONS

Sec. 100. Legal Requirements **1-2**
100.A. Title 1-2
100.B. Effective Date 1-2
100.C. Intent and Purpose 1-2
100.D. Authority 1-3
100.E. Applicability 1-3
100.F. Conflicting Requirements 1-6
100.G. Consistency with the General Plan 1-6
100.H. Relationship to Specific Plans 1-6
100.I. Relationship to Development Agreements 1-6
100.J. Relationship to Prior Code 1-7
100.K. Status of Covenants and Agreements 1-7
100.L. Severability 1-7
Sec. 110. Orientation **1-8**
110.A. Zoning District Brackets 1-8
110.B. Other Code Components 1-11
110.C. Zoning Code Maps 1-12

Sec. 100. **Legal Requirements**

100.A. **Title**

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

100.B. **Effective Date**

This Zoning and Development Code was adopted on July 1, 2024 and became effective on July 31, 2024.

100.C. **Intent and Purpose**

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

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

100.D. **Authority**

This Zoning and Development Code is adopted pursuant to the authority granted to the City by the California Government Code *(Sec. 65000 et seq.)*, the California Public Resources Code *(Section 21000 et seq.)*, the California Planning Act of 1927, and other applicable Federal, State, and local requirements.

100.E. **Applicability**

1. Jurisdiction

The regulations of this Zoning and Development Code apply to all land within the City's sphere of influence including the incorporated boundaries of the City of Pomona pursuant to the California Government Code *(Sec. 5645. through Sec. 56430.)*, including land owned by local, county, state, or federal agencies, except where such land is exempt from local zoning regulations under applicable law. Where applicable, Specific Plans override Form, Frontage, and Use Module regulations. Where applicable, historic designations and overlay districts regulate in addition to Form, Frontage, and Use Module regulations.

2. Permissive Zoning Code

The provisions of this Zoning and Development Code are permissive in nature. Only those uses, structures, and activities specifically listed as permitted or conditionally permitted will be allowed. Any use not specifically listed in this title is prohibited. The absence of a specific use from the lists of permitted or conditionally permitted uses will be deemed to be an intentional exclusion and will constitute a prohibition of such use.

3. Applicability to New or Altered Land Uses or Structures

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

4. Applicability to Existing Uses and Structures

An existing land use or structure is lawful only when it was legally established and is operated and maintained in compliance with all applicable provisions of this Zoning Code. See *Sec. 11100. Nonconformities* for more details.

5. Conflicting Land Use Permits

Following the effective date of this Zoning and Development Code or any amendment hereto, any legislative action, discretionary permit or action, or Ministerial Permit or decision as established in *Sec. 1100.A. Summary of Review Authority* must be issued only in full compliance with its provisions. Any approval issued after the effective date of this Zoning and Development Code that is in conflict with its provisions, must be deemed invalid, except as established by *Sec. 100.E.5. Projects in Process*, below.

6. Projects in Process

The enactment of the Zoning and Development Code, or any amendments hereto, may have the effect of imposing different standards on new land uses, development, and/or structures than those that applied prior to enactment of the Zoning & Development Code. Following the effective date

of the Zoning & Development Code the following provisions must apply. Successive amendments to the Zoning & Development Code must specify their applicability to pending applications and projects not yet or under construction; in the event an amendment is silent on this matter, the following must apply.

a. Private Projects

1. Pending Applications, Residential

Any application for a residential use that meets each of the criteria below must be processed according to the regulations in effect on the date that the application was submitted.

i. A complete building permit application was accepted.

ii. All required City fees associated with the application have been paid.

iii. The scope of work associated with the application includes, but is not limited to:

a) The establishment of no more than three residential dwelling units.

b) Construction of new accessory structures such as garages or accessory dwelling units.

c) Construction of new additions to primary residential dwelling units.

d) Installation of new or maintenance of exterior facades.

e) Installation of new or maintenance of roofing.

f) Installation of new or maintenance of solar panels.

g) Installation of new or maintenance of electrical vehicle charging stations.

h) Installation of new or maintenance of mechanical, plumbing, and electrical equipment.

2. SB330 Preliminary Application

Any residential project which has obtained a deemed complete SB330 Preliminary Application will be processed according to the regulations in effect when the application was deemed complete, but only in compliance with the terms of the SB330 Preliminary Application.

3. Pending Applications, Nonresidential

Any application for a nonresidential use that meets each of the criteria below must be processed according to the regulations in effect on the date that the application was submitted.

i. A complete building permit application was accepted.

ii. All required City fees associated with the application have been paid.

iii. The scope of work associated with the application includes, but is not limited to:

a) Interior tenant improvements;

b) Installation of new or maintenance of roofing;

c) Installation of new or maintenance of solar panels;

d) Installation of new or maintenance of signage;

e) Installation of new or maintenance of electrical vehicle charging stations; and

f) Installation of new or maintenance of mechanical, plumbing, and electrical equipment.

4. Approved Projects Not Yet Under Construction or Exercised

Any application that meets each of the criteria below must be processed according to the regulations in effect on the date that the application was submitted.

i. An approval has been issued for either a building permit application or an entitlement application.

ii. All required City fees associated with the application have been paid.

iii. The approval of the application has not expired, or where applicable, an extension approved prior to the effective date of the Zoning and Development Code has not expired.

5. Projects Under Construction

A structure that is under construction pursuant to a valid building permit on the effective date of the Zoning & Development Code, or any amendments thereto, may be completed and need not be changed to satisfy any new or different requirements of the Zoning & Development Code as long as construction is being diligently pursued to completion and is consistent with applicable project specific timelines for completion.

b. Public Projects

No Federal, State, County or City governmental project is subject to the provisions of the Zoning and Development Code, including such projects operated by any combination of these agencies or by a private person for the benefit of any such government agency, unless the agency provides by contract or otherwise that the project must be constructed or operated in compliance with any or all provisions of the Zoning and Development Code.

7. City Properties

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

8. Internal Inconsistencies

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

9. External Inconsistencies

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

10. Changes in State Law

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

11. Need to Obtain Other Required Permits

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

12. Public Nuisance

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

100.F. Conflicting Requirements

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

100.G. Consistency with the General Plan

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

100.H. Relationship to Specific Plans

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

100.I. Relationship to Development Agreements

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

100.J. **Relationship to Prior Code**

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

100.K. **Status of Covenants and Agreements**

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

100.L. **Severability**

1. If any portion of this Zoning and Development Code is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, the determination must not affect the validity of the remaining portions of this Zoning and Development Code. Moreover, the decision must not affect, impair, or nullify this Zoning and Development Code, either in whole or in part, and the remainder of this Zoning and Development Code must continue in full force and effect.

2. If the application of any provision of this Zoning and Development Code to any area, property, or site is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared that the effect of the decision must be limited to that area, property, or site immediately involved in the controversy, action, or proceeding in which the judgment or decree of invalidity was rendered. In addition, the decision must not affect, impair, or nullify this Zoning and Development Code as a whole or in the application of any provision to any other area, property, or site.

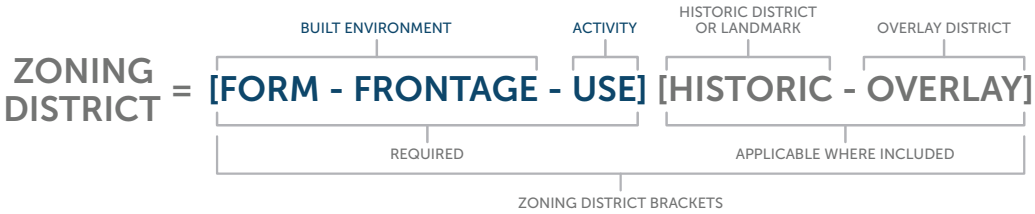
Sec. 110. **Orientation**

110.A. **Zoning District Brackets**

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

1. **Zoning District Brackets**

a. A zoning district bracket is comprised of the following zoning modules, as established in *Sec. 110.C.2. Zoning Map*:



b. To regulate the built environment and activities allowed on a property, land is designated by zoning district brackets—abbreviated as a zoning district—listed in *Sec. 110.A.3. Zoning Districts* for zoning purposes.

c. The first zoning district bracket includes the modules required to establish a zoning district, or is replaced by a Specific Plan. The first bracket contains modules that regulate the built environment and types of activities that are permitted on a lot.

d. Modules that make up zoning district brackets may refer to, or have standards that are tied to, other modules. However, each module in the zoning district brackets are independent.

e. Modules included within a second zoning district bracket set are only applicable where included on the zoning map.

f. Modules are combined into zoning district bracket sets to implement Pomona's General Plan.

2. **Zoning Modules**

Zoning modules are established and defined in the following Parts:

a. *Part 3. Form* regulates the placement, scale, and intensity of buildings and structures on a lot. Form modules ensure that building forms are compatible with their context and promote projects that support the General Plan and community needs.

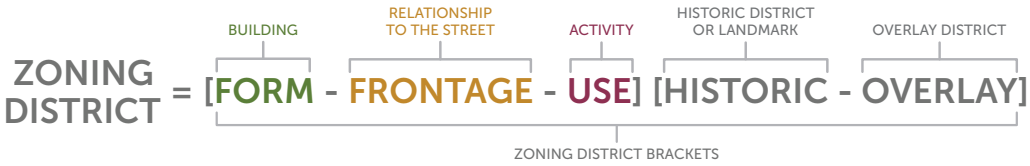
b. *Part 4. Frontage* regulates portions of a lot and building facades that impact the public realm. Frontage modules ensure that projects respond to the public realm appropriately. Modules range from flexible standards for open space frontages with limited buildings to more robust standards for shopfront frontages where buildings need to support an active and high-quality public realm with strong associations with uses inside buildings.

c. *Part 5. Use* regulates use standards and use definitions which regulate activities on a lot and mitigate potential impacts within and surrounding a property as a result of those activities.

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

3. Zoning Districts

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



4. Zoning District Naming Convention

a. General

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

1. Where a historic district applies, the zoning district and variation number will be followed by (-H). See *Sec. 800.D.2. Zoning District.*
2. Where an overlay district applies, the zoning district and variation number will be followed by one of the letters specified in *Sec. 820.A.3. Zoning District.*
3. Where both a historic district and overlay district apply, the zoning district and variation number will be followed by 2 letters. An example of this would be 'NED1-H-SA1'

b. Zoning District Name

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

1. Residential Neighborhood Districts (RND);
2. Neighborhood Edge Districts (NED);

3. Urban Neighborhood Districts (UND);
4. Activity Center Districts (ACD);
5. Transit Oriented Districts (TOD);
6. Workplace Districts (WD);
7. Special Campus Districts (SCD); and
8. Parkland Districts (PLD).

c. Zoning District Variation Number

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

5. Streets

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

110.B. **Other Code Components**

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

1. *Part 6. Site* regulates site design, including the location and characteristics of access, parking, landscape, and other site features. Site consists of a combination of regulations that are appropriate to a variety of contexts such as transit-oriented centers, special campuses, suburban neighborhoods, and open spaces.

2. *Part 7. Alternate Typologies* regulates when and how alternate forms of development are eligible where otherwise prohibited by a zoning district. The zoning districts established in this Zoning and Development Code recognize that the physical form of development generally is not determined by its use. However, where a development form is directly tied to a use, this Part outlines regulatory solutions that override specific regulations applied to a lot by its zoning district. Each Alternate Typology establishes eligibility parameters for each option and which zoning district metrics it supersedes.

3. *Part 10. Division of Land* details specifications for the division of land, in accordance with the *California Subdivision Map Act*.

4. *Part 11. Administration* defines the procedures for various approvals under this Zoning and Development Code and defines nonconformities. *Part 11* provide relief from the requirements of this Zoning and Development Code for existing lots, buildings and structures, and uses that conformed to the zoning regulations, if any, at the time they were lawfully established, but do not conform to current district standards or use permissions.

5. *Part 12. General Rules* defines general rules that apply consistently throughout the Zoning and Development Code with specific meaning in this Code.

110.C. Zoning Code Maps

1. General

a. Intent

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

b. Maintenance and Access

1. Adoption and Maintenance of Zoning Code Maps

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

i. Zoning Code Maps

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

a) Delineate the boundaries of the various zoning districts, historic districts, Specific Plans, street types, and other types of land designations regulated by this Code.

b) Include all matters, notations, and representations.

c) Be adopted and approved, incorporated herein and made a part hereof, and collectively constitute the official Zoning Code Maps.

ii. Record of Changes

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

iii. Scale of Map

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

iv. Land Base Dataset

The Department of Development Services is responsible for reviewing identifying, and updating the City's public and private land records, and establishes and maintains the

City's land base dataset. The Department of Development Services must make the necessary adjustment to the Zoning Code Maps as updates to the land base dataset are issued.

v. **Annexations**

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

2. Zoning Map

a. Applicability

1. Zoning Districts

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

2. Alternate Typologies

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

3. Historic Preservation, Specific Plans, and Overlay Districts

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

4. Zoning of Annexed or Unzoned Land

i. Any area annexed to the City after the effective date of this Code will automatically be placed into the most restricted zoning district immediately adjoining it, and must remain in said zoning district until an official zoning district map for the area has been adopted by the Planning Commission and City Council, unless the Planning Commission and City Council determine the precise zoning as a part of the annexation procedure.

ii. The Planning Commission must recommend an appropriate zoning of the land to the City Council within 90 days after application for change of zoning has been filed with the Planning Commission.

b. Boundaries

1. Street, Alley or Lot Lines

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

2. Vacated Street or Alley

i. In the event that a dedicated street or alley shown on the Zoning Map is vacated, the property formerly in the street or alley must be included within the zoning district of the adjoining property on either side of the vacated street or alley.

ii. In the event that the street or alley was a zone boundary between two or more different zoning districts, the new zoning district boundary is the former centerline of the vacated street or alley.

c. Amendments

1. Zone Changes

At the direction of City Council, pursuant to *Sec. 1160.E. Variance*, the Development Services Director is authorized to revise the Zoning Map. At the direction of City Council for the adoption of a Specific Plan, pursuant to *Sec. 1160.F. Development Plan*, the Development Services Director is authorized to revise the Zoning Map.

2. Zone Boundary Adjustments

i. Process

Whenever public necessity, convenience, general welfare or good zoning practice justifies the action, the Development Services Director may approve, conditionally approve, or deny a zoning district boundary adjustment, pursuant to *Sec. 1180.F. Map Correction and Amendment*, and make minor adjustments to the location of a zoning district boundary to carry out the intent of this Section when:

a) Property as shown on the Zoning Map has been divided or approved for division into parcels or lots and blocks by a final parcel or tract map, and the parcel or lot and block arrangement does not conform to that anticipated when the zoning district boundaries were established;

b) Property was redivided or approved for subdivision by a final parcel or tract map action into a different arrangement of lots and blocks than indicated on the Zoning Map; or

c) Where uncertainty exists in applying this Section's provisions or where revision is necessary to correct dimensional or mapping errors, the Development Services Director may determine the location of the zoning district boundary.

ii. Limitation

Zoning district boundary adjustments permitted by this Section are limited to a distance of no more than 50 feet. When the adjustment is requested prior to recordation, the Development Services Director's decision does not become effective until after the

parcel map or final tract map has been recorded with the Los Angeles County Registrar-Recorder/County Clerk.

iii. Zoning Map

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

3. Street Types Map

[Reserved]

PART 2.

SUMMARY OF ZONING DISTRICTS

Sec. 200. Zoning Districts.....2-2
200.A. Zoning Districts Established 2-2
200.B. Residential Neighborhood Districts (RND) 2-4
200.C. Neighborhood Edge Districts (NED) 2-6
200.D. Urban Neighborhood Districts (UND) 2-8
200.E. Activity Center Districts (ACD) 2-10
200.F. Transit Oriented Districts (TOD) 2-12
200.G. Workplace Districts (WD) 2-14
200.H. Special Campus Districts (SCD) 2-16
200.I. Parkland Districts (PLD) 2-18

Sec. 200. **Zoning Districts**

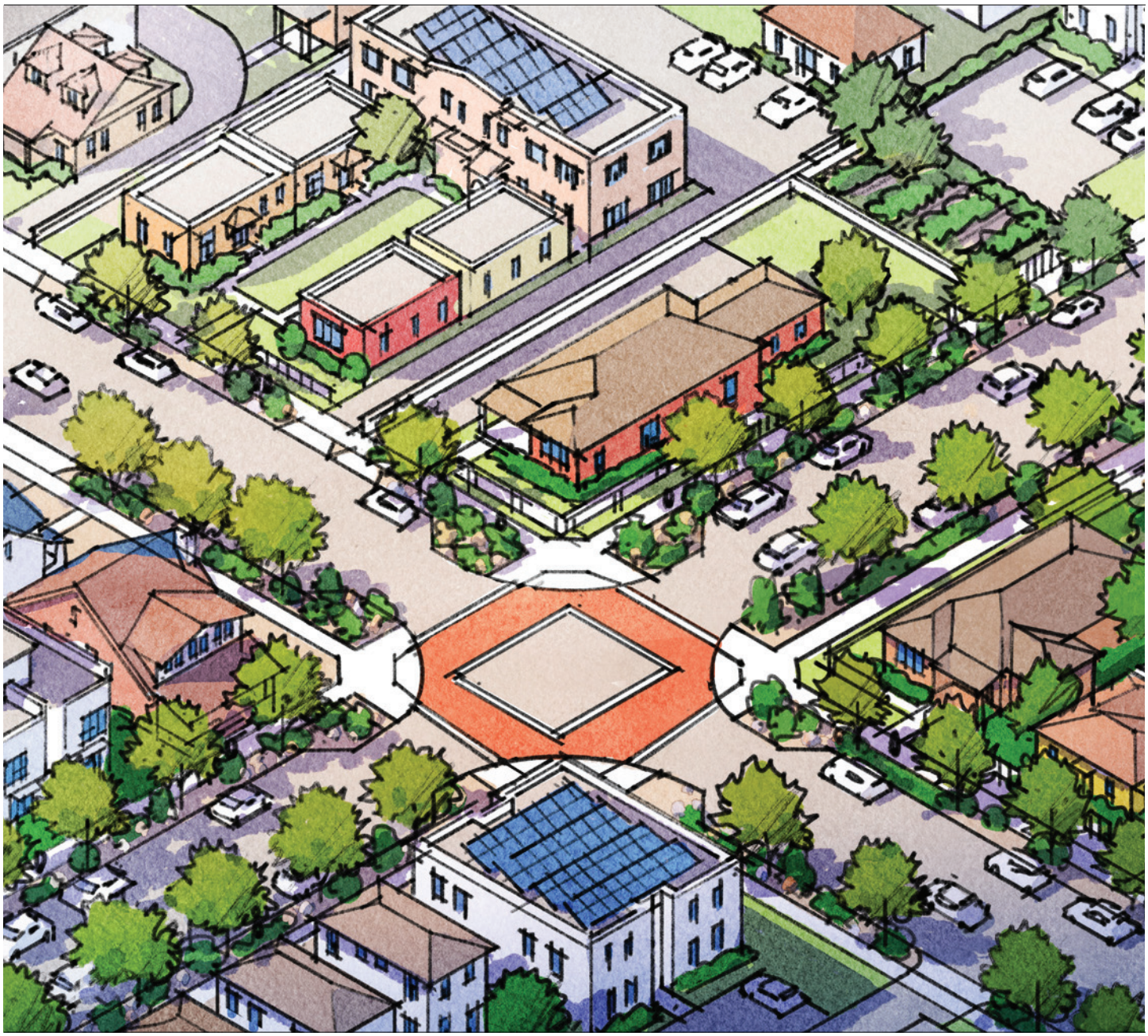
200.A. **Zoning Districts Established**

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

RESIDENTIAL NEIGHBORHOOD DISTRICTS (RND)
RND1 Residential Neighborhood District 1
RND2 Residential Neighborhood District 2
RND3 Residential Neighborhood District 3
RND4 Residential Neighborhood District 4
RND5 Residential Neighborhood District 5
NEIGHBORHOOD EDGE DISTRICTS (NED)
NED1 Neighborhood Edge District 1
NED2 Neighborhood Edge District 2
NED3 Neighborhood Edge District 3
NED4 Neighborhood Edge District 4
NED5 Neighborhood Edge District 5
URBAN NEIGHBORHOOD DISTRICTS (UND)
UND1 Urban Neighborhood District 1
UND2 Urban Neighborhood District 2
UND3 Urban Neighborhood District 3
ACTIVITY CENTER DISTRICTS (ACD)
ACD1 Activity Center District 1
ACD2 Activity Center District 2
ACD3 Activity Center District 3

TRANSIT ORIENTED DISTRICTS (TOD)
TOD1 Transit Oriented District 1
TOD2 Transit Oriented District 2
TOD3 Transit Oriented District 3
TOD4 Transit Oriented District 4
TOD5 Transit Oriented District 5
TOD6 Transit Oriented District 6
WORKPLACE DISTRICTS (WD)
WD1 Workplace District 1
WD2 Workplace District 2
WD3 Workplace District 3
WD4 Workplace District 4
WD5 Workplace District 5
SPECIAL CAMPUS DISTRICTS (SCD)
SCD1 Special Campus District 1
SCD2 Special Campus District 2
SCD3 Special Campus District 3
PARKLAND DISTRICTS (PLD)
PLD1 Parkland District 1
PLD2 Parkland District 2

200.B. Residential Neighborhood Districts (RND)



1. General Intent

a. A walkable neighborhood environment intended to accommodate a variety of lower-intensity housing options—up to 2.5 stories tall—including single-unit homes, cottage courts, duplexes, triplexes, fourplexes, and other small multifamily development.

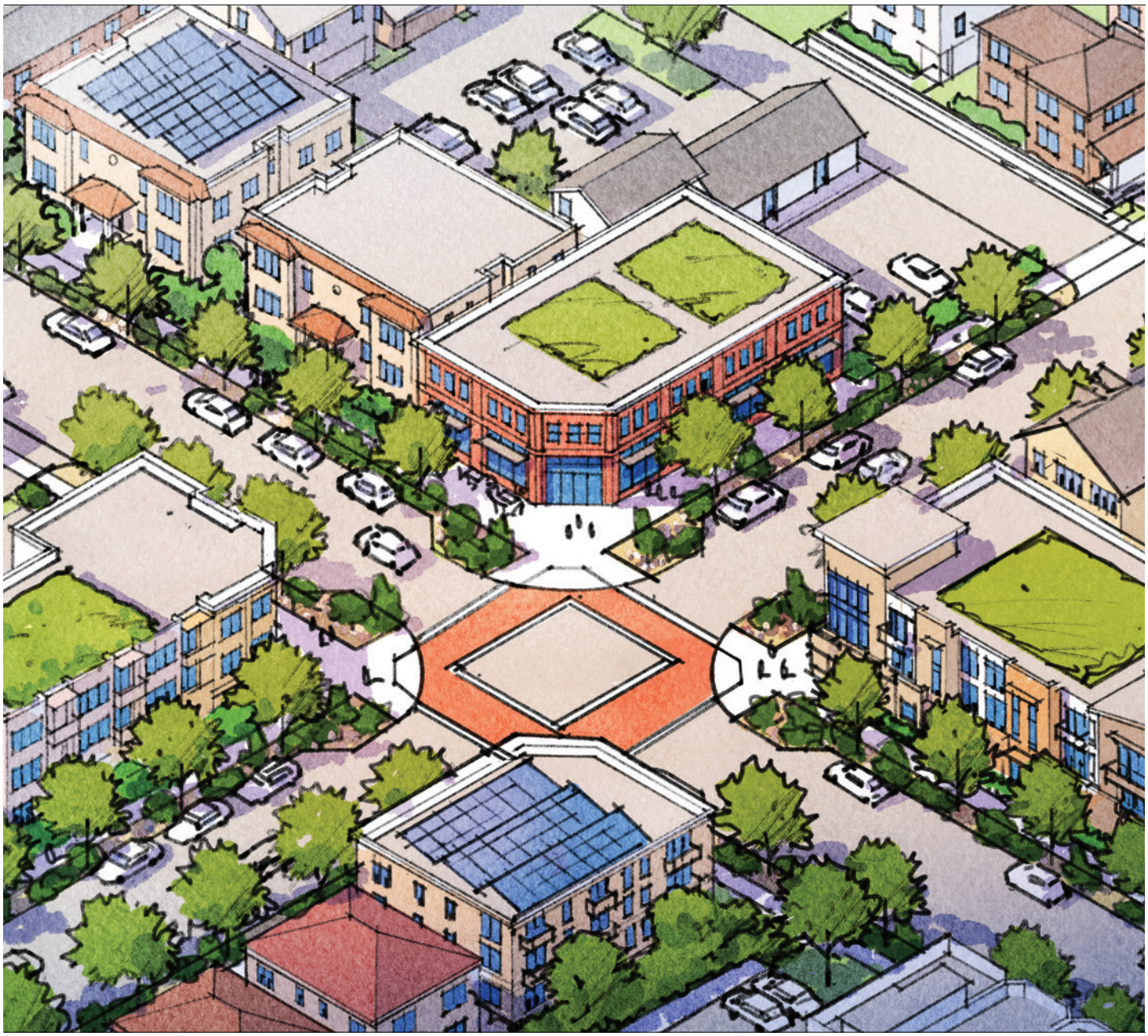
b. Residential Neighborhood Districts (RND) implement the Residential Neighborhood Place Type established in the *General Plan*.

2. **Districts**

There are 5 Residential Neighborhood Districts (RNDs). The first bracket set [ ] of each RND zoning district is summarized below. *Part 6. Site* rules also apply to all RND zoning districts.

Zoning District	First Bracket Set [Form Module	-	Frontage Module	-	Use Module]	Zoning District Description
Residential Neighborhood District 1 **(RND1)**	House Medium1 **(HM1)** *Sec. 320.C*	-	Neighborhood Yard 1 **(N1)** *Sec. 420.A*	-	Residential 1 **(R1)** *Sec. 520.C*	Sites with house-scale buildings up to 2.5 stories tall, frontyards, residential primary uses, limited nonresidential primary uses, and limited nonresidential accessory uses.
Residential Neighborhood District 2 **(RND2)**	House Narrow 1 **(HN1)** *Sec. 320.A*	-	Neighborhood Yard 2 **(N2)** *Sec. 420.B*	-	Residential 1 **(R1)** *Sec. 520.C*	Sites with narrow house-scale buildings up to 2.5 stories tall, shallow frontyards, residential primary uses, limited nonresidential primary uses, and limited nonresidential accessory uses.
Residential Neighborhood District 3 **(RND3)**	Low-Rise Medium 1 **(LM1)** *Sec. 330.A*	-	Neighborhood Yard 1 **(N1)** *Sec. 420.A*	-	Residential 1 **(R1)** *Sec. 520.C*	Sites with low-rise buildings up to 2.5 stories tall, frontyards, residential primary uses, limited nonresidential primary uses, and limited nonresidential accessory uses.
Residential Neighborhood District 4 **(RND4)**	House Broad 1 **(HB1)** *Sec. 320.D*	-	Neighborhood Yard 1 **(N1)** *Sec. 420.A*	-	Residential 1 **(R1)** *Sec. 520.C*	Sites with wide house-scale buildings up to 2.5 stories tall, frontyards, residential primary uses, limited nonresidential primary uses, and limited nonresidential accessory uses.
Residential Neighborhood District 5 **(RND5)**	House Medium1 **(HM1)** *Sec. 320.C*	-	Neighborhood Yard 1 **(N1)** *Sec. 420.A*	-	Residential Mixed 1 **(RX1)** *Sec. 520.C*	Sites with house-scale buildings up to 2.5 stories tall, frontyards, and residential and limited nonresidential primary uses.

200.C. Neighborhood Edge Districts (NED)



1. General Intent

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

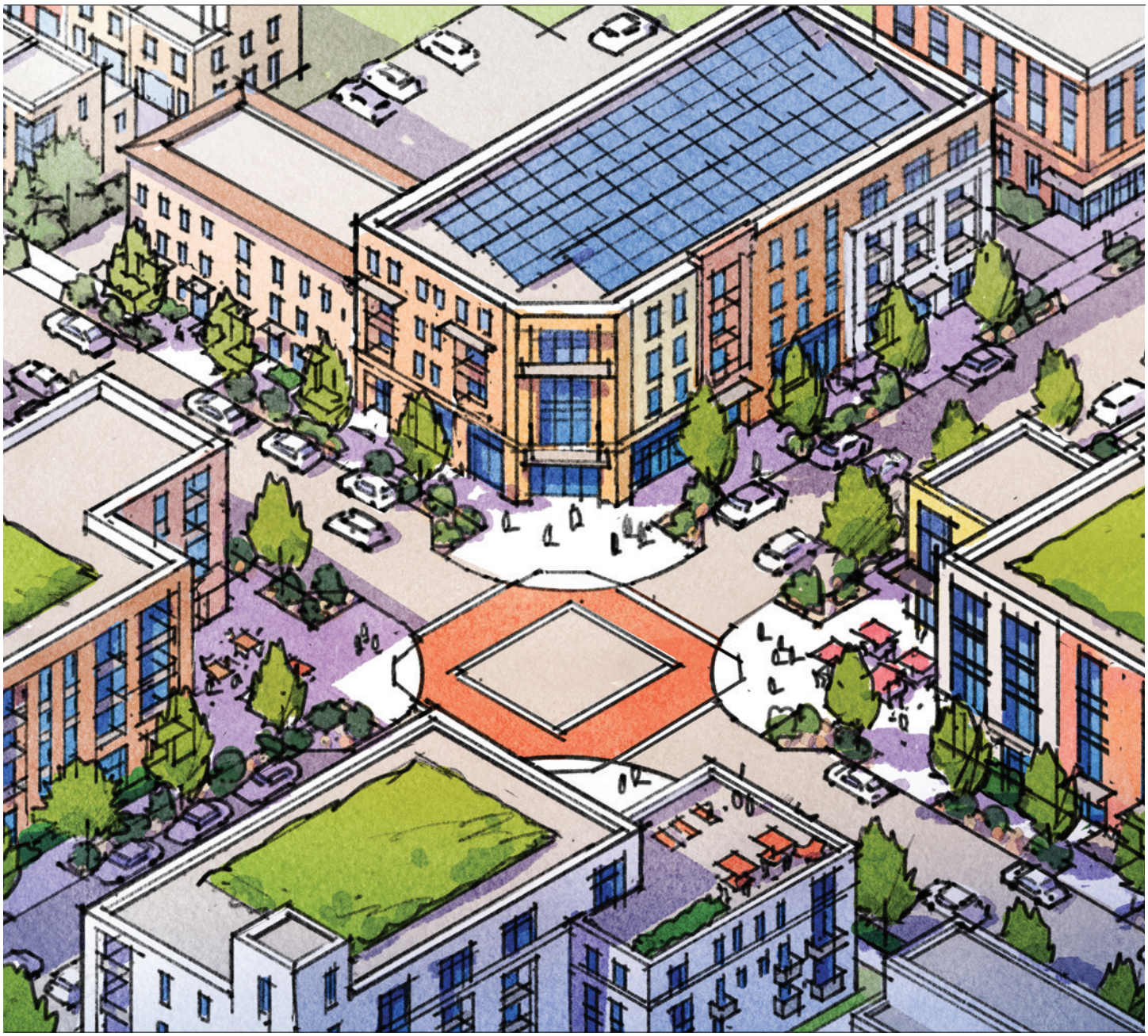
b. Neighborhood Edge Districts (NED) implement the Neighborhood Edge Place Type established in the *General Plan*.

2. Districts

There are 5 Neighborhood Edge Districts (NED). The first bracket set [ ] of each NED zoning district is summarized below. *Part 6. Site* rules also apply to all NED zoning districts.

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

200.D. Urban Neighborhood Districts (UND)



1. General Intent

a. Moderately scaled development primarily intended to accommodate a variety of medium intensity multi-unit housing options—up to 4 stories tall—in addition to office, commercial, and limited industrial uses that are compatible with adjacent development. While buildings may contain exclusively residential or nonresidential uses, the vertical mixing of uses is encouraged.

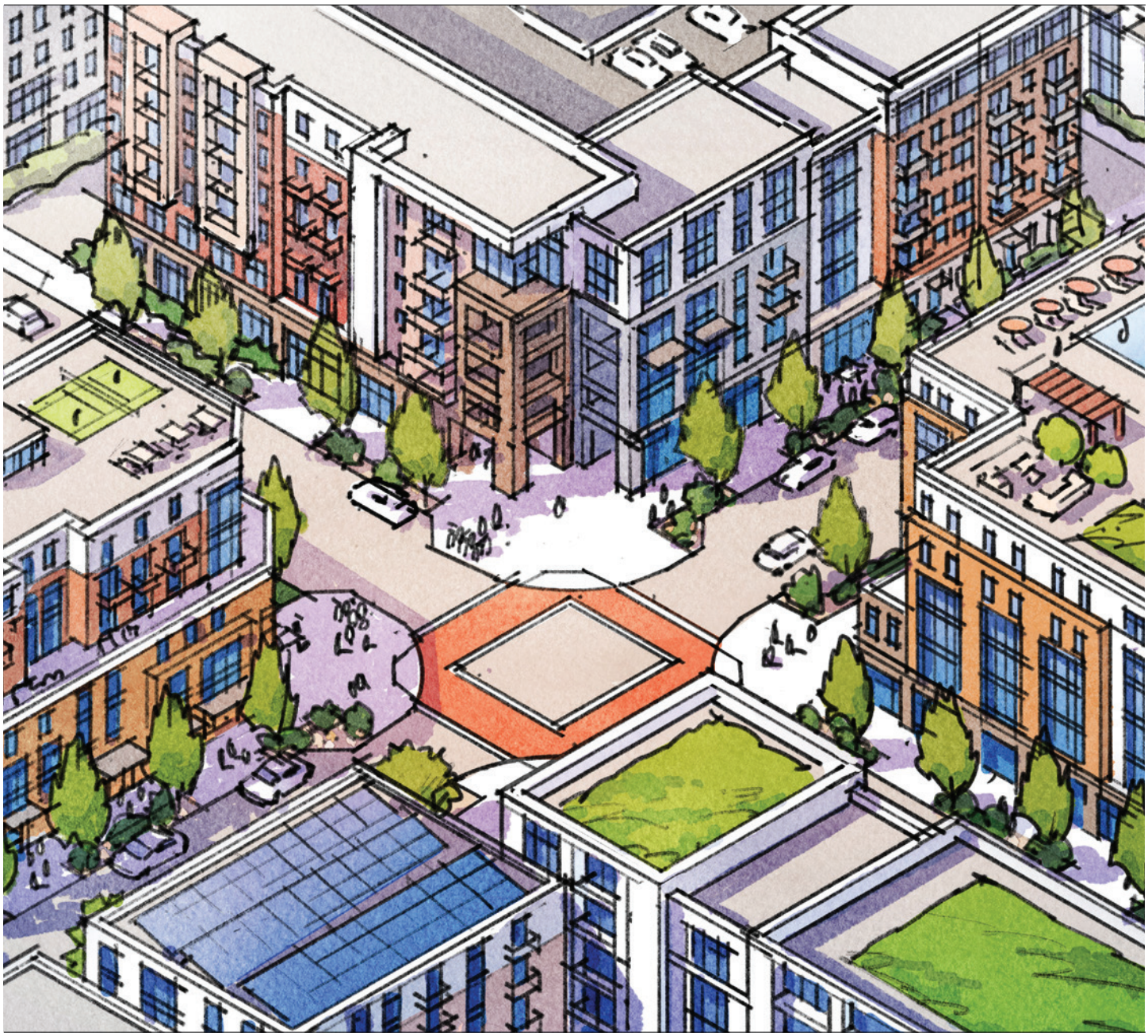
b. Urban Neighborhood Districts (UND) implement the Urban Neighborhood Place Type established in the *General Plan*.

2. Districts

There are 3 Urban Neighborhood Districts (UND). The first bracket set [ ] of each UND zoning district is summarized below. *Part 6. Site* rules also apply to all UND zoning districts.

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

200.E. Activity Center Districts (ACD)



1. General Intent

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

b. Activity Center Districts (ACD) implement the Activity Center Place Type established in the *General Plan*.

2. Districts

There are 3 Activity Center Districts (ACD). The first bracket set [ ] of each ACD zoning district is summarized below. *Part 6. Site* rules also apply to all ACD zoning districts.

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

200.F. **Transit Oriented Districts (TOD)**

1. **General Intent**

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

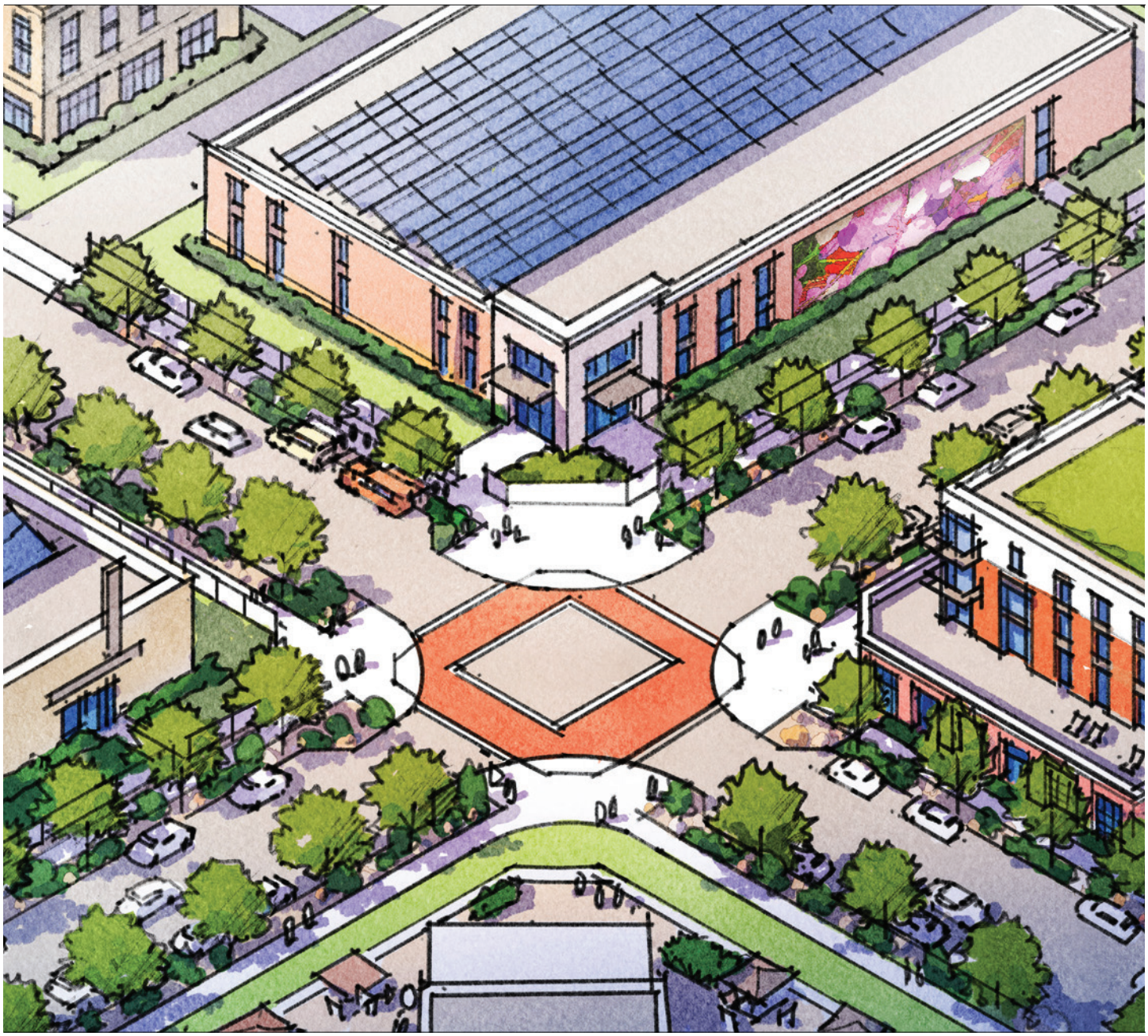
b. Transit Oriented Districts (TOD) implement the Transit Oriented District Place Type established in the *General Plan*.

2. Districts

There are 6 Transit Oriented Districts (TOD). The first bracket set [ ] of each TOD zoning district is summarized below. *Part 6. Site* rules also apply to all TOD zoning districts.

Zoning District	First Bracket Set [Form Module	-	Frontage Module	-	Use Module]	Zoning District Description
Transit Oriented District 1 **(TOD1)**	Mid-Rise Medium 1 **(MM1)** *Sec. 340.A*	-	General 1 **(G1)** *Sec. 440.A*	-	Commercial Mixed 1 **(CX1)** *Sec. 520.C*	Sites with mid-rise buildings up to 6 stories tall, located close to the street with somewhat active ground stories, and residential and minimal commercial primary uses.
Transit Oriented District 2 **(TOD2)**	Low-Rise Medium 3 **(LM3)** *Sec. 330.C*	-	General 1 **(G1)** *Sec. 440.A*	-	Commercial Mixed 4 **(CX4)** *Sec. 520.C*	Sites with low-rise buildings up to 4 stories tall, located close to the street with somewhat active ground stories, and residential and large commercial primary uses.
Transit Oriented District 3 **(TOD3)**	Low-Rise Medium 3 **(LM3)** *Sec. 330.C*	-	Multi-Unit 1 **(MU1)** *Sec. 430.A*	-	Residential 1 **(R1)** *Sec. 520.C*	Sites with low-rise buildings up to 4 stories tall, located close to the street with residential ground stories, residential primary uses, limited nonresidential primary uses, and limited nonresidential accessory uses.
Transit Oriented District 4 **(TOD4)**	Mid-Rise Medium 1 **(MM1)** *Sec. 340.A*	-	General 1 **(G1)** *Sec. 440.A*	-	Commercial Mixed 4 **(CX4)** *Sec. 520.C*	Sites with mid-rise buildings up to 6 stories tall, located close to the street with somewhat active ground stories, and residential and large commercial primary uses.
Transit Oriented District 5 **(TOD5)**	Mid-Rise Medium 1 **(MM1)** *Sec. 340.A*	-	Shopfront 1 **(SH1)** *Sec. 450.A*	-	Commercial Mixed 4 **(CX4)** *Sec. 520.C*	Sites with mid-rise buildings up to 6 stories tall, located close to the street with active ground stories, and residential and large commercial primary uses.
Transit Oriented District 6 **(TOD6)**	Low-Rise Medium 3 **(LM3)** *Sec. 330.C*	-	General 1 **(G1)** *Sec. 440.A*	-	Commercial Mixed 1 **(CX1)** *Sec. 520.C*	Sites with low-rise buildings up to 4 stories tall, located close to the street with somewhat active ground stories, and residential and minimal commercial primary uses.

200.G. **Workplace Districts (WD)**



1. **General Intent**

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

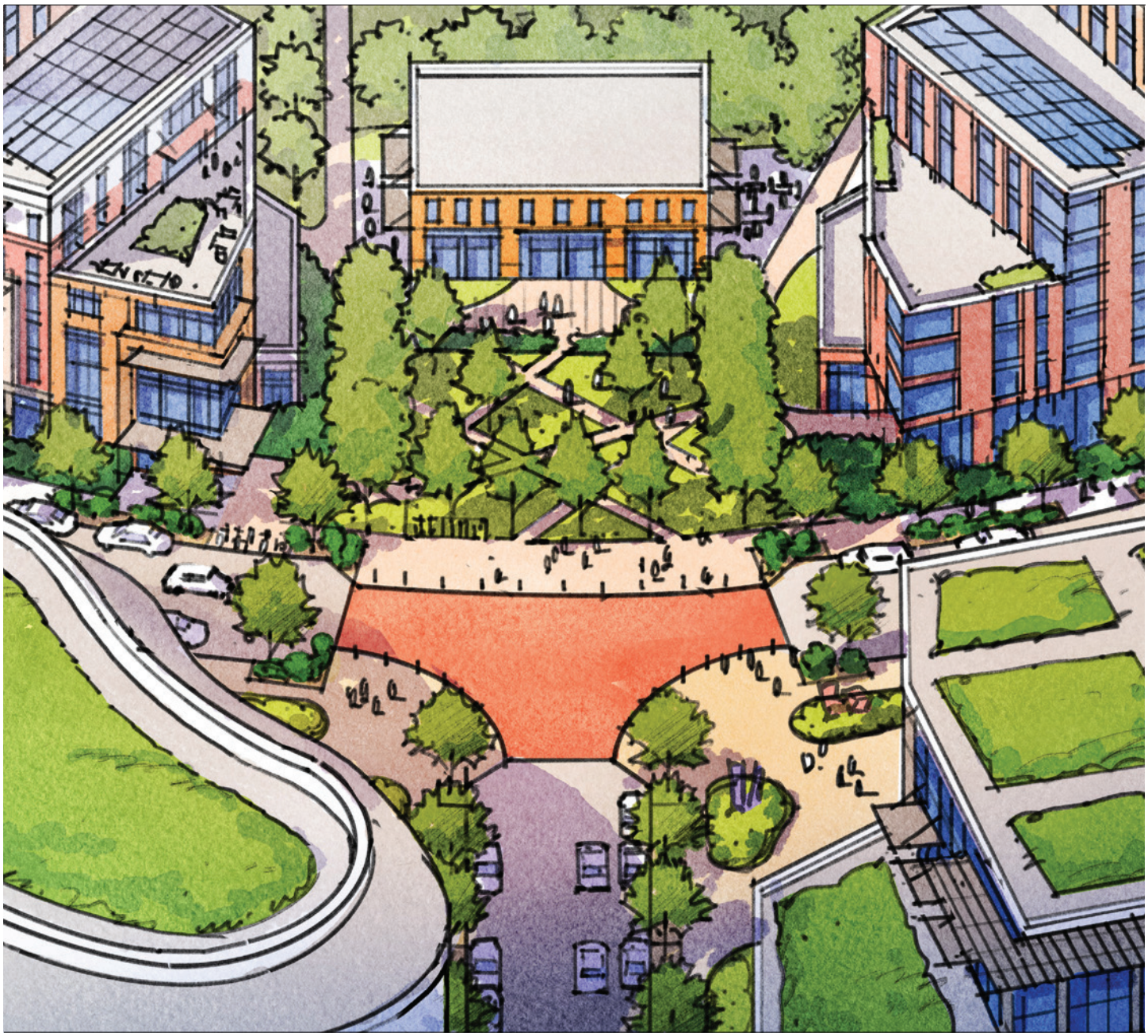
b. Workplace Districts (WD) implement the Workplace District and Workplace District Edge Place Types established in the *General Plan*.

2. Districts

There are 5 Workplace Districts (WD). The first bracket set [ ] of each WD zoning district is summarized below. *Part 6. Site* rules also apply to all WD zoning districts.

Zoning District	First Bracket Set [Form Module	-	Frontage Module	-	Use Module]	Zoning District Description
Workplace District 1 **(WD1)**	Low-Rise Medium 4 **(LM4)** *Sec. 330.D*	-	General 1 **(G1)** *Sec. 440.A*	-	Industrial Mixed 1 **(IX1)** *Sec. 520.C*	Sites with low-rise buildings up to 4 stories tall, located close to the street with somewhat active ground stories, and residential and small industrial primary uses.
Workplace District 2 **(WD2)**	Low-Rise Medium 4 **(LM4)** *Sec. 330.D*	-	General 2 **(G2)** *Sec. 440.B*	-	Industrial 3 **(I3)** *Sec. 520.C*	Sites with low-rise buildings up to 4 stories tall, screened from the street with less active ground stories, and large industrial primary uses.
Workplace District 3 **(WD3)**	Low-Rise Medium 4 **(LM4)** *Sec. 330.D*	-	General 2 **(G2)** *Sec. 440.B*	-	Industrial 2 **(I2)** *Sec. 520.C*	Sites with low-rise buildings up to 4 stories tall, screened from the street with less active ground stories, and medium industrial primary uses.
Workplace District 4 **(WD4)**	Low-Rise Medium 4 **(LM4)** *Sec. 330.D*	-	General 2 **(G2)** *Sec. 440.B*	-	Industrial 1 **(I1)** *Sec. 520.C*	Sites with low-rise buildings up to 4 stories tall, screened from the street with less active ground stories, and moderate industrial primary uses.
Workplace District 5 **(WD5)**	Mid-Rise Medium 2 **(MM2)** *Sec. 340.B*	-	General 1 **(G1)** *Sec. 440.A*	-	Industrial Mixed 1 **(IX1)** *Sec. 520.C*	Sites with mid-rise buildings up to 6 stories tall, located close to the street with somewhat active ground stories, and residential and small industrial primary uses.

200.H. Special Campus Districts (SCD)



1. General Intent

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

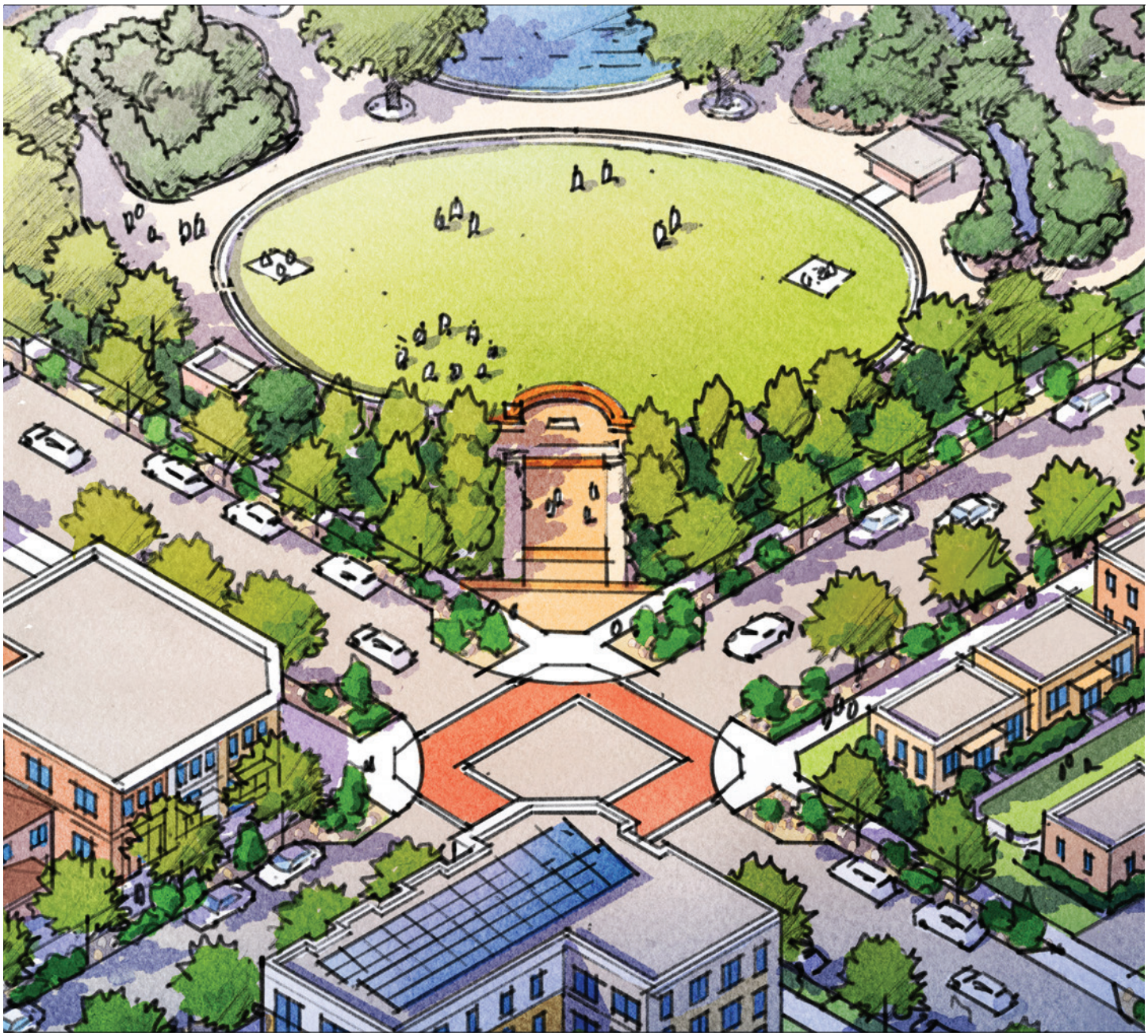
b. Special Campus Districts (SCD) implement the Special Campus Place Type established in the *General Plan*.

2. Districts

There are 2 Special Campus Districts (SCD). The first bracket set [ ] of each SCD zoning district is summarized below. *Part 6. Site* rules also apply to all SCD zoning districts.

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

200.I. **Parkland Districts (PLD)**



1. **General Intent**

a. Areas intended to create, preserve and enhance parkland to meet the active and recreational needs of residents and visitors. Allows for small buildings up to 2.5 stories tall.

b. Parkland Districts (PLD) implement the Open Space Place Type established in the *General Plan*.

2. Districts

There are 2 Parkland Districts (PLD). The first bracket set [ ] of each PLD zoning district is summarized below. *Part 6. Site* rules also apply to all PLD zoning districts.

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

PART 3.

FORM

Subpart 3A. Form Introduction **3-3**
Sec. 300. Orientation 3-4
Sec. 310. General Provisions 3-7
Subpart 3B. Form Modules **3-9**
Sec. 320. House Form Modules. 3-10
Sec. 330. Low-Rise Form Modules 3-16
Sec. 340. Mid-Rise Form Modules 3-22
Sec. 350. Special Form Modules 3-26
Subpart 3C. Form Rules **3-31**
Sec. 360. Lot Size 3-32
Sec. 370. Coverage 3-34
Sec. 380. Amenity 3-40
Sec. 390. Building 3-46

SUBPART 3A.

FORM INTRODUCTION

Sec. 300. Orientation **3-4**
300.A. Relationship to Zoning District Brackets 3-4
300.B. How to Use Part 3 3-4
300.C. Form Module Naming Convention 3-4
Sec. 310. General Provisions **3-7**
310.A. Form Intent 3-7
310.B. Form Applicability 3-7

Sec. 300. Orientation

300.A. Relationship to Zoning District Brackets

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

[FORM - FRONTAGE - USE]

Form Module

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

300.B. How to Use Part 3

1. Identify the Applied Form Module

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

2. Form Module Standards

Form Module standards are established in *Subpart 3B. Form Modules*. Each Form Module establishes applicable form standards.

3. Interpreting Form Module Standards

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

300.C. Form Module Naming Convention

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

1. House Form Modules

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

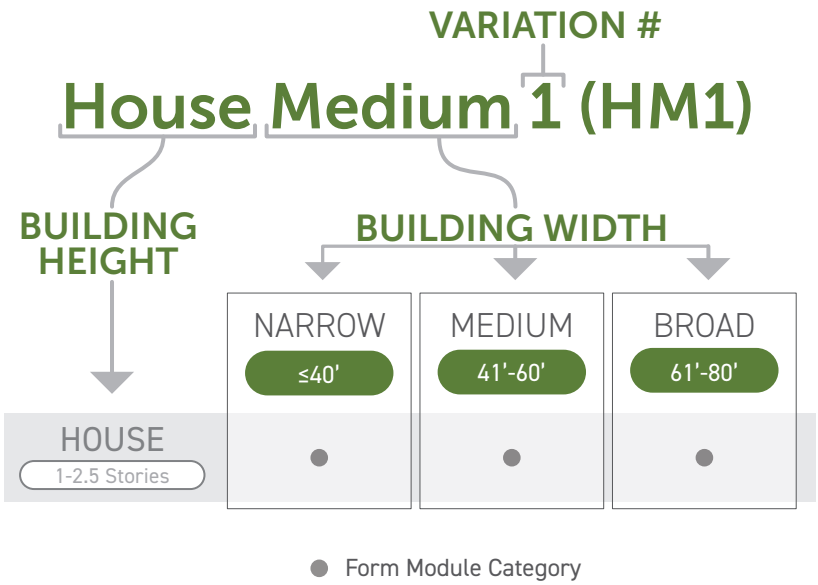
a. Building Width Category

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

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

b. Variation Number

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



2. Dimension-Based Form Modules

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

a. Building Height Category

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

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

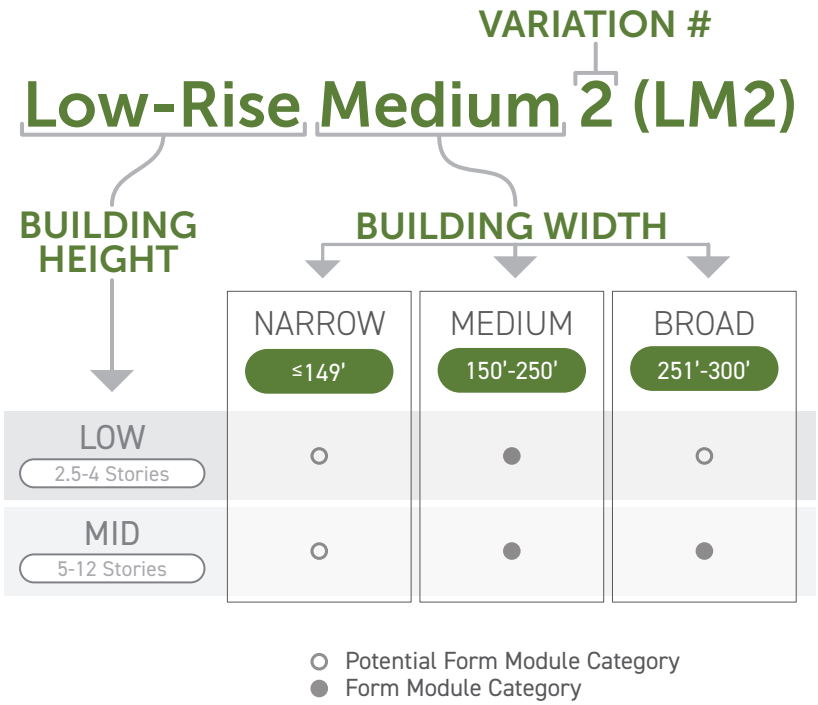
b. Building Width Category

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

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

c. Variation Number

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



3. Special Form Modules

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

Sec. 310. General Provisions

310.A. Form Intent

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

310.B. Form Applicability

1. General

All projects filed after the effective date of this Zoning and Development Code must comply with the Form Module standards in Part 3, as further specified below.

2. Project Activities

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

		Project Activities							
	Form Rules	Subdivision	New Construction	Addition	Site Modification	Facade Modification	Change of Use	Renovation	Maintenance and Repair
Sec. 360.	Lot Size	●	○	○	●	○	○	○	○
Sec. 370.	Coverage	●	●	●	●	○	○	○	○
Sec. 380.	Amenity	○	●	●	●	○	●	○	○
Sec. 390.	Building	○	●	●	○	○	○	○	○
Sec. 620.E.	Fences and Wall Standards	○	●	●	●	○	○	○	○
Sec. 610.C	Required Parking	○	●	●	○	○	○	○	○

● = Standards apply ○ = Standards are not applicable

b. Project activities are defined in *Sec. 1200.K. Project Activities*.

c. Where a category of Form rules are listed as generally applicable in the table above, and the applied *Subpart 3B. Form Modules* provides standards in that Form rule category, the project activity must meet all applicable Form standards within that section. This general applicability may be further specified for each standard in the applicability provisions in *Subpart 3C. Form Rules*. Project applicability may also be modified by *Sec. 11100. Nonconformities*. Where a category of Form rules is listed as not applicable in the table above, no standards from that Form rule category apply to the project activity.

3. Applicable Components of Lots, Buildings, and Structures

a. Form Modules apply to all portions of a lot.

b. Form Modules apply to all portions of buildings and structures on a lot.

c. Specific form standards and rules may further limit which components of buildings, structures and lots are required to comply with the rules in *Subpart 3C. Form Rules.*

4. Nonconformity

Sec. 11100. Nonconformities provides exceptions from the requirements of *Part 3. Form* for existing lots, site improvements, buildings, structures, and uses that conformed to the zoning regulations, if any, at the time they were established, but do not conform to current district standards or use permissions. A project activity must not decrease conformance with any Form standard unless otherwise specified by *Sec. 11100.I. Form Exceptions*. Consider the following examples:

a. An addition to the side of an existing building: Where a proposed addition increases the total building width beyond the maximum building width allowed by the applied Form Module, the addition is not allowed.

b. An addition to the top of an existing building: Where the height of the existing structure does not meet the building setback standard specified by the applied Form Module, all additional floor area must be located behind the minimum building setback, but no modifications to the existing upper stories are required.

SUBPART 3B.

FORM MODULES

Sec. 320. House Form Modules 3-10

320.A. House Narrow 1 (HN1) 3-11

320.B. House Narrow 2 (HN2) 3-12

320.C. House Medium 1 (HM1) 3-13

320.D. House Broad 1 (HB1) 3-14

Sec. 330. Low-Rise Form Modules 3-16

330.A. Low-Rise Medium 1 (LM1) 3-17

330.B. Low-Rise Medium 2 (LM2) 3-18

330.C. Low-Rise Medium 3 (LM3) 3-19

330.D. Low-Rise Medium 4 (LM4) 3-20

Sec. 340. Mid-Rise Form Modules 3-22

340.A. Mid-Rise Medium 1 (MM1) 3-23

340.B. Mid-Rise Medium 2 (MM2) 3-24

340.C. Mid-Rise Broad 1 (MB1) 3-25

Sec. 350. Special Form Modules 3-26

350.A. Special 1 (S1) 3-27

350.B. Special 2 (S2) 3-28

350.C. Special 3 (S3) 3-29

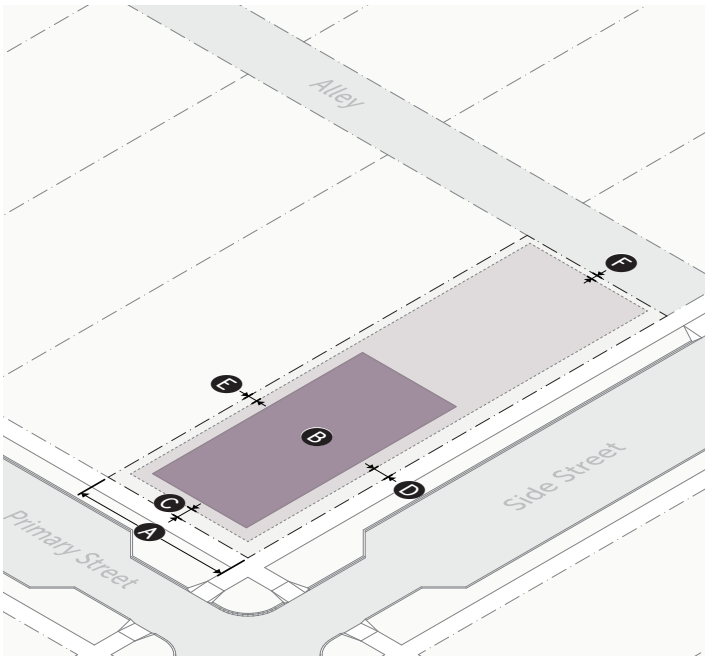
350.D. Special 4 (S4) 3-30

Sec. 320. House Form Modules

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

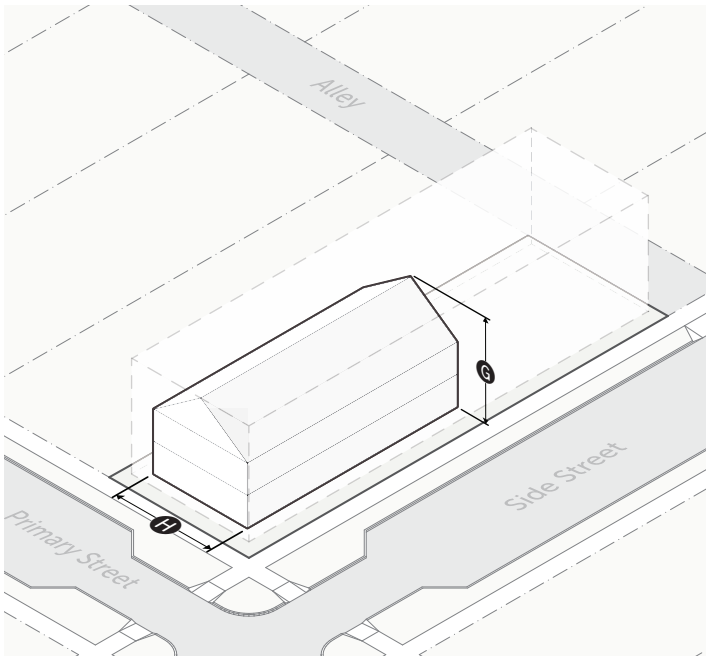
320.A. House Narrow 1 (HN1)

1. BUILDING PLACEMENT



LOT SIZE	Sec. 360.
Lot Area (min)	n/a
A Lot Width	
Front access (min)	40'
Side/alley access (min)	20'
COVERAGE	*Sec. 370.*
Impervious coverage (max)	75%
B Building coverage (max)	45%
Building setbacks	
C Primary street lot line (min)	5'
D Side street lot line (min)	5'
E Side lot line (min)	0' or 5'
Rear lot line (min)	5'
Alley setbacks	
F Alley lot line (min)	3' or 20'
Alley centerline (min)	13' or 30'
AMENITY	*Sec. 380.*
Outdoor amenity space	
1-3 dwelling units (min)	n/a
4+ dwelling units (min)	15%

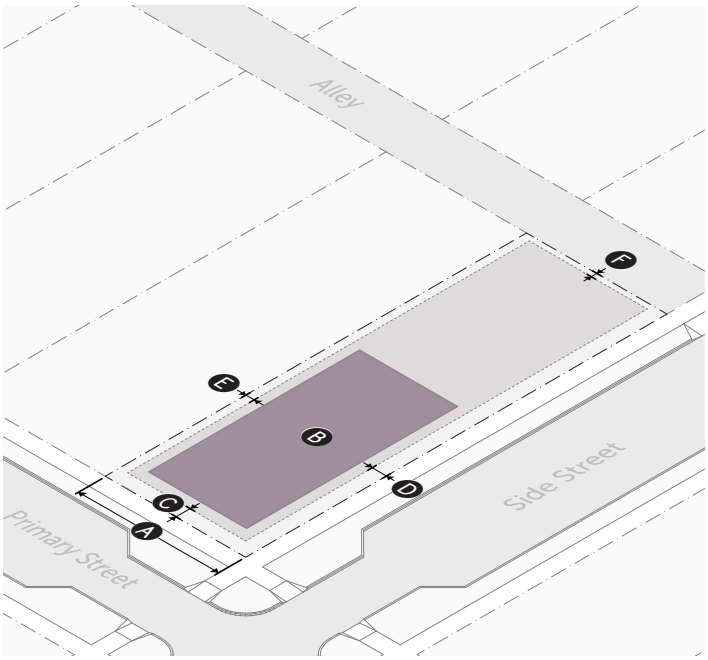
2. BUILDING FORM



BUILDING	Sec. 390.
G Building height (max stories/feet)	2.5/32'
H Building width (max)	40'
Building break (min)	n/a
I Building depth (max)	n/a
FENCES AND WALLS	*Sec. 620.E*
Front yard type	See Frontage Module
Side/rear yard type	Type VI

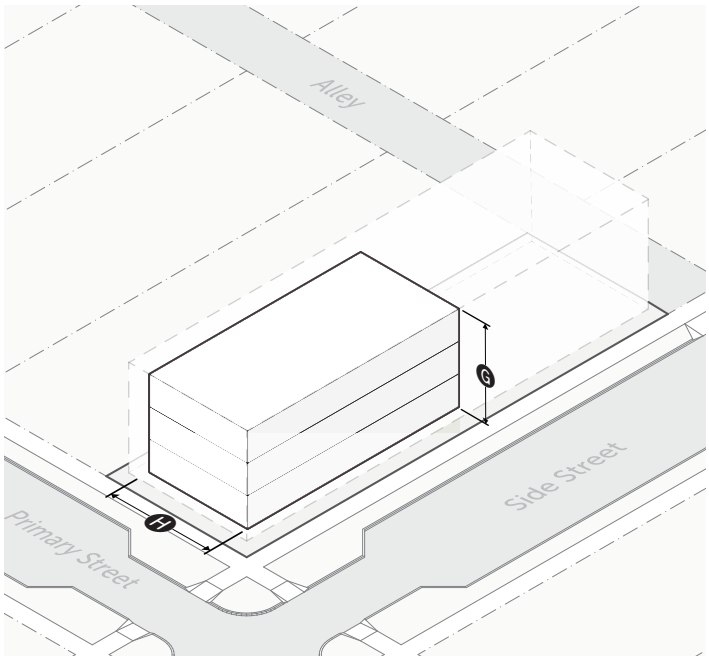
320.B. House Narrow 2 (HN2)

1. BUILDING PLACEMENT



LOT SIZE	Sec. 360.
Lot Area (min)	n/a
A Lot Width	
Front access (min)	40'
Side/alley access (min)	20'
COVERAGE	*Sec. 370.*
Impervious coverage (max)	75%
B Building coverage (max)	55%
Building setbacks	
C Primary street lot line (min)	5'
D Side street lot line (min)	5'
E Side lot line (min)	0' or 5'
Rear lot line (min)	5'
Alley setbacks	
F Alley lot line (min)	3' or 20'
Alley centerline (min)	13' or 30'
AMENITY	*Sec. 380.*
Outdoor amenity space	
1-3 dwelling units (min)	n/a
4+ dwelling units (min)	15%

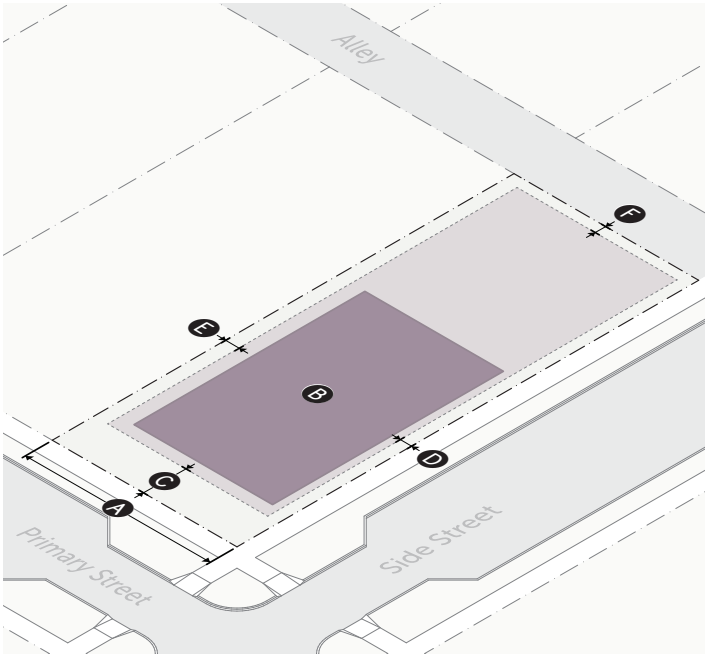
2. BUILDING FORM



BUILDING	Sec. 390.
G Building height (max stories/feet)	3/42'
H Building width (max)	40'
Building break (min)	n/a
I Building depth (max)	n/a
FENCES AND WALLS	*Sec. 620.E*
Front yard type	See Frontage Module
Side/rear yard type	Type VI

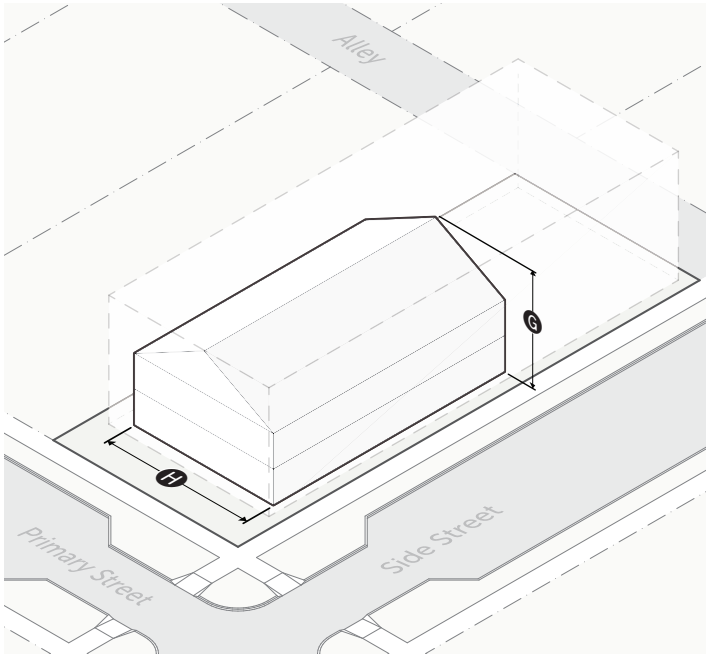
320.C. House Medium 1 (HM1)

1. BUILDING PLACEMENT



LOT SIZE	Sec. 360.
Lot Area (min)	n/a
A Lot Width	
Front access (min)	45'
Side/alley access (min)	30'
COVERAGE	*Sec. 370.*
Impervious coverage (max)	75%
B Building coverage (max)	45%
Building setbacks	
C Primary street lot line (min)	15'
D Side street lot line (min)	5'
E Side lot line (min)	5'
Rear lot line (min)	10'
Alley setbacks	
F Alley lot line (min)	3' or 20'
Alley centerline (min)	13' or 30'
AMENITY	*Sec. 380.*
Outdoor amenity space	
1-3 dwelling units (min)	n/a
4+ dwelling units (min)	15%

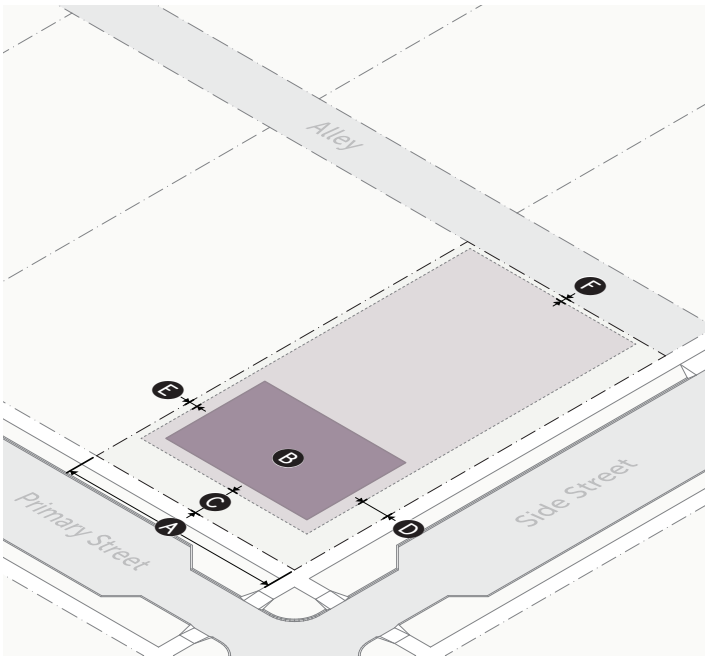
2. BUILDING FORM



BUILDING	Sec. 390.
G Building height (max stories/feet)	2.5/32'
H Building width (max)	60'
Building break (min)	n/a
I Building depth (max)	n/a
FENCES AND WALLS	*Sec. 620.E*
Front yard type	See Frontage Module
Side/rear yard type	Type VI

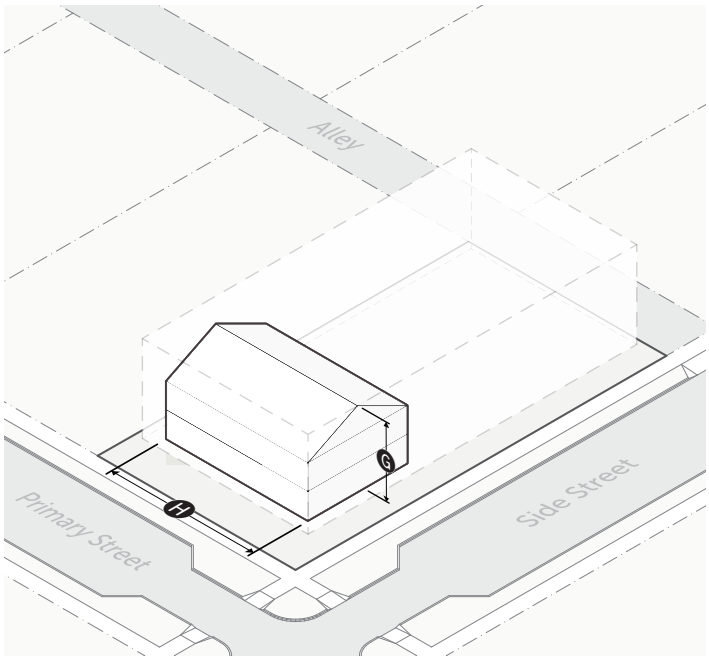
320.D. House Broad 1 (HB1)

1. BUILDING PLACEMENT



LOT SIZE	Sec. 360.
Lot Area (min)	n/a
A Lot Width	
Front access (min)	55'
Side/alley access (min)	40'
COVERAGE	*Sec. 370.*
Impervious coverage (max)	70%
B Building coverage (max)	45%
Building setbacks	
C Primary street lot line (min)	15'
D Side street lot line (min)	10'
E Side lot line (min)	5'
Rear lot line (min)	15'
Alley setbacks	
F Alley lot line (min)	3' or 20'
Alley centerline (min)	13' or 30'
AMENITY	*Sec. 380.*
Outdoor amenity space	
1-3 dwelling units (min)	n/a
4+ dwelling units (min)	15%

2. BUILDING FORM



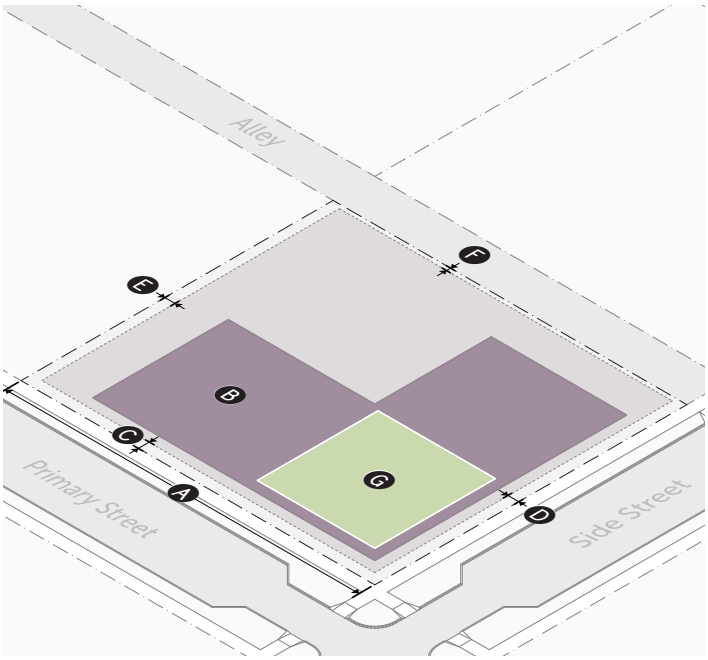
BUILDING	Sec. 390.
G Building height (max stories/feet)	2.5/32'
H Building width (max)	80'
Building break (min)	n/a
I Building depth (max)	n/a
FENCES AND WALLS	*Sec. 620.E*
Front yard type	See Frontage Module
Side/rear yard type	Type VI

Sec. 330. Low-Rise Form Modules

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

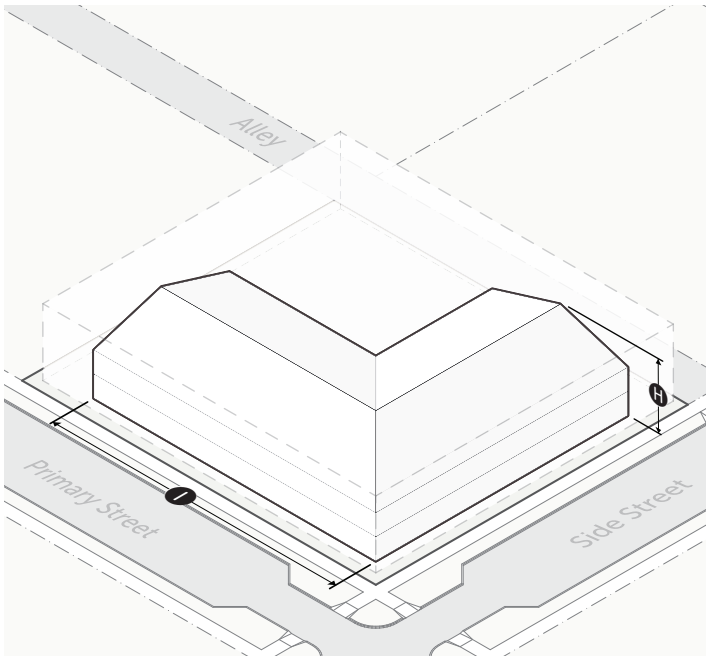
330.A. Low-Rise Medium 1 (LM1)

1. BUILDING PLACEMENT



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

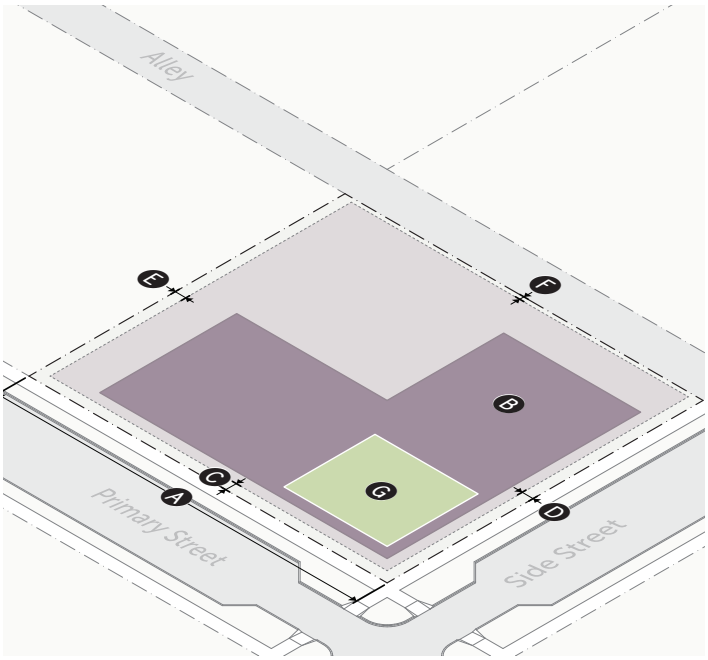
2. BUILDING FORM



BUILDING	Sec. 390.
H Building height (max stories/feet)	2.5/32'
I Building width (max)	150'
Building break (min)	n/a
J Building depth (max)	150'
FENCES AND WALLS	*Sec. 620.E*
Front yard type	See Frontage Module
Side/rear yard type	Type VI

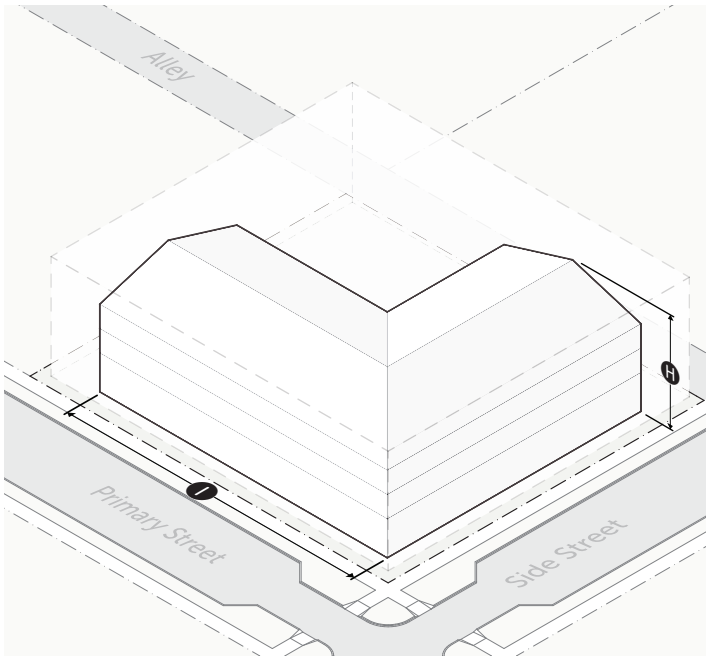
330.B. Low-Rise Medium 2 (LM2)

1. BUILDING PLACEMENT



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

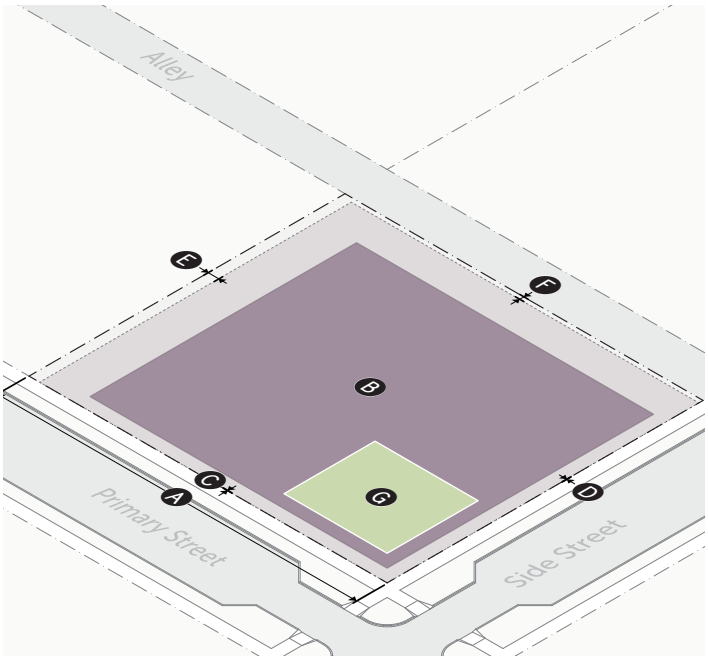
2. BUILDING FORM



BUILDING	Sec. 390.
H Building height (max stories/feet)	3/42'
I Building width (max)	150'
Building break (min)	10'
J Building depth (max)	150'
FENCES AND WALLS	*Sec. 620.E*
Front yard type	See Frontage Module
Side/rear yard type	Type VI

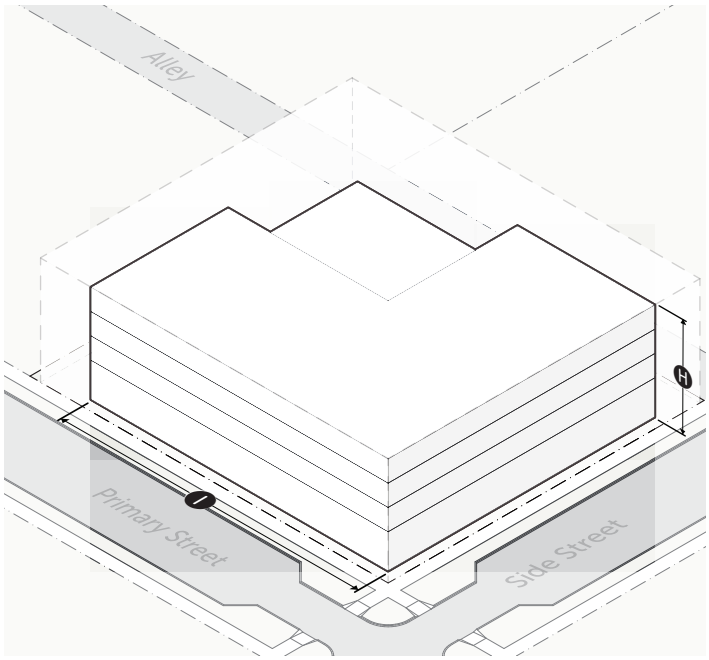
330.C. Low-Rise Medium 3 (LM3)

1. BUILDING PLACEMENT



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

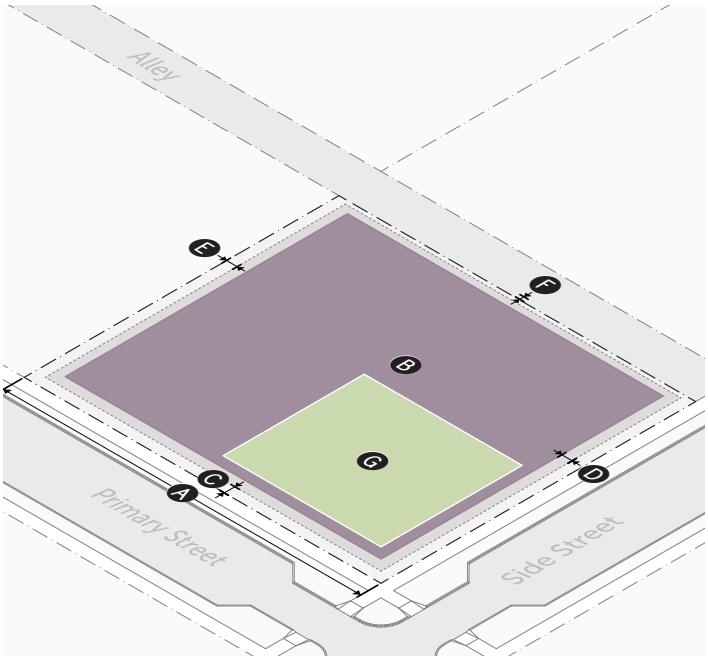
2. BUILDING FORM



BUILDING	Sec. 390.
H Building height (max stories/feet)	4/55'
I Building width (max)	250'
Building break (min)	10'
J Building depth (max)	250'
FENCES AND WALLS	*Sec. 620.E*
Front yard type	See Frontage Module
Side/rear yard type	Type VI

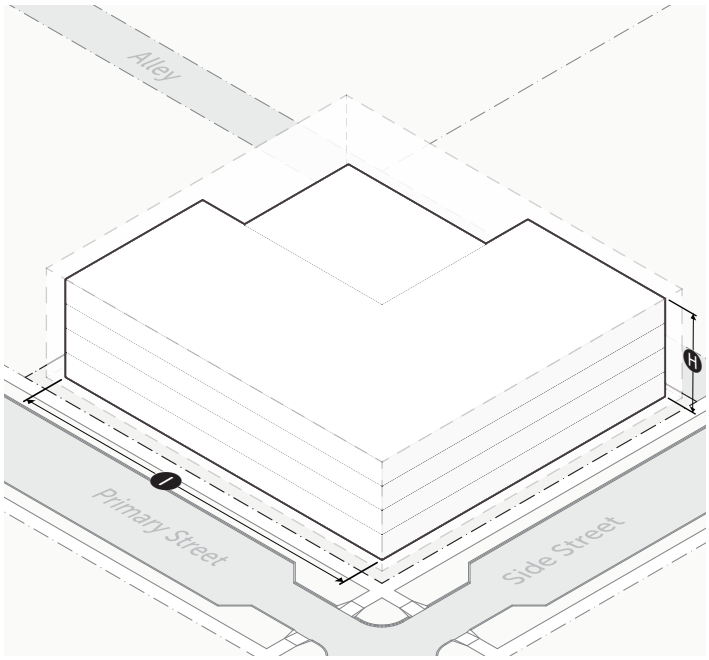
330.D. Low-Rise Medium 4 (LM4)

1. BUILDING PLACEMENT



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

2. BUILDING FORM



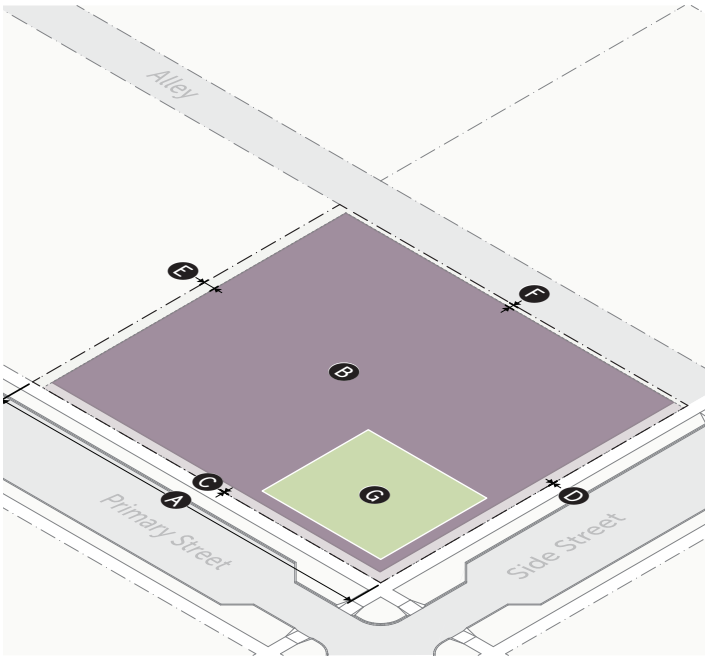
BUILDING	Sec. 390.
H Building height (max stories/feet)	4/55'
Bonus (max stories/feet)	n/a
I Building width (max)	150'
Building break (min)	n/a
J Building depth (max)	150'
FENCES AND WALLS	*Sec. 620.E*
Front yard type	See Frontage Module
Side/rear yard type	Type VI

Sec. 340. Mid-Rise Form Modules

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

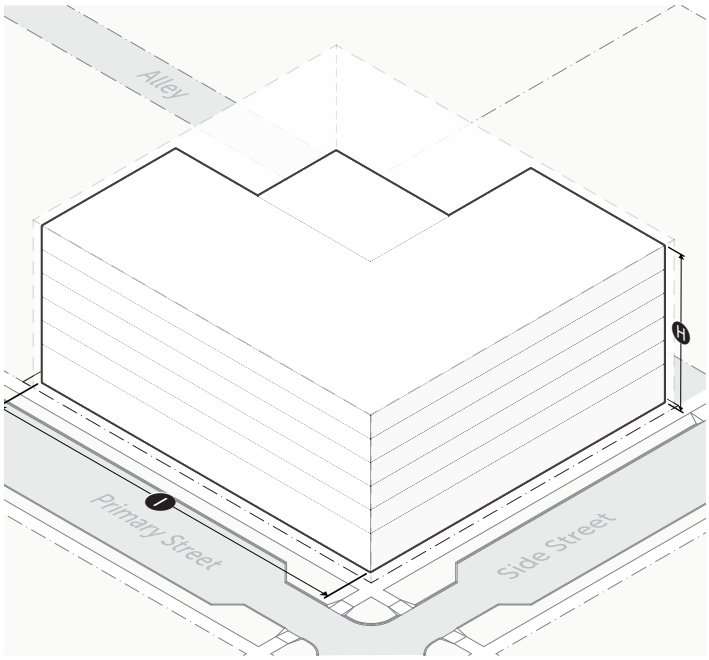
340.A. Mid-Rise Medium 1 (MM1)

1. BUILDING PLACEMENT



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

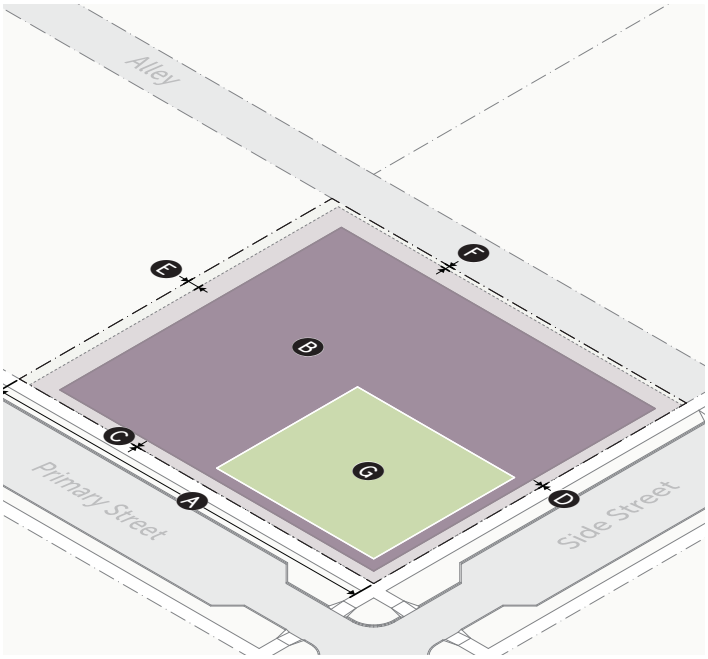
2. BUILDING FORM



BUILDING	Sec. 390.
H Building height (max stories/feet)	6/82'
I Building width (max)	150'
Building break (min)	10'
J Building depth (max)	150'
FENCES AND WALLS	*Sec. 620.E*
Front yard type	See Frontage Module
Side/rear yard type	Type VI

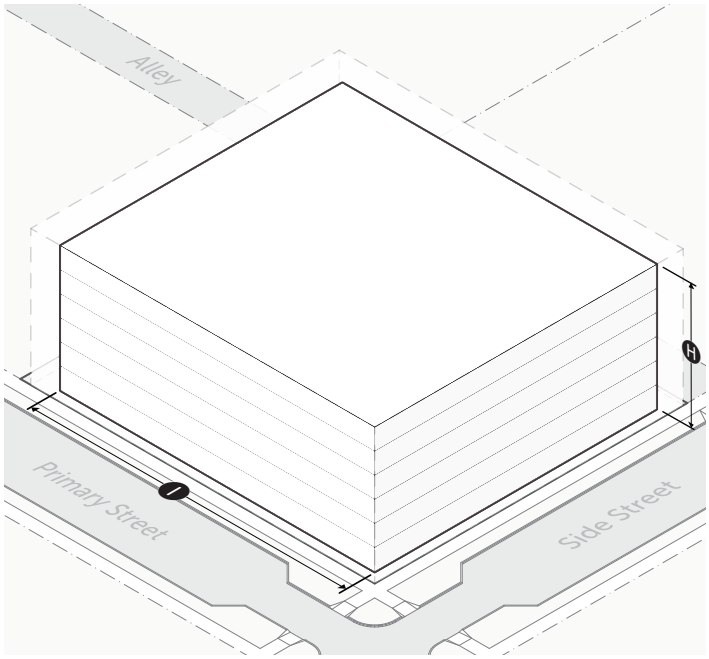
340.B. Mid-Rise Medium 2 (MM2)

1. BUILDING PLACEMENT



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

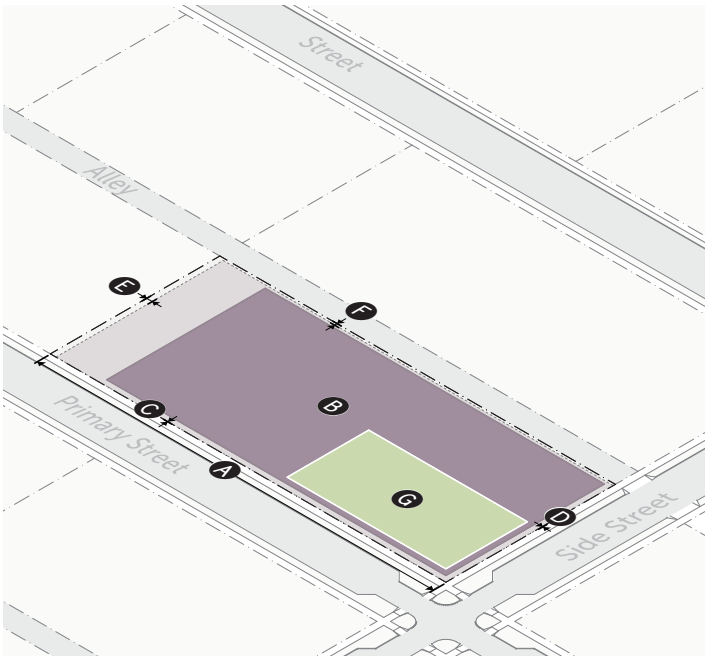
2. BUILDING FORM



BUILDING	Sec. 390.
H Building height (max stories/feet)	6/82'
I Building width (max)	250'
Building break (min)	10'
J Building depth (max)	250'
FENCES AND WALLS	*Sec. 620.E*
Front yard type	See Frontage Module
Side/rear yard type	Type VI

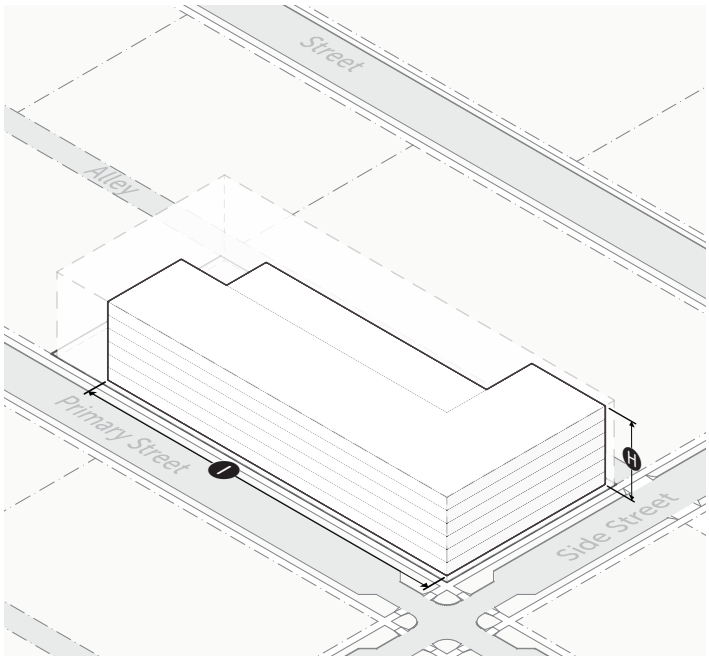
340.C. Mid-Rise Broad 1 (MB1)

1. BUILDING PLACEMENT



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

2. BUILDING FORM



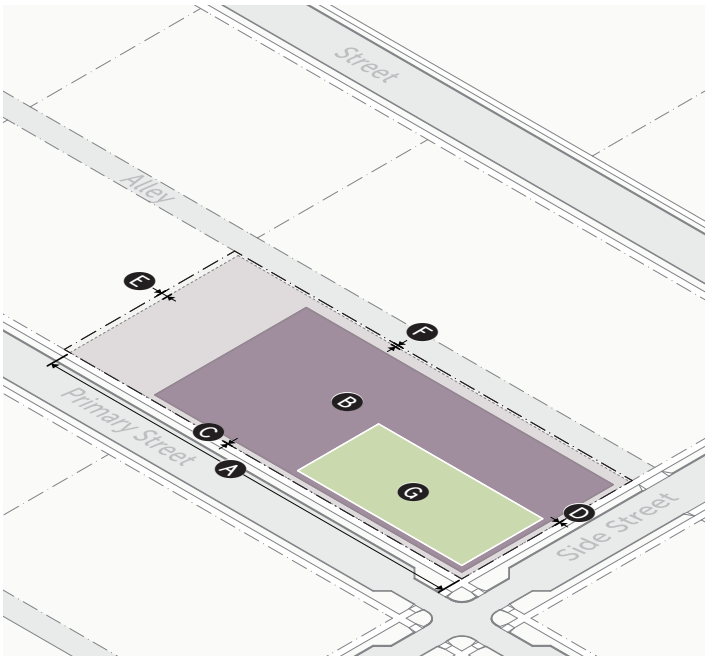
BUILDING	Sec. 390.
H Building height (max stories/feet)	6/82'
I Building width (max)	300'
Building break (min)	15'
J Building depth (max)	300'
FENCES AND WALLS	*Sec. 620.E*
Front yard type	See Frontage Module
Side/rear yard type	Type VI

Sec. 350. Special Form Modules

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

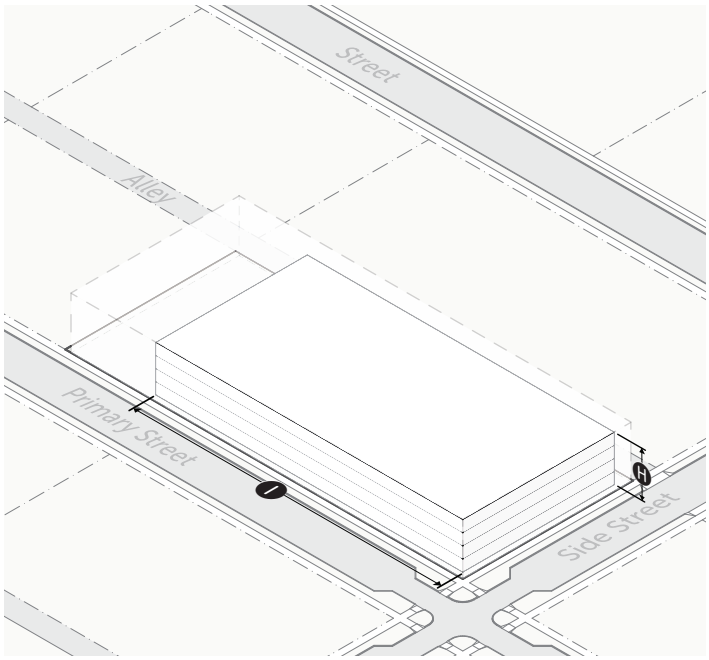
350.A. Special 1 (S1)

1. BUILDING PLACEMENT



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

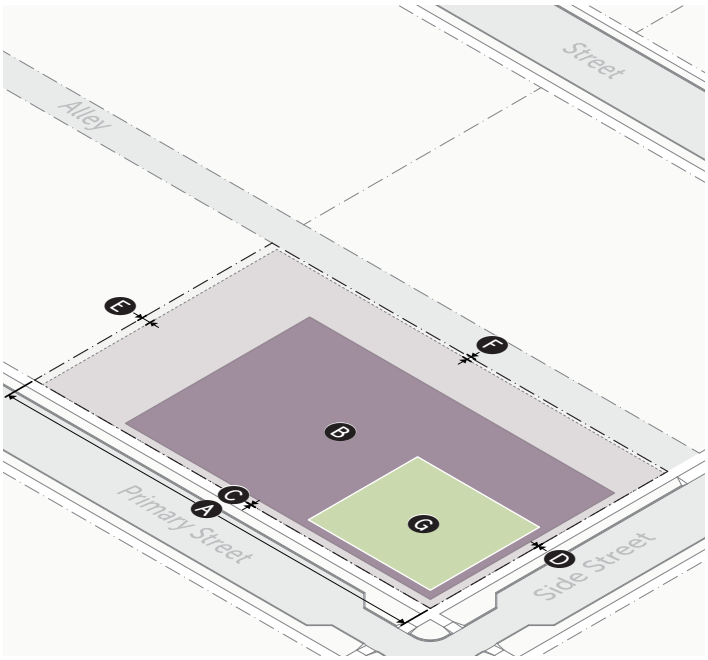
2. BUILDING FORM



BUILDING	*Sec. 390.*
H Building height (max stories/feet)	4/55'
I Building width (max)	300'
Building break (min)	n/a
J Building depth (max)	300'
FENCES AND WALLS	*Sec. 620.E*
Front yard type	See Frontage Module
Side/rear yard type	Type VI

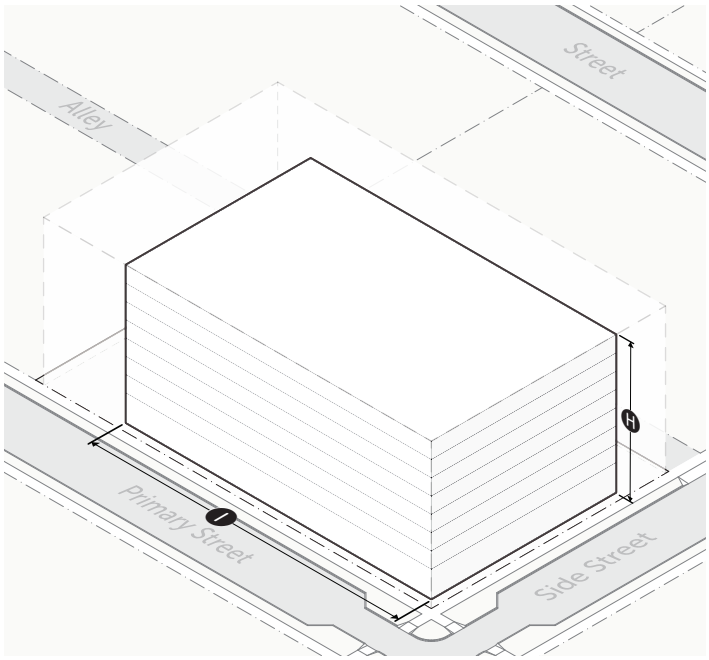
350.B. Special 2 (S2)

1. BUILDING PLACEMENT



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

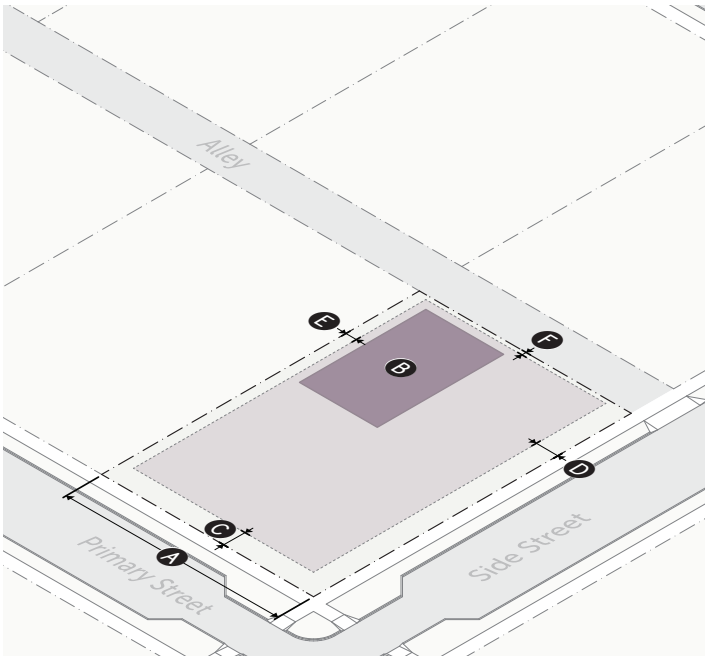
2. BUILDING FORM



BUILDING	Sec. 390.
H Building height (max stories/feet)	8/106'
I Building width (max)	200'
Building break (min)	n/a
J Building depth (max)	200'
FENCES AND WALLS	*Sec. 620.E*
Front yard type	See Frontage Module
Side/rear yard type	Type VI

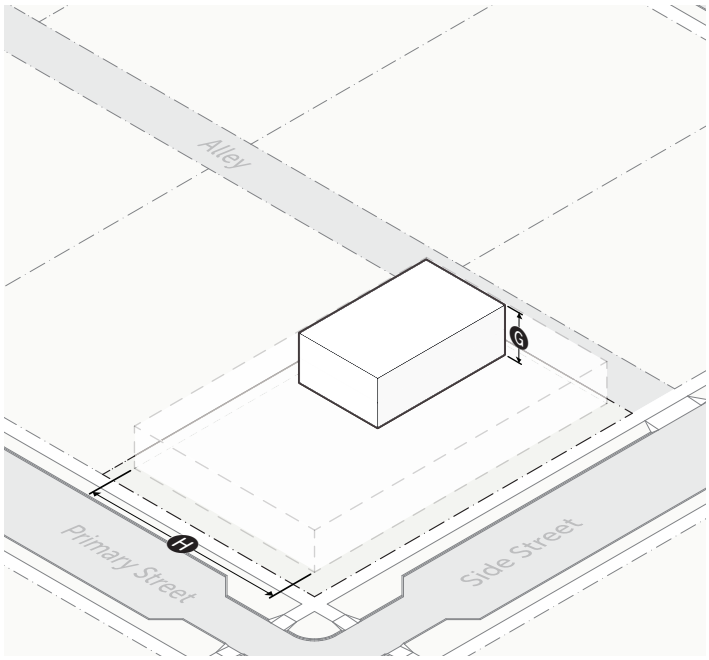
350.C. Special 3 (S3)

1. BUILDING PLACEMENT



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

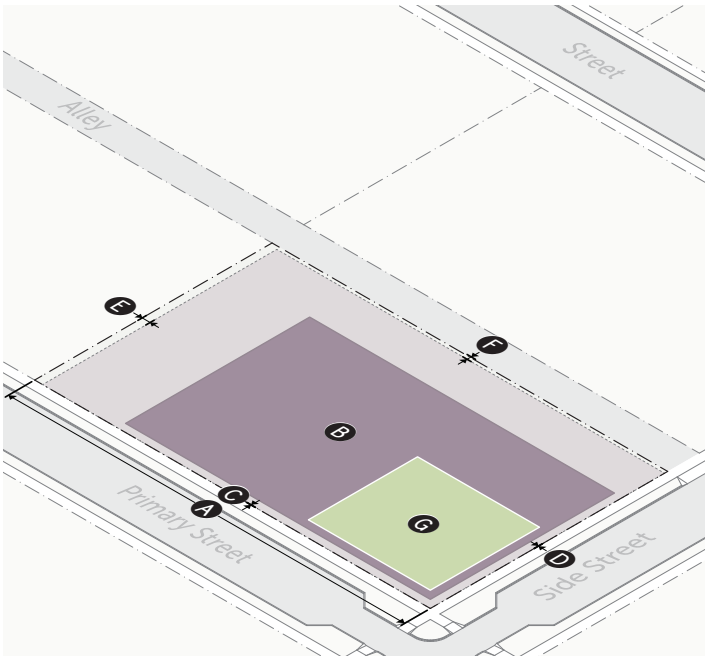
2. BUILDING FORM



BUILDING	*Sec. 390.*
G Building height (max stories/feet)	2.5/32'
H Building width (max)	80'
Building break (min)	n/a
I Building depth (max)	80'
FENCES AND WALLS	*Sec. 620.E*
Front yard type	See Frontage Module
Side/rear yard type	Type VI

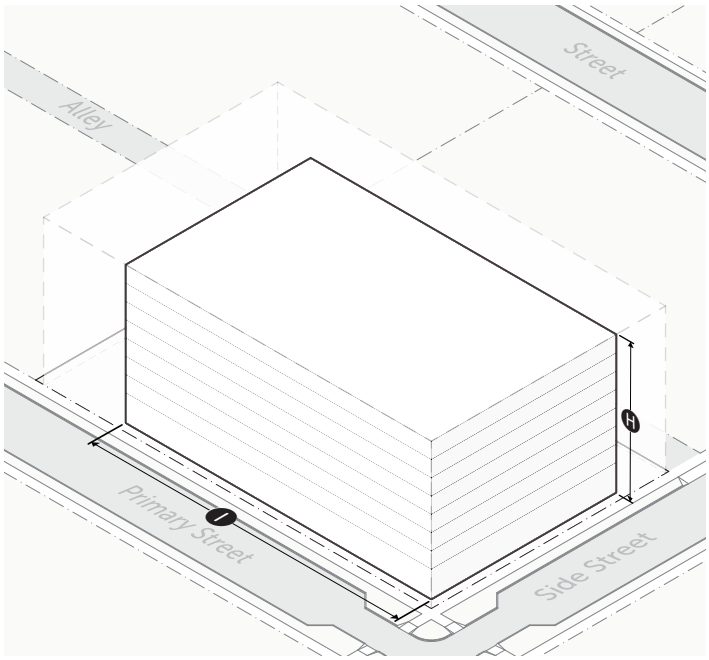
350.D. Special 4 (S4)

1. BUILDING PLACEMENT



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

2. BUILDING FORM



BUILDING	Sec. 390.
H Building height (max stories/feet)	n/a
I Building width (max)	n/a
Building break (min)	n/a
J Building depth (max)	n/a
FENCES AND WALLS	*Sec. 620.E*
Front yard type	n/a
Side/rear yard type	n/a

SUBPART 3C.

FORM RULES

Sec. 360. Lot Size **3-32**
360.A. Lot Area 3-32
360.B. Lot Width 3-33
Sec. 370. Coverage **3-34**
370.A. Impervious Coverage 3-34
370.B. Building Coverage 3-36
370.C. Building Setbacks 3-37
Sec. 380. Amenity **3-40**
380.A. Outdoor Amenity Space 3-40
380.B. Outdoor Amenity Space Design Standards 3-42
Sec. 390. Building **3-46**
390.A. Building Height 3-46
390.B. Building Width 3-51
390.C. Building Depth 3-54

Sec. 360. Lot Size

360.A. Lot Area

The total area within the boundaries of a lot.

1. Intent

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

2. Applicability

Minimum lot area requirements apply to all lots.

3. Standards

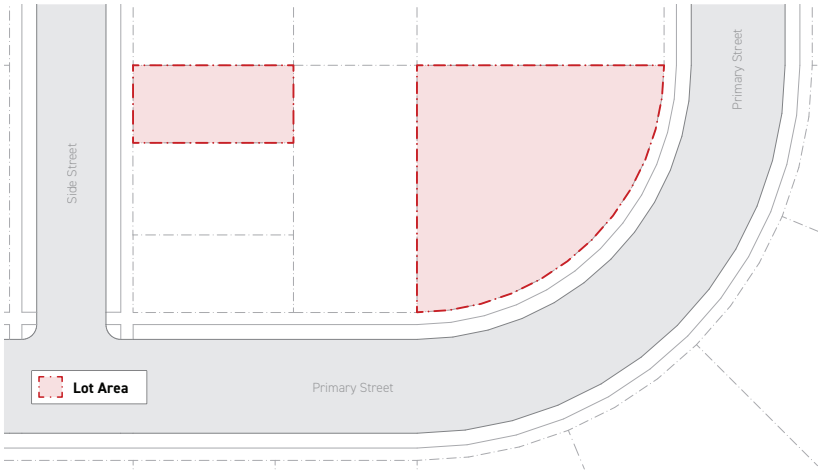
a. A lot must not have an area less than the minimum specified in the applied Form Module *(Subpart 3B)*.

b. For the purpose of meeting minimum lot size standards, multiple lots may be grouped together as a lot when a lot tie or lot merger affidavit is filed and approved by the Department of Development Services, Planning Commission or City Council.

4. Measurement

a. Lot area is measured as the total area within the boundary of a lot, measured horizontally.

b. Lot area includes all portions of a lot allocated for required easements.



5. Relief

A reduction in required lot area may be requested as a variance in accordance with *Sec. 1160.E. Variance*.

360.B. Lot Width

The length of primary street lot lines bounding a lot.

1. Intent

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

2. Applicability

Minimum lot width requirements apply to all lots.

3. Standards

a. A lot must not have a width less than the minimum specified by the applied Form Module *(Subpart 3B)*.

b. For the purpose of meeting minimum lot width standards, multiple lots may be grouped together as a lot when a lot tie or lot merger affidavit is filed and approved by the Department of Development Services, Planning Commission or City Council.

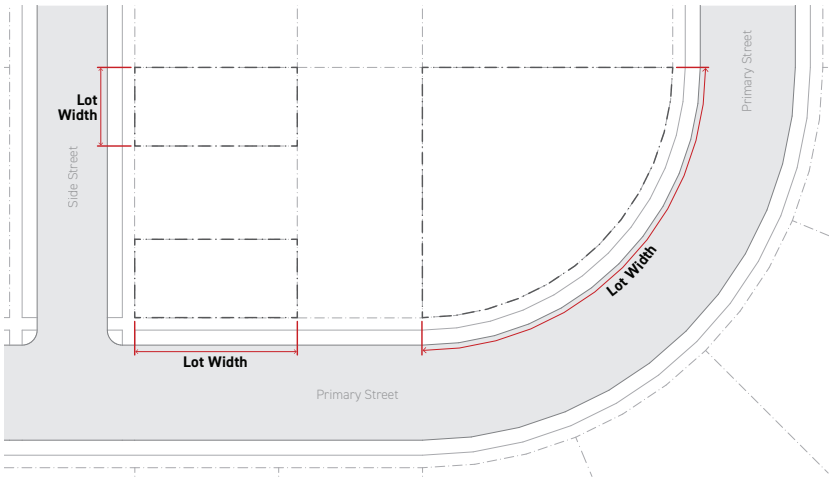
4. Measurement

a. Lot width is measured following the geometry of all primary street lot lines that bound the lot.

b. Lots that take vehicular access from a primary street must meet the minimum width requirement for lots with front access.

c. Lots that take vehicular access from either a side street, side, rear or alley lot line can meet the minimum width requirement for lots with side/alley access.

d. Where a lot has two or more primary street lot lines facing different streets, both primary street lot lines must meet the minimum lot width standard.



5. Relief

A reduction in required lot width may be requested as a variance in accordance with *Sec. 1160.E. Variance.*

Sec. 370. Coverage

370.A. Impervious Coverage

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

1. Intent

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

2. Applicability

The maximum impervious coverage requirements apply to all lots.

3. Standards

A lot must have no more than the maximum impervious coverage specified by the applied *Subpart 3B. Form Modules*.

4. Measurement

a. Impervious coverage is calculated by dividing the cumulative area of all impervious surfaces by the lot area, and is represented as a percentage of the lot area.

b. Impervious surfaces, for the purpose of impervious coverage calculation include, but are not limited to, the following:

1. Roads;
2. Buildings, sheds, and similar structures;
3. Flatwork including concrete slabs, sidewalks, patios, parking areas, pool coping and driveways;
4. Mechanical equipment;
5. Impermeable construction covering the natural land surface; and
6. For an uncovered wood deck that has drainage spaces between the deck boards and that is located over a pervious surface, 50% of the horizontal area of the deck.

5. Exception

A lot may exceed the maximum impervious coverage where such limitations prohibit compliance with ADA standards, subject to discretionary review by the Director of Development Services.

6. Relief

Increased impervious coverage may be requested as a variance in accordance with *Sec. 1160.E. Variance.*

370.B. Building Coverage

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

1. Intent

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

2. Applicability

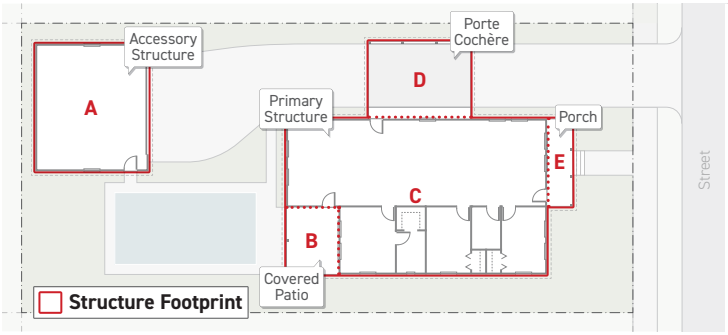
The maximum building coverage requirements apply to all lots.

3. Standards

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

4. Measurement

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



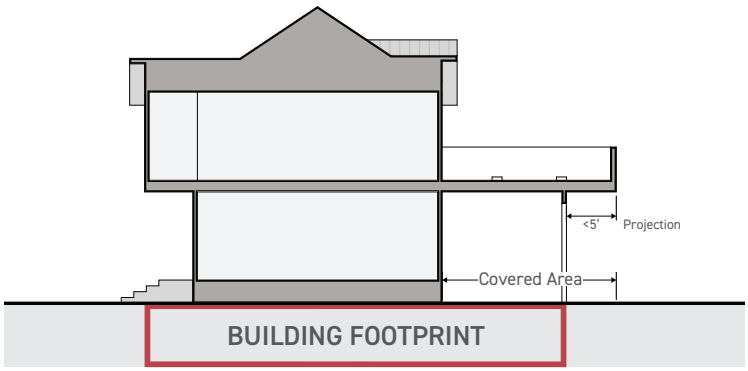
Area **A**
\+ Area **B**
\+ Area **C**
\+ Area **D**
\+ Area **E**

Cumulative Structure Footprint

(Cumulative Structure Footprint)
÷
(Total Site Area)

Building Coverage

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



5. Relief

Increased building coverage may be requested as a variance in accordance with *Sec. 1160.E. Variance.*

370.C. Building Setbacks

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

1. Intent

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

2. Applicability

a. The building setback requirements apply to all buildings and structures on a lot unless listed as an exception in *Sec. 370.C.5. Exceptions*.

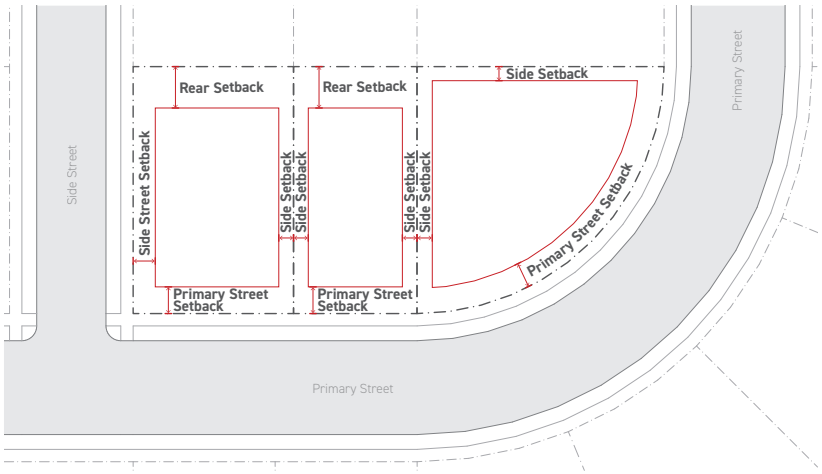
b. Building setbacks apply only to the perimeter edges of a lot. Building setbacks do not apply to individual lots that are part of a larger lot.

3. Standards

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

4. Measurement

All building setbacks are measured perpendicular to the applicable lot line. To determine street and lot line designations, see *Sec. 1200. General Standards and Measurement*.



a. A primary street setback is measured from the primary street lot line.

b. A side street setback is measured from the side street lot line.

c. A side setback is measured from the side lot line.

d. A rear setback is measured from the rear lot line.

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

2. Where the primary street lot line is not straight, the rear lot line must be parallel to a line connecting the end points of the primary street lot line.

e. An alley setback is measured from the alley lot line and only applies to the ground story.

5. Exceptions

The following are allowed to encroach beyond the building setback up to the minimum distance from the lot line specified below. No encroachment is allowed within any public right-of-way.

HORIZONTAL ENCROACHMENTS ALLOWED ~~INTO SETBACKS~~TO LOT LINE			
	Lot Lines		
	Primary/Side Street	Side/Rear	Alley
Architectural Details (Sec. 1200.B.1.a.1.)			
Encroachment (max)	2'	2'	2'
Distance from lot line (min)	0'	2.5'	0'
Roof Projections (Sec. 1200.B.1.a.2.)			
Encroachment (max)	2.5'	2.5'	2.5'
Distance from lot line (min)	0'	2.5'	0'
Unenclosed Structures: Ground Story (Sec. 1200.B.1.a.3.)			
Encroachment (max)	7'	5'	5'
Distance from lot line (min)	0'	2.5'	2.5'
Unenclosed Structures: Above Ground Story (Sec. 1200.B.1.a.4.)			
Encroachment (max)	5'	3'	3'
Distance from lot line (min)	0'	5'	2.5'
Enclosed Structures: Projecting (Sec. 1200.B.1.a.5.)			
Encroachment (max)	2.5'	1.5'	2.5'
Distance from lot line (min)	0'	2.5'	2.5'
Mechanical/Electrical Equipment: Ground Mounted (Sec. 1200.B.1.a.6.)			
Encroachment (max)	1.5'	2.5'	2.5'
Distance from lot line (min)	15'	2.5'	0'
Mechanical/Electrical Equipment: Wall Mounted (Sec. 1200.B.1.a.7.)			
Encroachment (max)	1.5'	1.5'	1.5'
Distance from lot line (min)	15'	2.5'	0'
Waste Enclosure (Sec. 1200.B.1.a.8.)			
Encroachment (max)	0'	unlimited	unlimited
Distance from lot line (min)	15'	2.5'	0'

HORIZONTAL ENCROACHMENTS ALLOWED ~~INTO SETBACKS~~TO LOT LINE			
	Lot Lines		
	Primary/Side Street	Side/Rear	Alley
Utility Equipment, Underground Structures, Flatwork, Fences, Walls, Hedges, and Screening, Outdoor Furniture (Sec. 1200.B.1.a.9., Sec. 1200.B.1.a.10., Sec. 1200.B.1.a.11., Sec. 1200.B.1.a.12., Sec. 1200.B.1.a.13., Sec. 1200.B.1.a.14.)			
Encroachment (max)	unlimited	unlimited	unlimited
Distance from lot line (min)	0'	0'	0'
Signs	Sec. 630. (Signs)		

6. Relief

A setback reduction may be requested as a variance in accordance with *Sec. 1160.E. Variance.*

.

Sec. 380. **Amenity**

380.A. **Outdoor Amenity Space**

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

1. Intent

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

2. Applicability

a. The outdoor amenity space requirements apply to all lots unless specified ad "n/a" by the *Subpart 3B. Form Modules.*

b. Where the calculation of outdoor amenity space requires less than 400 square feet, no outdoor amenity space is required.

3. Standards

a. The cumulative area of outdoor amenity space provided on a lot cannot be less than required by the zoning district.

b. Required outdoor amenity space must meet the design standards in *Sec. 380.B. Outdoor Amenity Space Design Standards*.

4. Measurement

a. Outdoor amenity space is a percentage calculated by dividing the cumulative area of all outdoor amenity spaces by the lot area.

b. The minimum required outdoor amenity space is calculated by multiplying the required minimum outdoor amenity percentage by the lot area.

c. Unless specified by another provision in this Code, any combination of outdoor amenity space types described in Sec. 380.B. (Outdoor Amenity Space Design Standards) may be counted towards the total area of outdoor amenity space required by the zoning district.

d. Private outdoor balconies with a minimum area of 50 square feet, and no depth dimension less than 6 feet may be counted as outdoor amenity space.

e. No more than 50 percent of the cumulative area of the required outdoor amenity space may be private to individual dwelling units or tenants.

f. As a bonus for providing public space, outdoor amenity space area meeting *Sec. 380.B.5. Privately Owned Public Space*, counts as 1.25 square feet of outdoor amenity space for every 1 square foot of provided outdoor amenity space area.

5. Relief

A reduction of required outdoor amenity space may be requested as a variance in accordance with *Sec. 1160.E. Variance.*.

380.B. Outdoor Amenity Space Design Standards

1. Intent

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

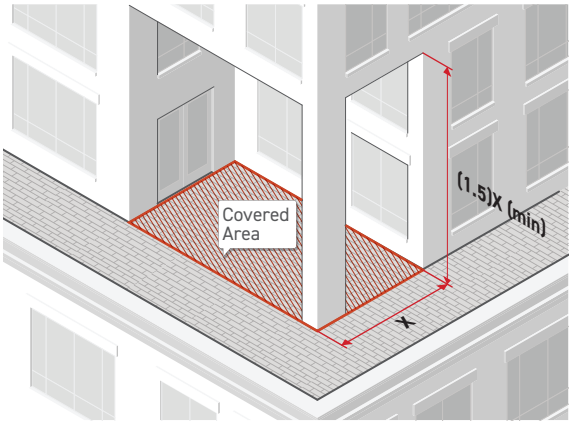
2. General

a. Outdoor amenity space cannot be fully enclosed.

b. No portion of an outdoor amenity space can have a clear height of less than 7.5 feet.

c. All private outdoor balconies counted as outdoor amenity space must be fully shaded by a roof or other shading device. Shading devices include: roofs; overhangs; louvers; and awnings or similar structures that block direct sunlight.

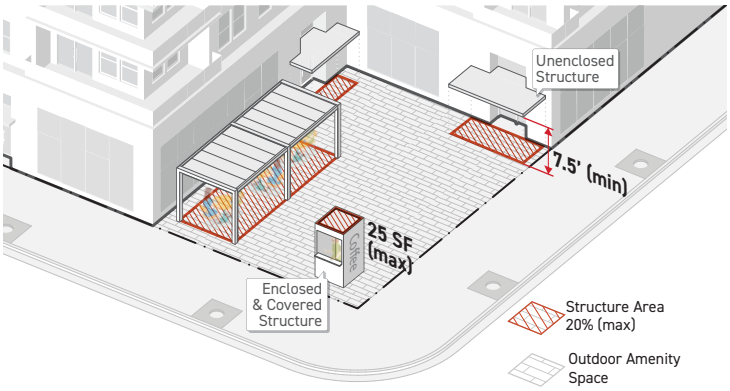
d. Outdoor amenity space that is roofed must have a minimum clear height of 1.5 times the depth of the roofed area, except for private outdoor balconies counted as outdoor amenity space.



e. The following are exempt from the outdoor amenity space standards above, provided all exemptions have a cumulative area no greater than 20% of the contiguous outdoor amenity space area.

1. Roofed structures having a clear height of at least 7.5 feet; and

2. A small building providing goods or services to tenants of the project or the public, having an area of no more than 25 square feet.



3. Common Outdoor Amenity Space

Outdoor amenity space located on upper or ground levels that is open to all owners and tenants of the building and it is not directly connected to the public sidewalk system.

a. Each square foot of common outdoor amenity space provided counts as 1 square foot of required outdoor amenity space.

b. Where common outdoor amenity space is provided to meet the outdoor amenity space requirement, it must meet the following standards:

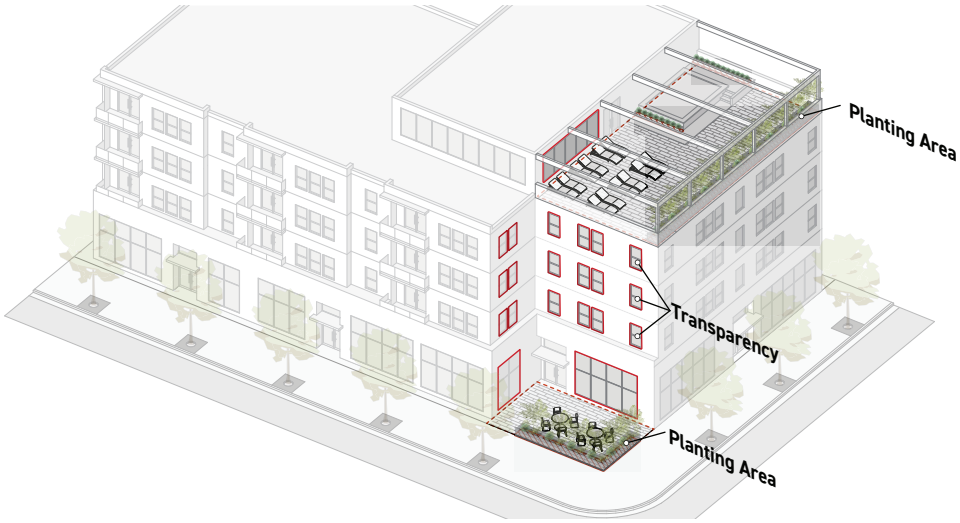
1. Common outdoor amenity space must be made available to all tenants of a building, at no cost, from sunrise to sunset daily or during the hours of operation of the building, whichever results in a longer period of time. The space must not be reserved or in any way exclude any tenant during the time it is required to be made available to all tenants.

2. Common outdoor amenity space must have a minimum area of 400 square feet, and no horizontal dimension less than 15 feet, measured perpendicular to any boundary of the space.

3. Building facades adjacent to common outdoor amenity space must have a minimum transparency of 15% for each story.

4. A minimum of 15% of the total area of the common outdoor amenity space must be planting area - see *Sec. 620.F.3.c. Planting Areas*.

5. For every 400 square feet of common outdoor amenity space, two permanent or movable seats must be provided. Two linear feet of bench or seat wall are counted as 1 seat.



6. Mechanical and utility equipment cannot be located in a pedestrian amenity space, or between a pedestrian amenity space and the adjacent building facade.

7. All mechanical exhaust outlets must be located a minimum horizontal distance of 10 feet and a minimum vertical distance of 15 feet from a pedestrian amenity space.

4. Pedestrian Amenity Space

Outdoor amenity space located at ground level that is open to all owners or tenants of a building and it is directly connected to the public sidewalk system.

a. Each square foot of pedestrian amenity space provided counts as 1 square foot of required outdoor amenity space.

b. Where pedestrian amenity space is provided to meet the outdoor amenity space requirement, it must meet the following standards:

1. The finished floor or ground surface of a pedestrian amenity space must be located within the minimum and maximum ground floor elevations required by the applied *Subpart 3B. Form Modules*.

2. Pedestrian amenity space must have a minimum area of 400 square feet, and no horizontal dimension less than 15 feet measured perpendicular to any boundary of the space.

3. Pedestrian amenity space must abut and provide direct access to a public sidewalk. The space cannot be separated from the public sidewalk by any structure or landscaping, with the exception of a planters or fencing that doesn't exceed 3 feet in height.

4. Building facades adjacent to a pedestrian amenity space must meet all applicable window and door standards required by the applied *Subpart 4B. Frontage Modules*.

5. A minimum of 15% of the total area of the pedestrian amenity space must be planting area, as defined in *Sec. 620.F.3.c. Planting Areas*.

6. For every 400 square feet of pedestrian amenity space, two permanent or movable seats must be provided. Two linear feet of bench or seat wall are counted as 1 seat.

7. Mechanical and utility equipment cannot be located in a pedestrian amenity space, or between a pedestrian amenity space and the adjacent building facade.

8. All mechanical exhaust outlets must be located a minimum horizontal distance of 10 feet and a minimum vertical distance of 15 feet from a pedestrian amenity space.

5. Privately Owned Public Space

Outdoor amenity space that is privately owned but is made permanently available to the public. Providing privately owned public space is optional, not required.

a. Privately owned public space must meet the requirements of Sec. 380.B.4. *Pedestrian Amenity Space*.

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

6. Relief

a. For industrial uses, defined in *Sec. 530. Use Definitions*, required outdoor amenity space may be provided indoors through alternative compliance in accordance with *Sec. 1170.E. Alternative Compliance*. A minimum of 400 square feet of must be provided outside.

b. A change to an outdoor amenity space design standard may be requested as a variance in accordance with *Sec. 1160.E. Variance*.

Sec. 390. **Building**

390.A. **Building Height**

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

1. Intent

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

2. Applicability

The height limitations apply to all lots.

3. Standards

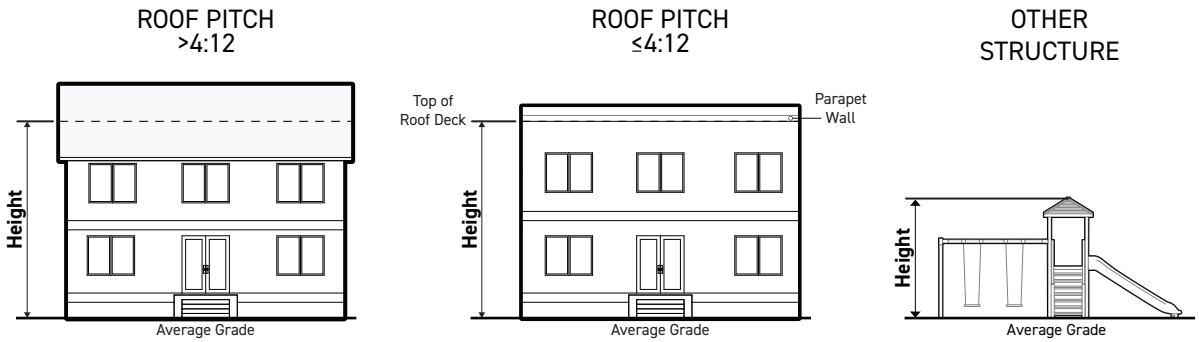
No building, portion of a building or structure can exceed the maximum height in number of feet or stories allowed in the zoning district, unless listed as an exception in S*ec. 390.A.5 Exception.*

4. Measurement

a. Height in Feet

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

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



b. Height in Stories

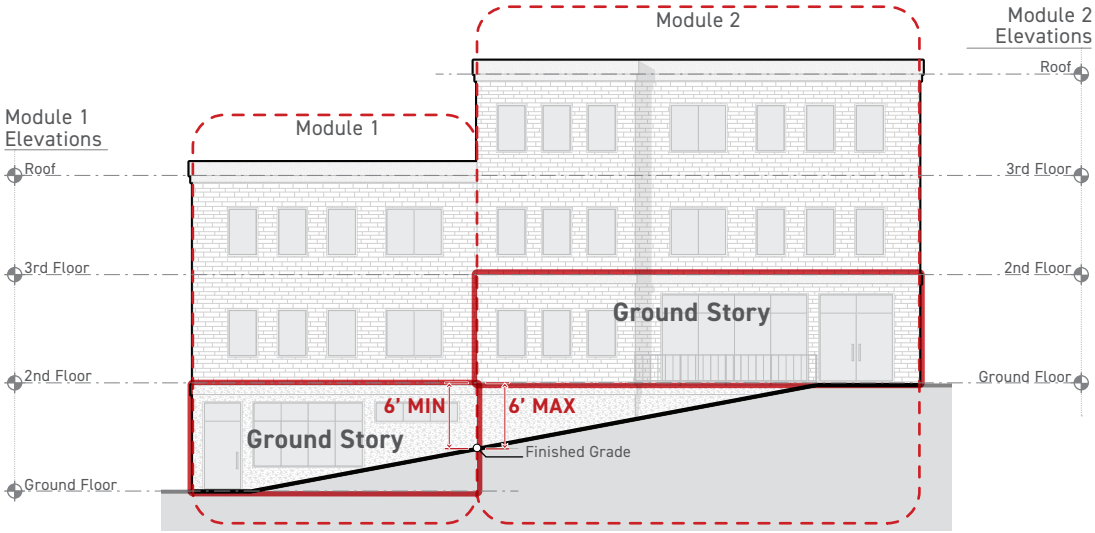
1. Height in stories is measured as the number of stories above finished grade. The ground story and all upper stories are included in the calculation of maximum height in stories.

2. A story is the part of a building included between the surface of one floor and the surface of the next floor above, or if there is no floor above, then the ceiling next above. A mezzanine does not count as a story.

3. The ground story (or first story) of a building is determined as follows:

   i. The first (facade) story that is exposed a minimum of 6 feet above finished grade along the full width of the applicable building facade.

   ii. The finished floor of a ground story can be no higher than 6 feet above finished grade for any portion of the building perimeter. This may mean that the ground story may change within the same building.

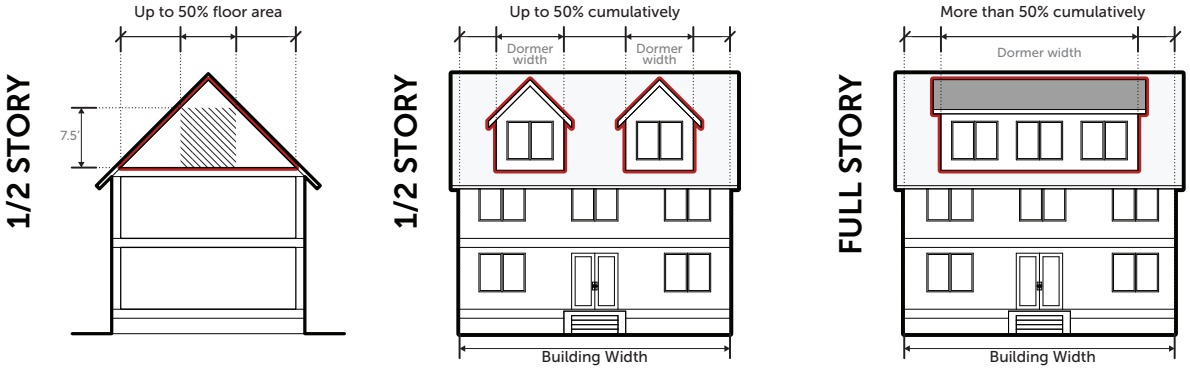


4. An occupiable space in a building located below the ground story is a basement. Basements are not included in the calculation of maximum height in stories.

5. Any story located above the ground story is an upper story. The topmost story of a building is not counted as a full story and is counted as a half story when:

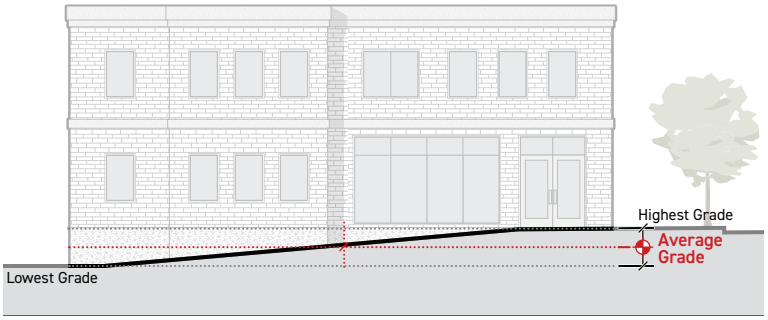
   i. It is completely within the roof form of the building and less than 50% of the floor area has a clear height of more than 7.5 feet, measured from the finished floor to the finished ceiling; or

   ii. Dormers do not exceed more than 50% of the front, rear or side building length.



c. Average Grade

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

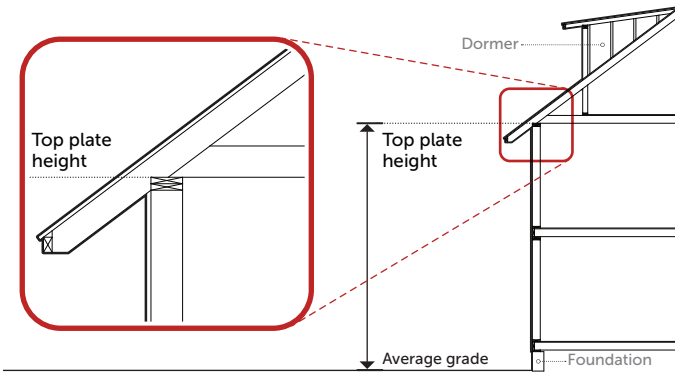


2. Where the sidewalk is more than 5 feet from the primary street lot line-facing building facade, average grade is calculated by averaging of the highest and lowest elevation within 5 feet of the primary street lot line-facing building facade.

3. Large buildings and those developed on sites with significant topographic variation may calculate average grade independently for each building module that steps up or down the slope.

d. Top Plate Height

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



5. Exceptions

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

ALLOWED VERTICAL ENCROACHMENTS			
	Form Module Height (max)		
	45' or less	> 45' to 75'	> 75'
Mechanical/Electrical Equipment: Roof Mounted (Sec. 1200.B.2.a.2.)			
Encroachment (max)	3'	5'	10'
Setback from roof edge (min)	3'	3'	5'
Architectural Elements (Sec. 1200.B.2.a.3.)			
Encroachment (max)	5'	5'	10'
Setback from roof edge (min)	3'	3'	5'
Vertical Circulation (Sec. 1200.B.2.a.4.)			
Encroachment (max)	10'	10'	10'
Setback from roof edge (min)	5'	5'	5'
Safety Barriers (Sec. 1200.B.2.a.5.)			
Encroachment (max)	6'	6'	6'
Setback from roof edge (min)	0'	0'	0'
Unenclosed Structures (Sec. 1200.B.2.a.6.)			
Encroachment (max)	8	8	8'
Setback from roof edge (min)	5'	5'	5'
Flatwork (Sec. 1200.B.2.a.7.)			
Encroachment (max)	2.5'	2.5'	2.5
Setback from roof edge (min)	1'	1'	1'
Vegetation (Sec. 1200.B.2.a.8.)			
Encroachment (max)	unlimited	unlimited	unlimited
Setback from roof edge (min)	1'	1'	1'
Signs	*Sec. 630. Signs*		

6. Relief

Any increase beyond 10% or an increase in maximum height in stories may be requested as a variance in accordance with *Sec. 1160.E. Variance*.

390.B. Building Width

The horizontal dimension of a building on a lot.

1. Intent

a. To promote fine-grained patterns of development and prevent buildings that are significantly out of context with traditional patterns by breaking wide buildings into multiple, clearly distinguished, building widths.

b. To encourage larger projects to provide open space for pedestrians and recreation.

2. Applicability

a. Building width requirements apply to all street lot line-facing building facades.

b. Building width requirements do not apply to the exceptions listed in *Sec. 390.B.5. Exceptions*.

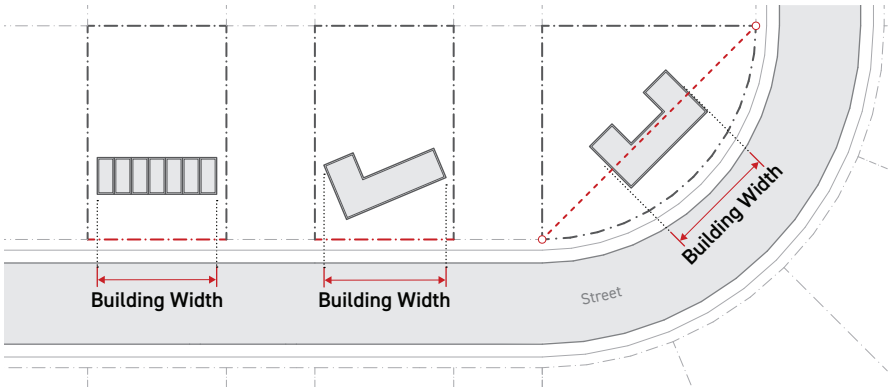
3. Standards

a. No building located on the same lot can be wider than the maximum building width allowed by the zoning district.

b. Two buildings can abut one another provided that they have no shared components and are structurally independent from one another.

4. Measurement

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



5. Exceptions

a. Where allowed pursuant to *Sec. 520. Allowed Uses*, any production use with an assembly line as defined in *Sec. 530.H.1.b. Assembly Line* may exceed the maximum building width allowed by the zoning district, but must not exceed 300 feet in total length.

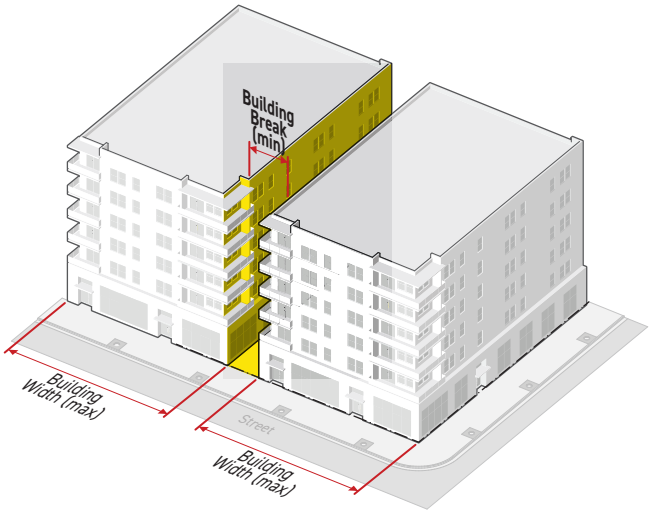
b. Side-by-side, attached dwelling units, such as townhouses, may exceed the maximum building width allowed by a house *Subpart 3B. Form Modules*, but must not exceed 80 feet in total length.

6. Building Break

a. Standards

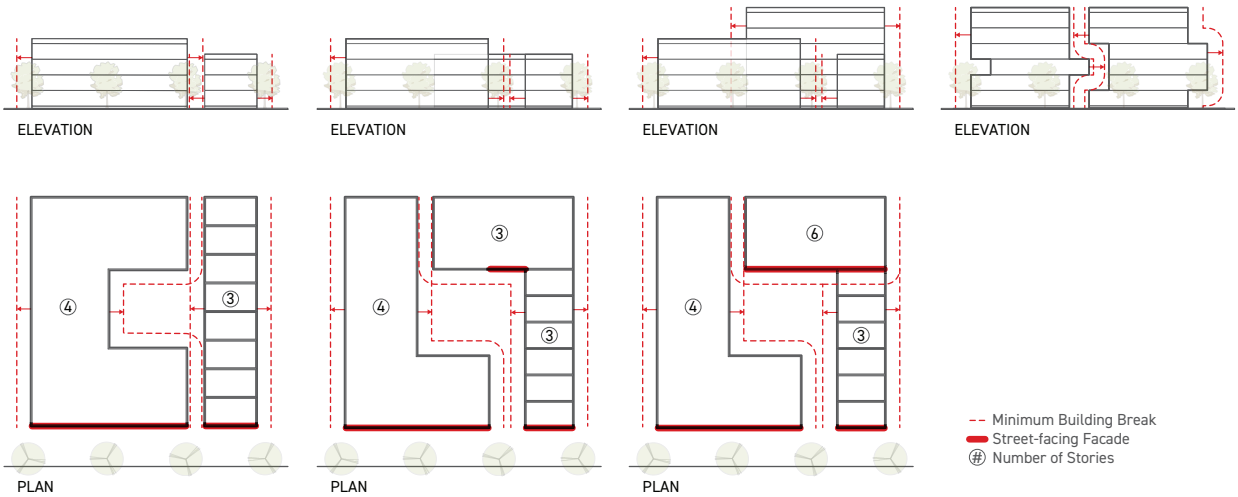
1. All buildings and collections of abutting buildings located on the same lot must be separated by at least the minimum building break dimension in order to establish them as separate buildings for the purpose of measuring building width.

2. No building or structure is permitted to encroach into the building break, except where allowed in *Sec. 390.B.7. Exceptions.*



b. Measurement

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



7. Exceptions

a. Encroachments

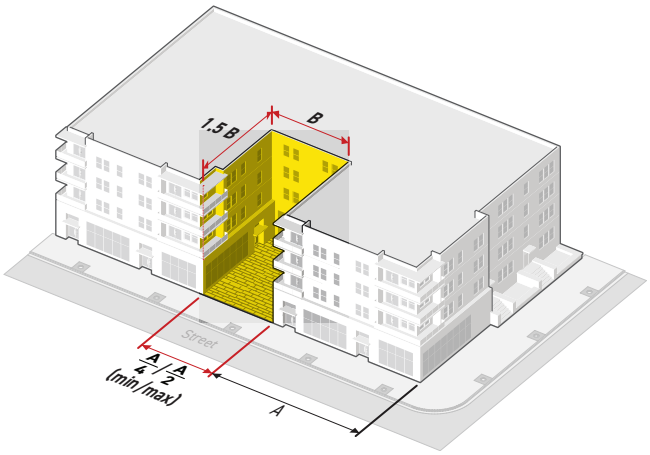
The following are allowed to encroach into the building break:

ALLOWED HORIZONTAL ENCROACHMENTS	
Architectural Details (Sec. 1200.B.1.a.1.)	
Encroachment (max)	2'
Clear width (min)	3'
Roof Projections (Sec. 1200.B.1.a.2.)	
Encroachment (max)	2.5'
Clear width (min)	3'
Unenclosed Structures: Ground Story, Unenclosed Structures: Above Ground Story (Sec. 1200.B.1.a.3., Sec. 1200.B.1.a.4.)	
Encroachment (max)	1.5'
Clear width (min)	3'

b. Building Break Outdoor Amenity Space Alternative

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

1. The width of the open space must be no more than 1/2 the width of the widest adjacent building width provided and no less than 1/4 the width of widest adjacent building width provided.
2. The depth of the open space must be at least 1.5 times the width of the open space.
3. A maximum of 1 open space exception can be used for each building.
4. The open space must meet *Sec. 380.B. Outdoor Amenity Space Design Standards.*
5. Open space meeting the standards for pedestrian amenity space in *Sec. 380.B.4. Pedestrian Amenity Space* may count towards the build-to requirement in accordance with *Sec. 470.D. Pedestrian Amenity Allowance*.



8. Relief

Increased building width beyond 10% may be requested in accordance with *Sec. 1160.E. Variance*.

390.C. Building Depth

The horizontal depth dimension of a building on a lot.

1. Intent

a. To promote fine-grained patterns of development within a site and prevent buildings that are significantly out of context with traditional patterns by breaking buildings into multiple, clearly distinguished buildings.

b. To encourage larger projects to provide open space and outdoor circulation for pedestrians and recreation within a site.

2. Applicability

a. Building width requirements apply to any building facade that does not face a street.

b. Building depth requirements do not apply to the exceptions listed in *Sec. 390.B.7. Exceptions*.

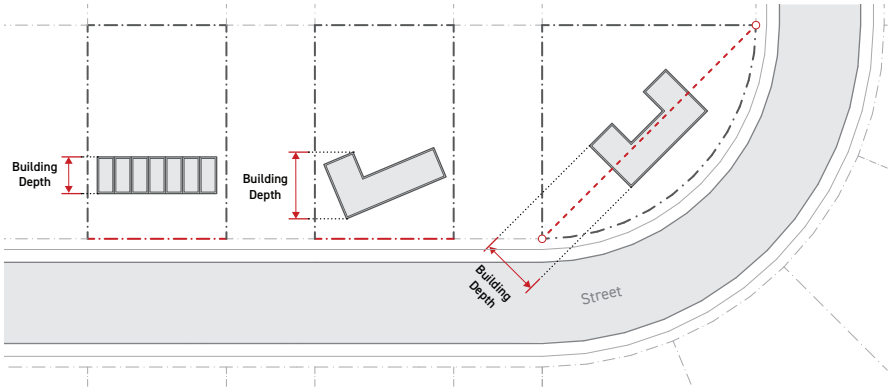
3. Standards

a. No building located on the same lot can be deeper than the maximum building depth allowed by the zoning district.

b. Two buildings can abut one another provided that they have no shared components and are structurally independent from one another.

4. Measurement

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



5. Exceptions

Where allowed pursuant to *Sec. 520. Allowed Uses*, any production use with an assembly line as defined in *Sec. 530.H.1.b. Assembly Line* may exceed the maximum building depth allowed by the zoning district, but must not exceed 300 feet in total length.

PART 4.

FRONTAGE

Subpart 4A. Frontage Introduction **4-3**
Sec. 400. Orientation 4-4
Sec. 410. General Provisions 4-6
Subpart 4B. Frontage Modules **4-11**
Sec. 420. Neighborhood Yard Frontage Modules 4-12
Sec. 430. Multi-Unit Frontage Modules 4-16
Sec. 440. General Frontage Modules 4-18
Sec. 450. Shopfront Frontage Modules 4-22
Sec. 460. Special Frontage Modules 4-24
Subpart 4C. Frontage Rules **4-29**
Sec. 470. Build-To 4-30
Sec. 480. Parking Location 4-41
Sec. 490. Landscaping 4-43
Sec. 4100. Transparency 4-50
Sec. 4110. Entrances 4-65
Sec. 4120. Ground Story 4-75

SUBPART 4A.

FRONTAGE INTRODUCTION

Sec. 400. Orientation **4-4**
400.A. Relationship to Zoning District Brackets 4-4
400.B. How to Use Part 4 4-4
400.C. Frontage Module Naming Convention 4-5
Sec. 410. General Provisions **4-6**
410.A. Frontage Intent 4-6
410.B. Frontage Applicability 4-6

Sec. 400. Orientation

400.A. Relationship to Zoning District Brackets

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

[FORM- **FRONTAGE** - USE]

Frontage Module

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

400.B. How to Use Part 4

1. Identify the Applied Frontage Module

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

2. Frontage Module Standards

Frontage Module standards are established in *Subpart 4B. Frontage Modules*. Each Frontage Module establishes applicable frontage standards.

3. Interpreting Frontage Module Standards

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

400.C. Frontage Module Naming Convention

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

1. Frontage Category

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

a. Neighborhood Yard

b. Multi-Unit

c. General

d. Shopfront

e. Special

2. Variation Number

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

Sec. 410. General Provisions

410.A. Frontage Intent

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

410.B. Frontage Applicability

1. Project Applicability

All projects filed after the effective date of this Zoning and Development Code must comply with the Frontage Module standards and rules in Part 4, as further specified below.

2. Project Activities

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

b. For all Frontage Modules, Frontage rule categories apply to project activities as shown in the table below:

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

● = Standards apply ○ = Standards are not applicable

c. Project activities are defined in *Sec. 1200.K. Project Activities*.

3. Applicable Components of Lots, Buildings, and Structures

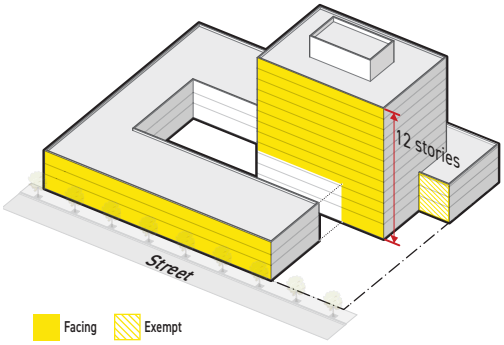
a. General

Frontage standards apply only to the applicable facades, applicable portions of a lot, and applicable building depth, as specified in the following examples. Specific Frontage Module standards or rules may further limit which components of buildings and lots are required to comply with the standard within *Subpart 4C. Frontage Rules*.

b. Frontage Applicable Facades

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

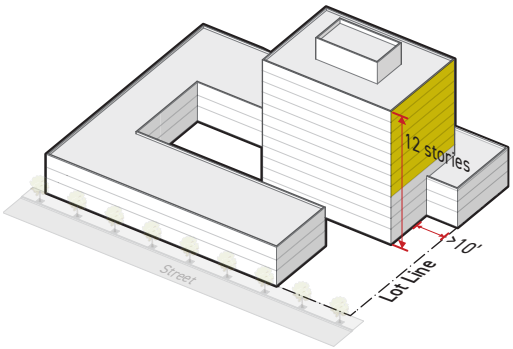
1. Street Lot Line-Facing Facades (Street-Facing Facades)

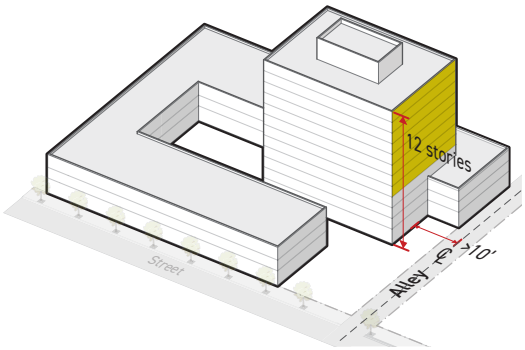


i. Facades that face a primary or side street lot line. For more details about street lot line-facing facades, see *Sec. 1200.H.2. Street Lot Line-Facing Facades*.

ii. These facades must meet the standards specified by the applied *Subpart 4B. Frontage Modules* for the frontage lot line that the facade faces (primary street lot line or side street lot line).

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





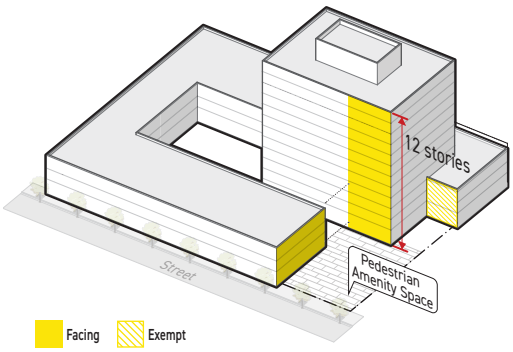
i. *Sec. 1200.H.3.Lot Line-Facing Facades* that do not face a street lot line and are:

a) Located vertically above the top of the 4th story; and

b) Located 10 feet or more from a common lot line or centerline of an alley, measured horizontally.

ii. Lot Line-Facing Facades (Non-Street Lot Line) facades must meet the standards specified by the applied *Subpart 4B. Frontage Modules* for the side street lot line.

3. Pedestrian Amenity Space-Facing Facades

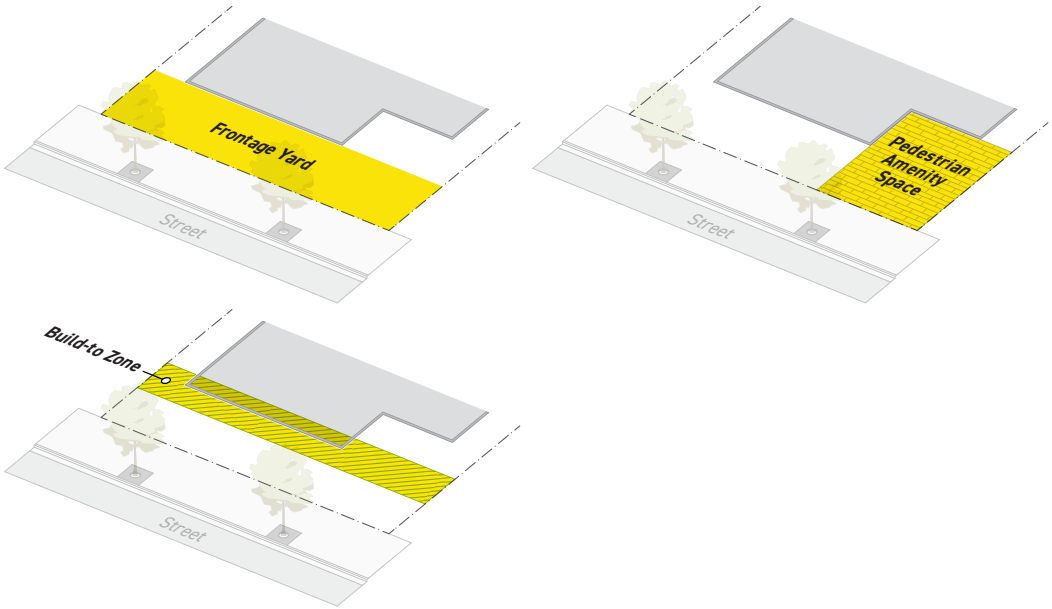


Facades that face a *Sec. 1200.H.4. Pedestrian Amenity-Facing Facades* must meet the standards specified by the applied *Subpart 4B. Frontage Modules* for the street lot line that the pedestrian amenity space abuts. Where the pedestrian amenity space abuts multiple street lot lines, the standards specified for the frontage lot line that abuts the pedestrian amenity space for the greatest length applies.

c. Frontage Applicable Facades

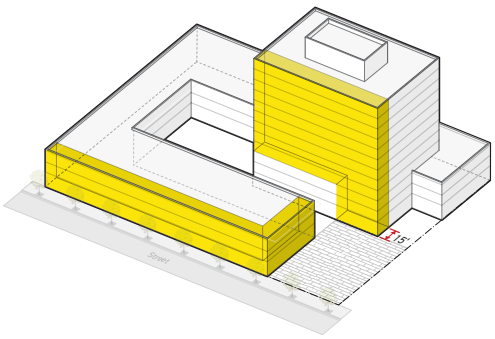
Frontage Module standards apply to the following portions of a lot:

1. *Frontage Yard (Sec. 1200.C.1.)*;
2. *Pedestrian Amenity Space (Sec. 380.B.4.)*; and
3. *Build-To (Sec. 470.)*.



d. Frontage Applicable Building Depth

Frontage Module standards apply to portions of a building interior within 15 feet of a street *Lot Line-Facing Facades (Sec. 1200.H.3.)* or *Pedestrian Amenity-Facing Facades (Sec. 1200.H.4.)* frontage applicable facade.



4. Nonconformity

Sec. 11100. Nonconformities provides exceptions from the requirements of Part 4. (Frontage) for existing lots, site improvements, buildings and structures, and uses that conformed to the zoning regulations, if any, at the time they were established, but do not conform to current district standards or use permissions. A project activity must not decrease conformance with any Frontage standard unless otherwise specified by *Sec. 11100.J. Frontage Exceptions*. Consider the following examples:

a. Closing an existing window opening: Where the proposed facade modification reduces ground story transparency below the minimum required by the applied *Subpart 4B. Frontage Modules*, the facade alteration is not allowed.

b. An addition or new detached structure to the side of a building: Where the applicable facades on the existing structure do not meet the Frontage Module transparency standards, all applicable facades of the addition or new detached structure are required to meet the transparency standards, but no alteration of existing facades is required.

SUBPART 4B.

FRONTAGE MODULES

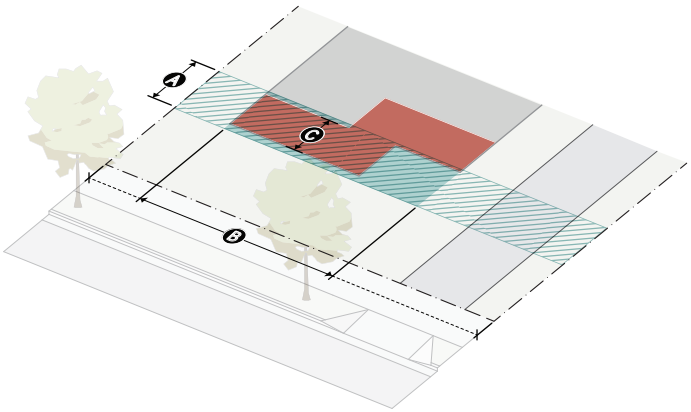
Sec. 420. Neighborhood Yard Frontage Modules **4-12**
420.A. Neighborhood Yard 1 (N1) 4-13
420.B. Neighborhood Yard 2 (N2) 4-14
Sec. 430. Multi-Unit Frontage Modules **4-16**
430.A. Multi-Unit 1 (MU1) 4-17
Sec. 440. General Frontage Modules **4-18**
440.A. General 1 (G1) 4-19
440.B. General 2 (G2) 4-20
Sec. 450. Shopfront Frontage Modules **4-22**
450.A. Shopfront 1 (SH1) 4-23
Sec. 460. Special Frontage Modules **4-24**
460.A. Civic 1 (CV1) 4-25
460.B. Civic 2 (CV2) 4-26
460.C. Civic 3 (CV3) 4-27
460.D. Park (PK1) 4-28

Sec. 420. Neighborhood Yard Frontage Modules

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

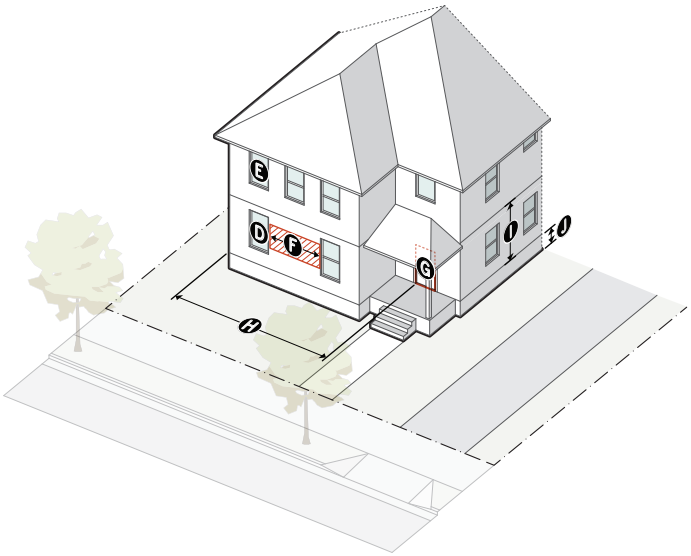
420.A. Neighborhood Yard 1 (N1)

1. STREET ORIENTATION



	Primary Street	Side Street
BUILD-TO	*Sec. 470.*	
Applicable stories (min)	~~All~~1	~~All~~1
A Build-to depth (max)	25'	20'
B Build-to width (min)	50%	30%
Pedestrian amenity allowance	n/a	n/a
C Active depth (min)	9'	5'
PARKING LOCATION	*Sec. 480.*	
Parking between building and street	Not allowed	Not allowed
LANDSCAPING	*Sec. 490.*	
Frontage planting area (min)	50%	50%
Frontage yard fence and wall type allowed	Type A3	Type A3

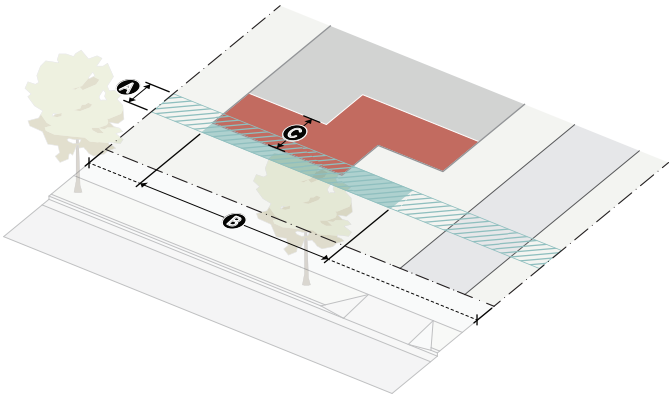
2. STREET-FACING FACADE



	Primary Street	Side Street
TRANSPARENCY	*Sec. 4100.*	
D Ground story transparency	~~20%~~15%	10%
E Upper story transparency	15%	10%
F Active wall spacing (max)	30'	40'
ENTRANCES	*Sec. 4110.*	
G Street-facing entrance	Required	n/a
H Entrance spacing (max)	30'	n/a
Required Entry feature	Required	No
Options	• Porch • Stoop • Forecourt	
GROUND STORY	*Sec. 4120.*	
I Ground story-height		
Residential (min)	9'	9'
Non-residential (min)	10'	10'
J Ground-story elevation		
Residential (min/max)	0'/5'	0'/5'
Non-residential (min/max)	0'/2'	0'/2'

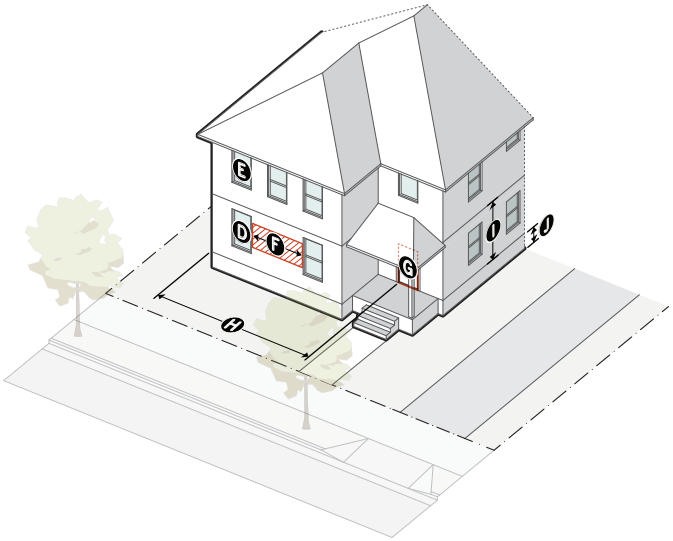
420.B. Neighborhood Yard 2 (N2)

1. STREET ORIENTATION



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

2. STREET-FACING FACADE



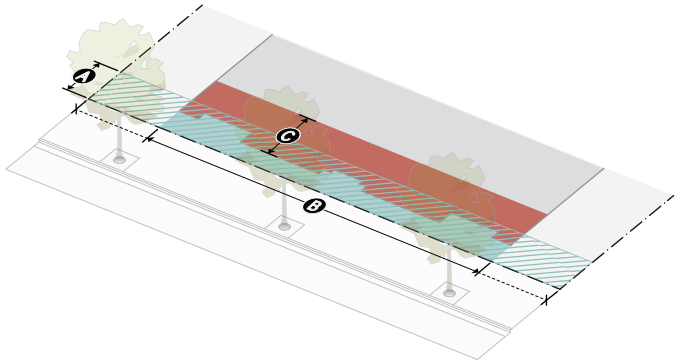
	Primary Street	Side Street
TRANSPARENCY	*Sec. 4100.*	
D Ground story transparency	20%	10%
E Upper story transparency	15%	10%
F Active wall spacing (max)	30'	40'
ENTRANCES	*Sec. 4110.*	
G Street-facing entrance	Required	n/a
H Entrance spacing (max)	30'	n/a
Required Entry feature	Required	No
Options	• Porch • Stoop • Forecourt	
GROUND STORY	*Sec. 4120.*	
I Ground story-height		
Residential (min)	9'	9'
Non-residential (min)	10'	10'
J Ground-story elevation		
Residential (min/max)	0'/5'	0'/5'
Non-residential (min/max)	0'/2'	0'/2'

Sec. 430. Multi-Unit Frontage Modules

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

430.A. Multi-Unit 1 (MU1)

1. STREET ORIENTATION



	Primary Street	Side Street
BUILD-TO	*Sec. 470.*	
Applicable stories (min)	~~All~~2	~~All~~2
A Build-to depth (max)	10'	5'
B Build-to width (min)	70%	40%
Pedestrian amenity allowance	~~n/a~~40%	~~n/a~~30%
C Active depth (min)	10'	5'
PARKING LOCATION	*Sec. 480.*	
Parking between building and street	Not allowed	Not allowed
LANDSCAPING	*Sec. 490..*	
Frontage planting area (min)	30%	30%
Frontage yard fence and wall type allowed	Type A~~2~~3	Type A~~2~~3

2. STREET-FACING FACADE

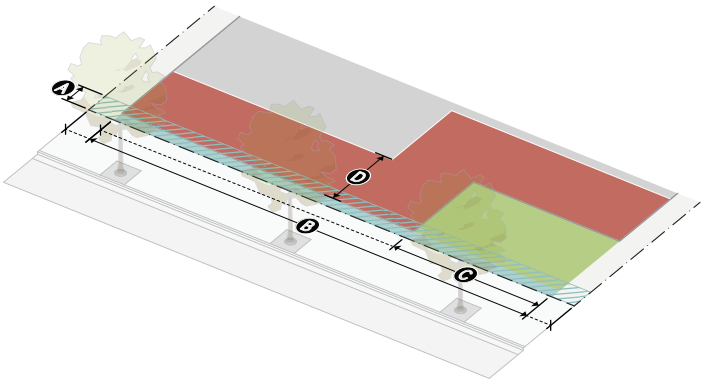
	Primary Street	Side Street
TRANSPARENCY	*Sec. 4100.*	
D Ground story transparency	30%	30%
E Upper story transparency	20%	20%
F Active wall spacing (max)	30'	40'
ENTRANCES	*Sec. 4110.*	
G Street-facing entrance	Required	n/a
H Entrance spacing (max)	50'	100'
Required Entry feature	Required	No
Options	• Porch • Stoop • Forecourt • Recessed Entry • Covered Entry	
GROUND STORY	*Sec. 4120.*	
I Ground story-height		
Residential (min)	10'	10'
Non-residential (min)	10'	10'
J Ground-story elevation		
Residential (min/max)	0'/5'	0'/5'
Non-residential (min/max)	0'/2'	0'/2'

Sec. 440. General Frontage Modules

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

440.A. General 1 (G1)

1. STREET ORIENTATION



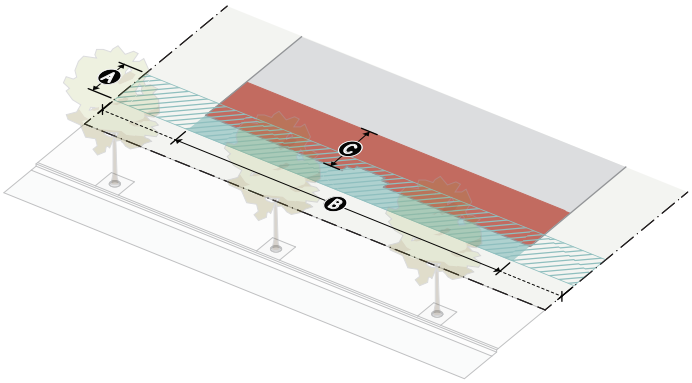
	Primary Street	Side Street
BUILD-TO	*Sec. 470.*	
Applicable stories (min)	~~All~~2	~~All~~2
A Build-to depth (max)	10'	10'
B Build-to width (min)	80%	50%
C Pedestrian amenity allowance	30%	20%
D Active depth (min)	15'	10'
PARKING LOCATION	*Sec. 480.*	
Parking between building and street	Not allowed	Not allowed
LANDSCAPING	*Sec. 490.*	
Frontage planting area (min)	30%	30%
Frontage yard fence and wall type allowed	Type A~~1~~3	Type A~~2~~3

2. STREET-FACING FACADE

	Primary Street	Side Street
TRANSPARENCY	*Sec. 4100.*	
E Ground story transparency	50%	35%
F Upper story transparency	25%	25%
G Active wall spacing (max)	25'	25'
ENTRANCES	*Sec. 4110.*	
H Street-facing entrance	Required	Required
I Entrance spacing (max)	75'	100'
Required Entry feature	Required	No
Options	• Stoop • Forecourt • Recessed Entry • Covered Entry • Storefront Bay • Market Stall	
GROUND STORY	*Sec. 4120.*	
J Ground story-height		
Residential (min)	10'	10'
Non-residential (min)	16'	16'
K Ground-story elevation		
Residential (min/max)	0'/5'	0'/5'
Non-residential (min/max)	0'/2'	0'/2'

440.B. General 2 (G2)

1. STREET ORIENTATION



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

2. STREET-FACING FACADE

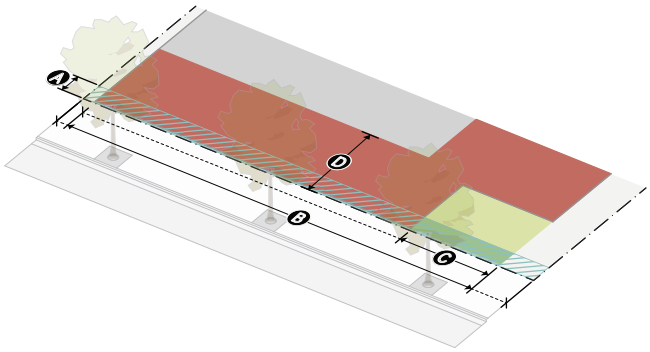
	Primary Street	Side Street
TRANSPARENCY	*Sec. 4100.*	
D Ground story transparency	25%	n/a
Upper story transparency	n/a	n/a
Active wall spacing (max)	n/a	n/a
ENTRANCES	*Sec. 4110.*	
E Street-facing entrance	Required	n/a
F Entrance spacing (max)	100'	n/a
Required Entry feature	No	No
GROUND STORY	*Sec.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

Sec. 450. Shopfront Frontage Modules

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

450.A. Shopfront 1 (SH1)

1. STREET ORIENTATION



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

2. STREET-FACING FACADE

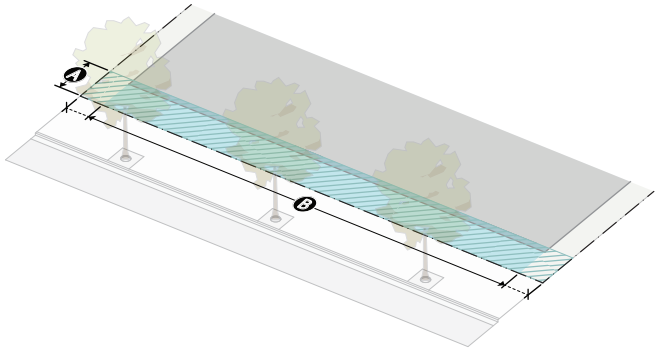
	Primary Street	Side Street
TRANSPARENCY	*Sec. 4100.*	
E Ground story transparency	60%	40%
F Upper story transparency	30%	30%
G Active wall spacing (max)	15'	15'
ENTRANCES	*Sec. 4110.*	
H Street-facing entrance	Required	Required
I Entrance spacing (max)	50'	75'
Required Entry feature	Required	No
Options	• Recessed Entry • Covered Entry • Storefront Bay • Market Stall	
GROUND STORY	*Sec. 4120.*	
J Ground story-height		
Residential (min)	16'	16'
Non-residential (min)	16'	16'
K Ground-story elevation		
Residential (min/max)	0'/2'	0'/2'
Non-residential (min/max)	0'/2'	0'/2'

Sec. 460. Special Frontage Modules

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

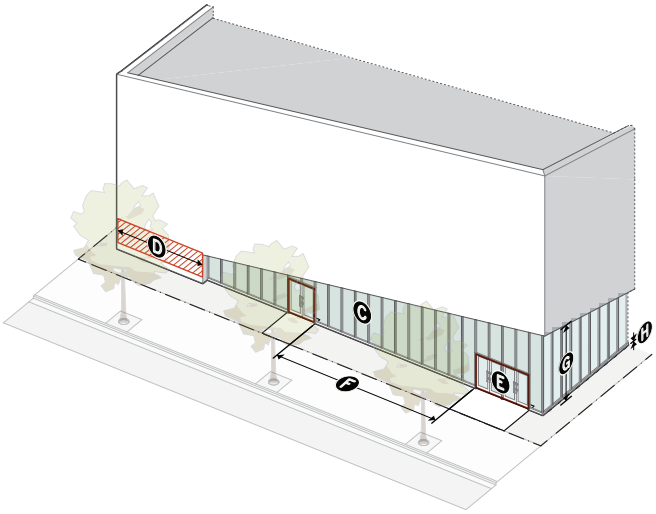
460.A. Civic 1 (CV1)

1. STREET ORIENTATION



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

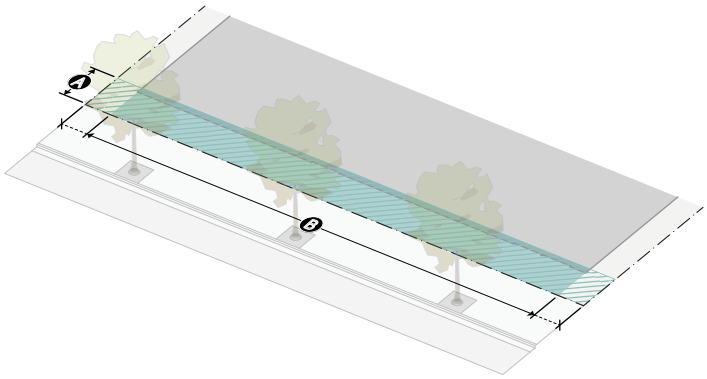
2. STREET-FACING FACADE



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

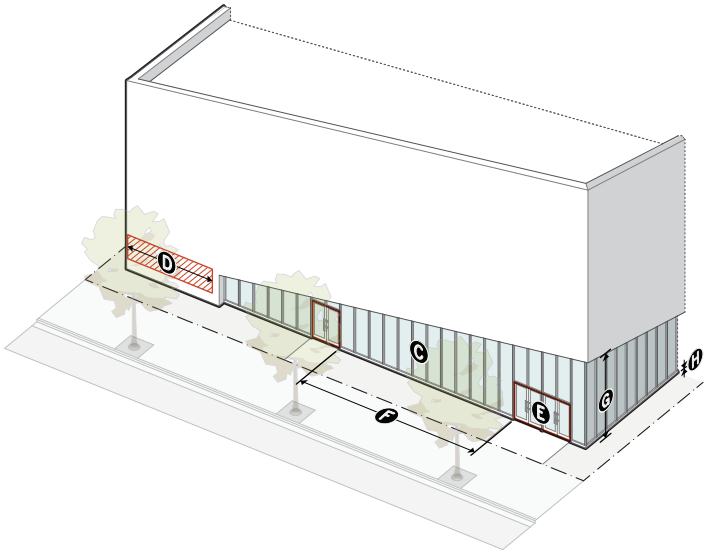
460.B. Civic 2 (CV2)

1. STREET ORIENTATION



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

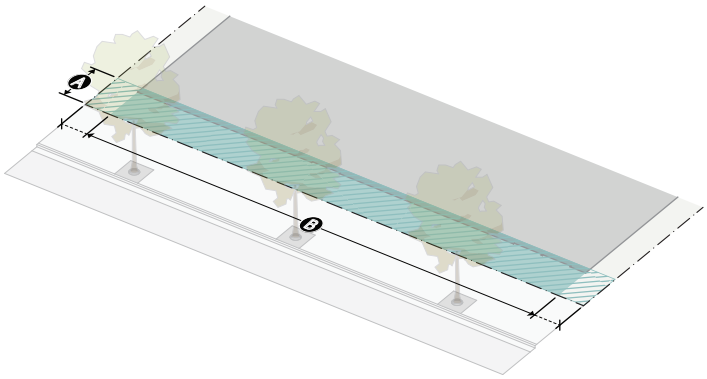
2. STREET-FACING FACADE



	Primary Street	Side Street
TRANSPARENCY	*Sec. 4100.*	
C Ground story transparency	30%	10%
Upper story transparency	n/a	n/a
D Active wall spacing (max)	70'	90'
ENTRANCES	*Sec. 4110.*	
E Street-facing entrance	Required	n/a
F Entrance spacing (max)	100'	150'
Required Entry feature	Required	No
Options	• Recessed Entry • Covered Entry	
GROUND STORY	*Sec. 4120.*	
G Ground story-height		
Residential (min)	16'	16'
Non-residential (min)	16'	16'
H Ground-story elevation		
Residential (min/max)	0'/2'	0'/2'
Non-residential (min/max)	0'/2'	0'/2'

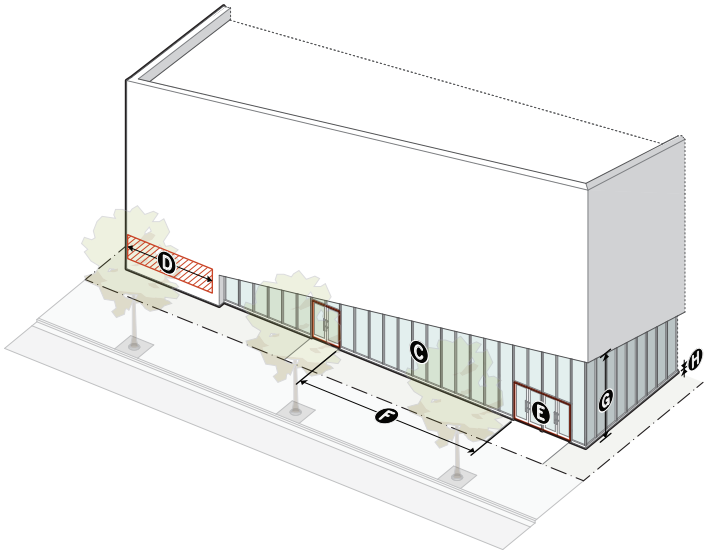
460.C. Civic 3 (CV3)

1. STREET ORIENTATION



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

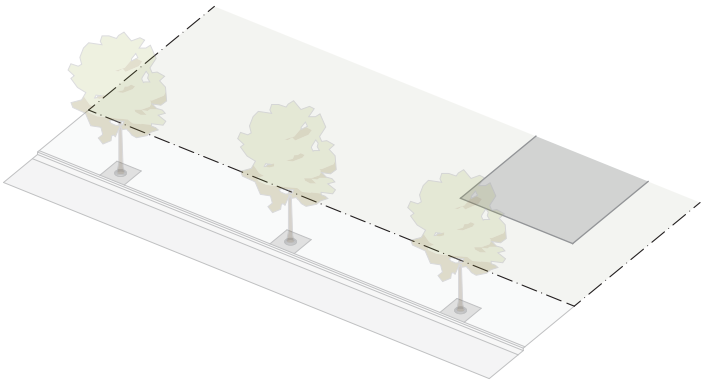
2. STREET-FACING FACADE



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

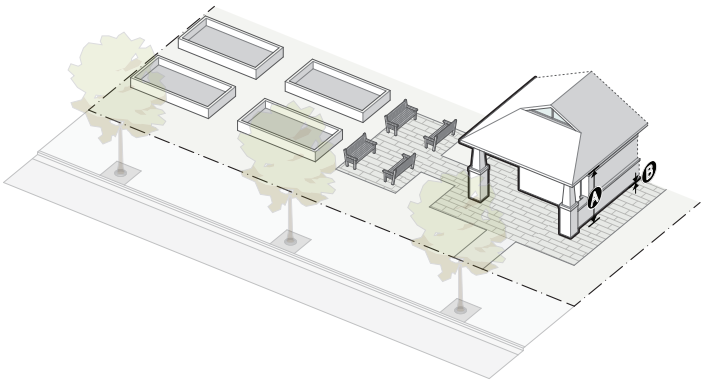
460.D. Park (PK1)

1. STREET ORIENTATION



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

2. STREET-FACING FACADE



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

SUBPART 4C.

FRONTAGE RULES

Sec. 470. Build-To 4-30
470.A. Applicable Stories 4-30
470.B. Build-To Depth 4-31
470.C. Build-To Width 4-34
470.D. Pedestrian Amenity Allowance 4-38
470.E. Active Depth 4-40
Sec. 480. Parking Location 4-41
480.A. Parking Between Building and Street. 4-41
Sec. 490. Landscaping 4-43
490.A. Frontage Planting Area 4-43
490.B. Frontage Yard Fence and Wall 4-44
Sec. 4100. Transparency 4-50
4100.A. Transparent Area 4-50
4100.B. Active Wall Spacing 4-54
Sec. 4110. Entrances 4-65
4110.A. Street-Facing Entrance 4-65
4110.B. Entry Feature 4-67
Sec. 4120. Ground Story 4-75
4120.A. Ground Story Height 4-75
4120.B. Ground Story Elevation. 4-76

Sec. 470. Build-To

470.A. Applicable Stories

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

1. Intent

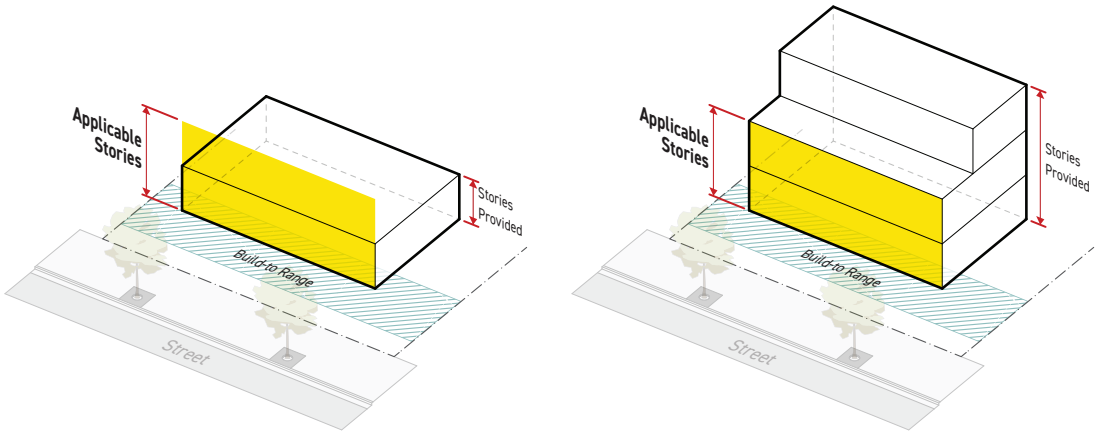
To ensure that multi-story buildings locate both the ground story and a contextually appropriate number of upper stories along the street.

2. Applicability

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

3. Standards

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



4. Measurement

For measuring height in stories, see *Sec. 390.A.4.b. Height in Stories*.

5. Relief

A reduction in number of applicable stories may be requested as a variance in accordance with *Sec. 1160.E. Variance*.

470.B. Build-To Depth

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

1. Intent

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

2. Applicability

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

3. Standards

a. The build-to zone must be no deeper than the maximum build-to depth specified by the applied Frontage Module. See *Subpart 4B. Frontage Modules*.

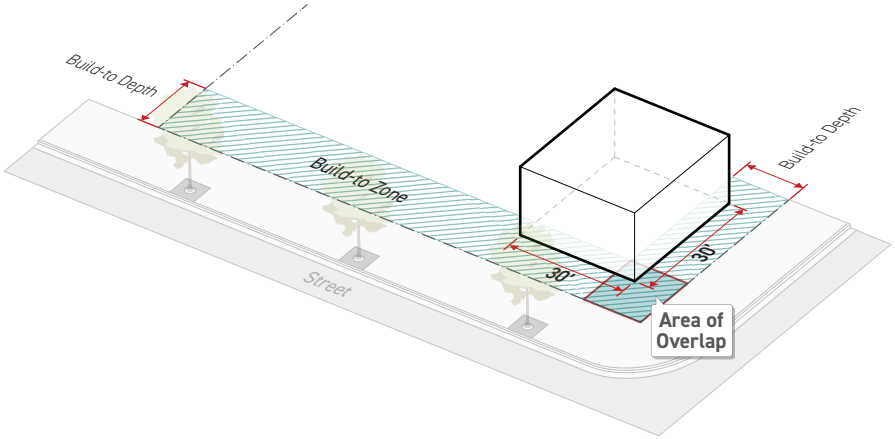
b. Buildings must occupy the build-to zone for at least the minimum required build-to width.

c. Once the minimum build-to width standard has been satisfied, buildings and structures may occupy the area behind the build-to zone.

d. On a corner lot where intersecting frontage lot lines have build-to requirements, a building must occupy the portion of the lot area where the build-to zones of the two intersecting frontage lot lines overlap, as described below:

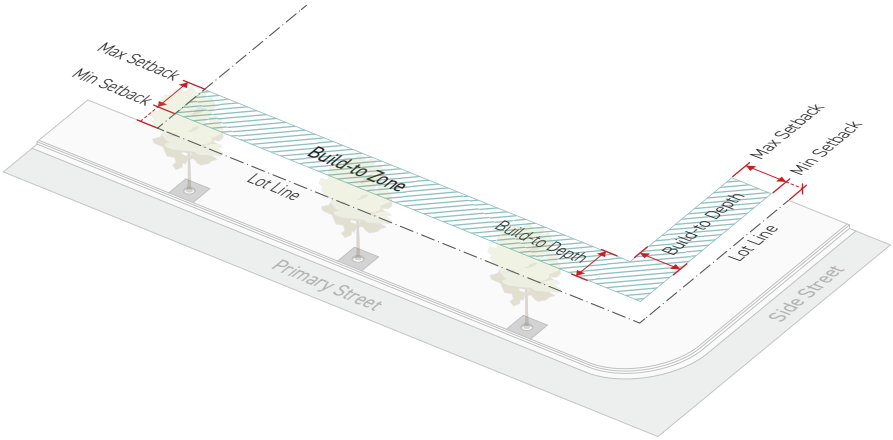
1. The building must occupy the build-to zones for both frontage lot lines for a minimum of 30 feet from the corner. Distance is measured away from the corner, starting at the edge of the building occupying the area of overlap, parallel to the frontage lot line. This building width counts toward the required build-to width for both frontage lot lines.

2. This standard does not apply when a pedestrian amenity space occupies some portion of the area of overlap and is being used as a pedestrian amenity allowance. See *Sec. 470.D. Pedestrian Amenity Allowance*.

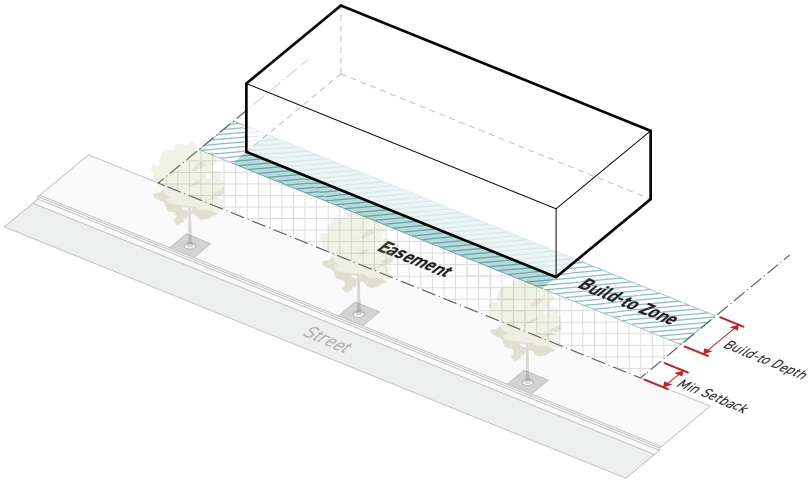


4. Measurement

a. The build-to depth is measured perpendicular to the primary or side street lot line starting from the minimum building setback and continuing inward away from the primary or side street lot line to the maximum building setback measured perpendicular from the primary or side street lot line.



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

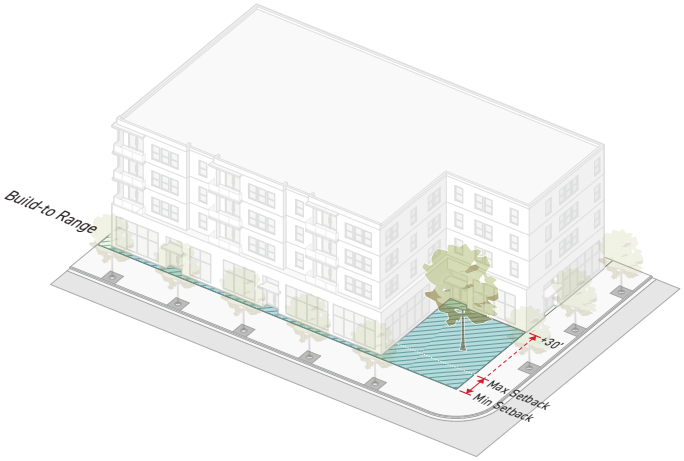


5. Exceptions

See *Sec. 470.D. Pedestrian Amenity Allowance*.

6. Relief

a. To preserve existing trees, the Development Services Director may grant relief from the maximum build-to depth, increasing the build-to depth a maximum of 30 feet for the minimum width necessary to protect the tree, pursuant to *Sec. 1170.E. Alternative Compliance*.



b. A deviation from maximum build-to depth may be requested as a variance in accordance with *Sec. 1160.E. Variance*.

470.C. Build-To Width

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

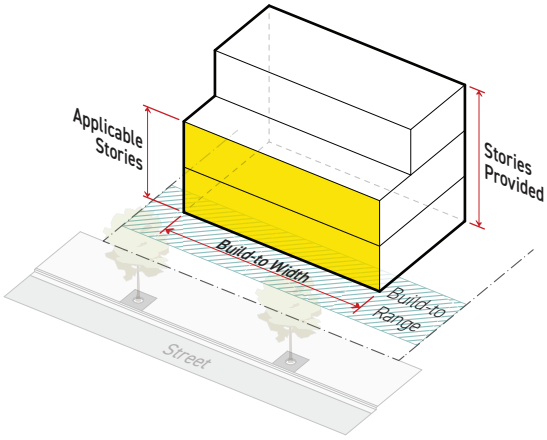
1. Intent

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

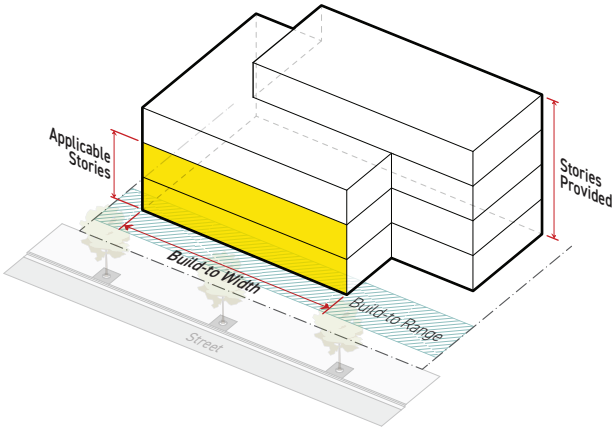
2. Applicability

Build-to width standards apply to the following:

a. Where a minimum height is specified in the applied *Subpart 3B. Form Modules,* build-to width applies to all above-grade stories up to the minimum height in stories standard in accordance with *Sec. 390.A.4.b. Height in Stories*.



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



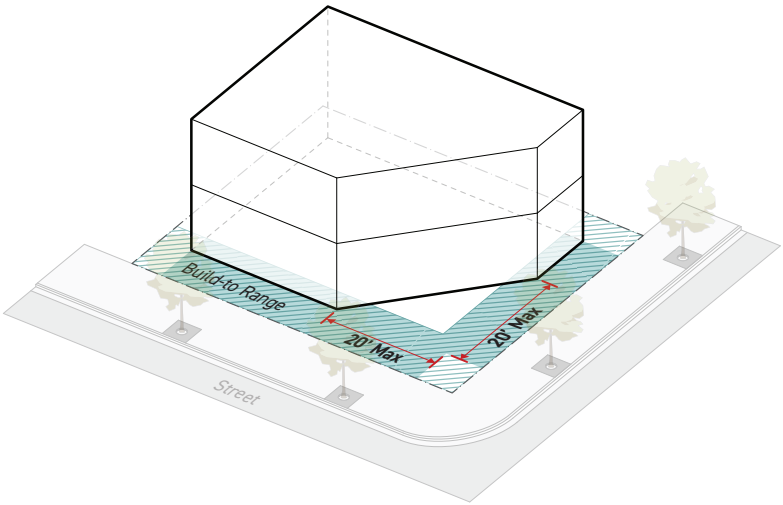
c. Where both an applicable stories standard and a minimum height are specified, build-to width applies to whichever standard requires the greatest number of stories located in the build-to zone.

d. Where no applicable stories standard is specified in the applied *Subpart 4B. Frontage Modules* and no minimum height standard is specified in the applied *Subpart 3B. Form Modules*, build-to width applies only to the ground story.

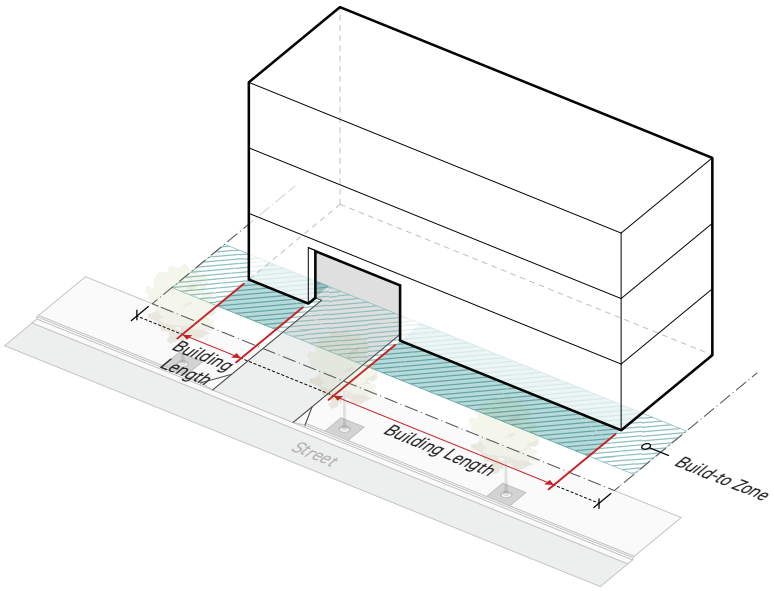
3. Standards

a. Buildings must occupy the build-to zone for a cumulative width no less than that specified by the applied *Subpart 4B. Frontage Modules*.

b. On a corner lot, a chamfered corner no more than 20 feet in width along primary and side street lot lines qualifies as building width in the build-to zone for all applicable stories even where it extends outside of the build-to zone. Chamfered corner width is measured parallel to the primary and side street lot lines.



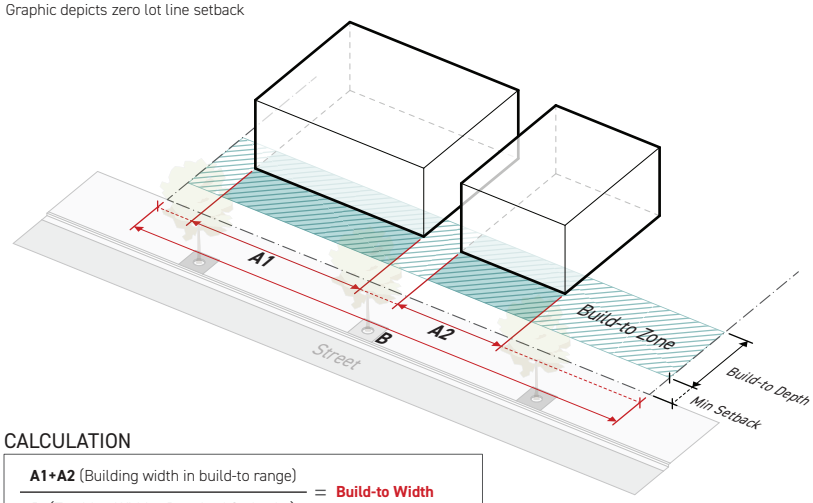
c. Portions of building width providing motor vehicle access to a motor vehicle use area through the ground story of a building do not qualify as building width in the build-to zone.



4. Measurement

The build-to width is a percentage measured as the sum of the widths of all portions of buildings occupying the build-to zone divided by the total lot width. For the purpose of measuring build-to-width, the total lot width excludes required setbacks.

Graphic depicts zero lot line setback



CALCULATION

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

a. Building width is measured parallel to the primary and side street lot lines. For measuring building width on a complex lot, see *Sec. 1200.F. Irregular Lot Line*.

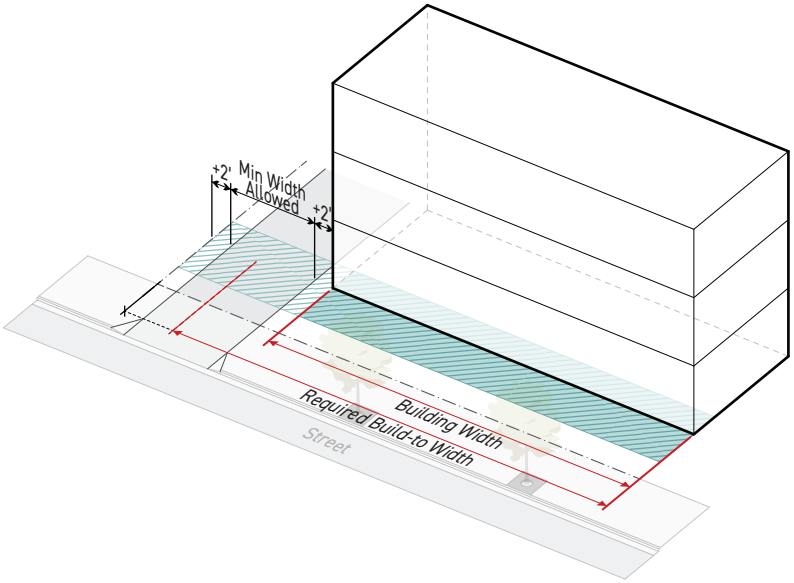
b. Lot width is measured along the primary and side street lot lines. For measuring width of a complex lot, see *Sec. 1200.F. Irregular Lot Line*.

5. Exceptions

a. Outdoor amenity spaces meeting the design standards for *Pedestrian Amenity Space (Sec. 380.B.4.)* count toward required minimum build-to width in accordance with *Sec. 470.D. Pedestrian Amenity Allowance*.

b. A building break that includes an open space meeting the design standards for pedestrian amenity space in *Sec. 380.B.4. Pedestrian Amenity Space* counts toward the minimum build-to width required by the applied *Subpart 4B. Frontage Modules* according to *Sec. 470.D. Pedestrian Amenity Allowance*.

c. Where vehicle access is permitted, but access prevents a building from achieving the required build-to width, a reduced build-to width may be allowed if the portion of the lot in the build-to zone used for vehicle access is no wider than the minimum required drive aisle width plus an additional 4 feet of width for clearance. See *Sec. 610.A.5. Driveway Design*.



6. Relief

A reduced minimum build-to width may be requested as a variance in accordance with *Sec. 1160.E. Variance*.

470.D. Pedestrian Amenity Allowance

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

1. Intent

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

2. Applicability

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

a. Portions of buildings or structures required to meet the build-to width standard in *Sec. 470.C. Build-To Width*, including all build-to applicable stories;

b. *Pedestrian Amenity-Facing Facades* (*Sec. 1200.H.4.*); and

c. Portions of the lot between the building and the primary and side street lot lines for the width of the pedestrian amenity space provided.

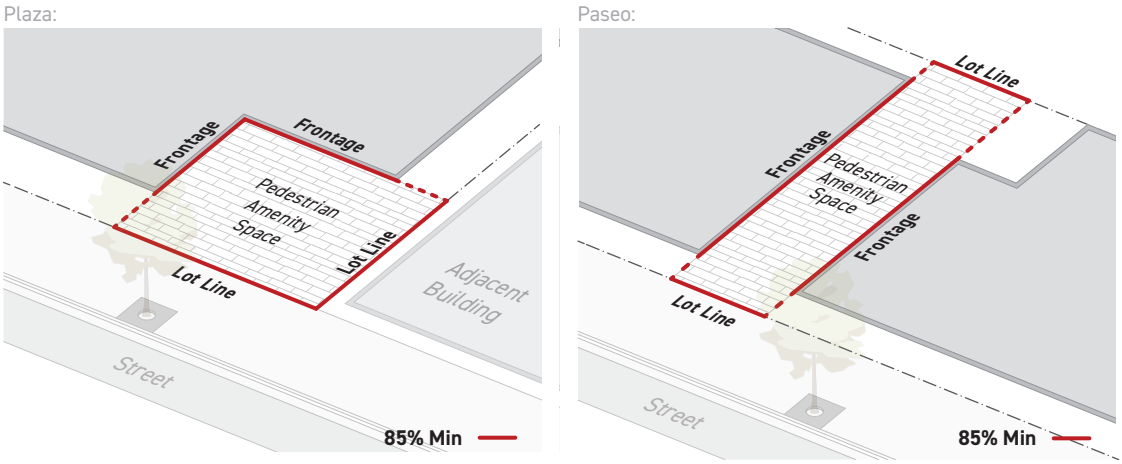
3. Standards

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

a. Meets the standards of *Sec. 380.B.4. Pedestrian Amenity Space*.

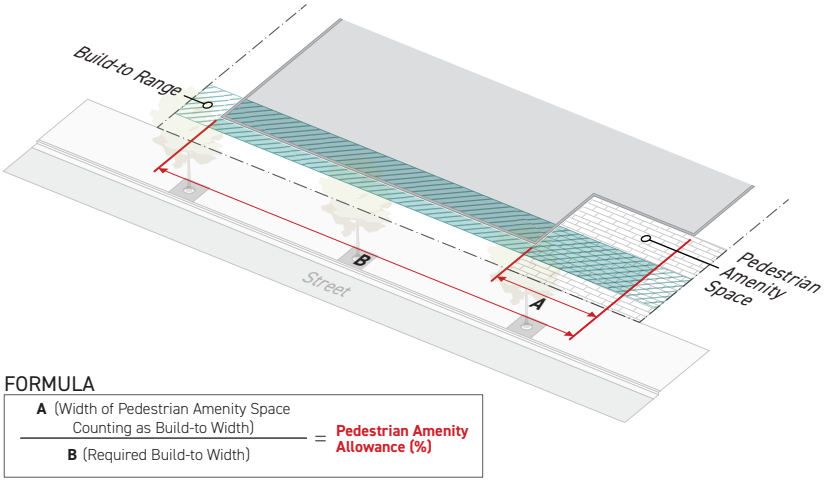
b. Pedestrian amenity spaces may be wider than the maximum allowed pedestrian amenity allowance, however, any part of the pedestrian amenity space width that exceeds the allowed pedestrian amenity allowance does not count toward the required building width in the build-to zone.

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



4. Measurement

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



a. Pedestrian amenity space width is measured parallel to the primary and side street lot lines. For measuring width of a complex pedestrian amenity space, see *Sec. 1200.F. Irregular Lot Line*.

b. For measuring the required build-to width, see *Sec. 470.C. Build-To Width*.

5. Relief

A reduced minimum build-to width may be requested as a variance in accordance with *Sec. 1160.E. Variance*.

470.E. Active Depth

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

1. Intent

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

2. Applicability

a. The active depth requirement applies to all portions of a building used to meet build-to requirements. See *Sec. 470. Build-To*.

b. The active depth requirement applies to all applicable stories, See *Sec. 470.A. Applicable Stories*.

3. Standards

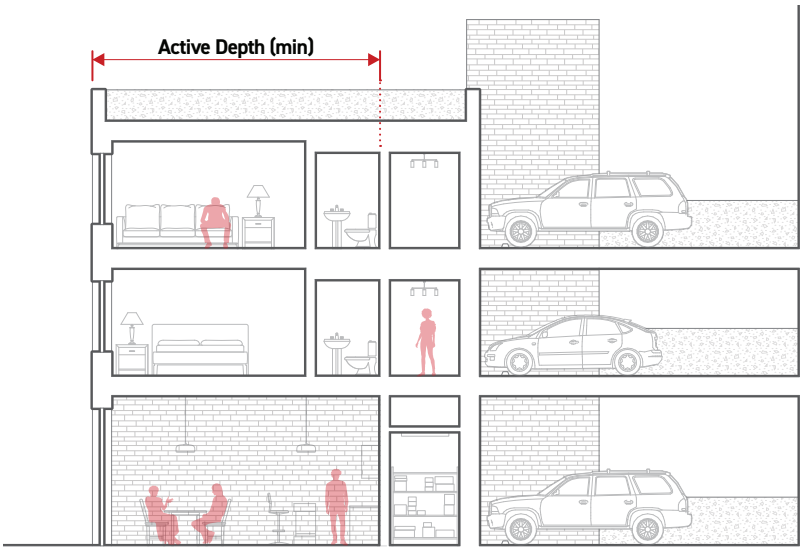
a. Applicable portions of a building must provide the minimum active depth required by the zoning district.

b. No more than 20% of the floor area of the required active depth can be used for inactive uses such as storage, hallways, stairwells, elevators, and equipment rooms.

c. Parking and motor vehicle use areas are not allowed in any portion of the required active depth.

4. Measurement

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



b. Fully covered porches meeting the dimensional standards of *Sec. 4110.B.3.b.1. Porch* count towards active depth.

5. Relief

A decreased active depth beyond 10% may be requested as a variance in accordance with *Sec. 1160.E. Variance*.

Sec. 480. Parking Location

480.A. Parking Between Building and Street

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

1. Intent

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

2. Applicability

Where specified by the applied *Subpart 4B. Frontage Modules*, parking between the building and the street requirements apply to frontage yards and frontage applicable building depth, ~~persuant~~ pursuant to *Sec. 410.B. Frontage Applicability*.

3. Standards

a. Where the applied Frontage *Subpart 4B. Frontage Modules* specifies "Not allowed":

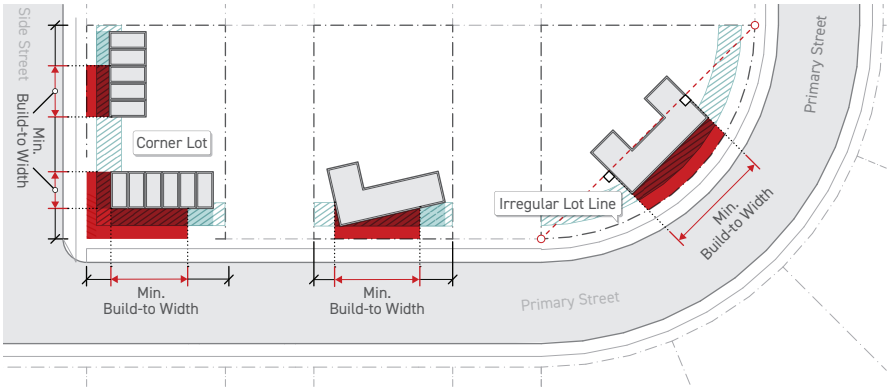
1. A motor vehicle use area must not be located between a building that occupies the build-to zone and the applicable street lot line, for the portion of the building width provided to comply with a build-to width requirement.

2. A motor vehicle use area must not be located on the ground story of a building or structure within the frontage applicable building depth for the portion of the building width provided to comply with a build-to width requirement.

b. Where the applied *Subpart 4B. Frontage Modules* specifies "Allowed", no additional limitations to the location of motor vehicle use areas are required to comply with parking between the building and street standards.

4. Measurement

a. The area between a building width and the street is determined as the entire area on a lot bordered by the applicable *Street Lot Line-Facing Facades (Street-Facing Facades) (Sec. 410.B.3.b.1.)* and street lot line, for the applicable building width. For corner lots, the area between the building and the street also includes the portion of the lot beyond the width of the building nearest to the intersection, up to the intersecting street lot line.



b. For measuring building width see *Sec. 390.B.4. Measurement*.

c. For frontage lot line-facing, see *Sec. 1200.D. Facing Facades*.

d. For street lot line-facing facade, see *Sec. 1200.H.2. Street Lot Line-Facing Facades*.

5. Exceptions

A driveway located between a street lot line-facing building facade and the frontage lot line may be allowed provided the driveway is no wider than the minimum allowed width. See *Sec. 610.A.5. Driveway Design*.

6. Relief

Modifications to parking between building and street standards may be requested as a variance in accordance with *Sec. 1160.E. Variance*.

Sec. 490. Landscaping

490.A. Frontage Planting Area

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

1. Intent

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

2. Applicability

a. Frontage planting area standards apply to frontage yards. See Sec. 1200.O.1. *Frontage Yard*.

b. Where there is less than 3 feet between the building and the frontage lot line, planting area standards are not applicable.

3. Standards

a. Each Frontage yard must provide a cumulative area of no less than the planting area required by the applied *Subpart 4B. Frontage Modules*.

b. All required planting areas must meet *Sec. 620.F.3.c. Planting Areas*.

4. Measurement

a. Frontage planting area is measured as a percentage calculated as the cumulative planting area located in a frontage yard divided by the total frontage yard area.

b. For frontage yard designation see *Sec. 1200.O.1. Frontage Yard*.

5. Relief

a. A reduction in required planting area may be requested as a variance in accordance with *Sec. 1160.E. Variance*.

490.B. Frontage Yard Fence and Wall

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

1. Intent

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

2. Applicability

All fences, walls or hedges located in a frontage yard. For retaining walls see *Sec. 620.G. Retaining Walls*.

3. Standards

a. General

1. Allowed *Frontage Yard Fence and Wall Types (Sec. 490.B.3.b.)* are hierarchical. Where a frontage yard fence and wall type with a higher number designator is allowed by the applied *Subpart 4B. Frontage Modules*, all frontage yard fence and wall types having a lower number designator are also allowed. For example, if a Type A2 is allowed a Type A1 is also allowed.

2. A frontage yard fence and wall type with a greater number designator than the allowed frontage yard fence and wall type must not be located in the frontage yard. For example, if an A3 is allowed, an A4 is not allowed.

3. Where a required *Sec. 620.C. Frontage Screens* includes a wall or fence, the required fence or wall located in the frontage yard must comply with the allowed frontage yard fence and wall standards specified by the applied *Subpart 4B. Frontage Modules*.

4. All fences and walls including their sub-grade elements, such as footings or foundation, must be located on-site and offset 3 feet from any street lot line for utility access.

5. All fences and walls provided must include the necessary gates or openings, that meet minimum ADA pathway widths, to comply with the applicable pedestrian access package standards in *Sec. 610.B.3.b Site Access Packages*.

6. All fences and walls provided must comply with *Sec. 620.E.3.c. Design and Installation*.

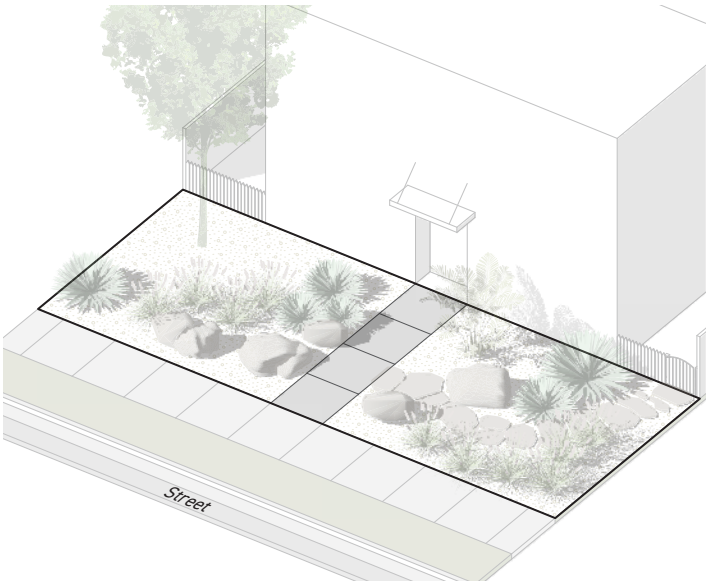
7. All hedges provided must comply with *Sec. 620.F. Planting Standards*.

b. Frontage Yard Fence and Wall Types

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

1. Type A1

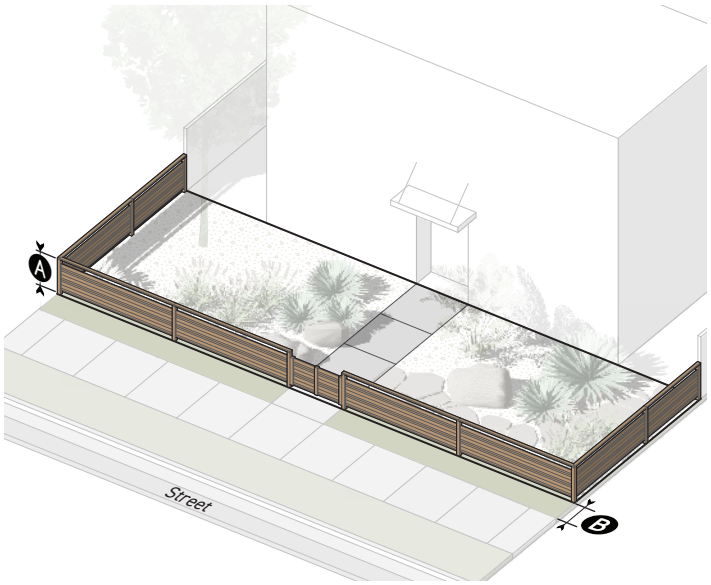
Intended for frontage yards where buildings should engage directly with the public realm to provide visual interest and activation, especially where ground story uses are commercial or non-fenced frontage yards are predominant.



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

2. Type A2

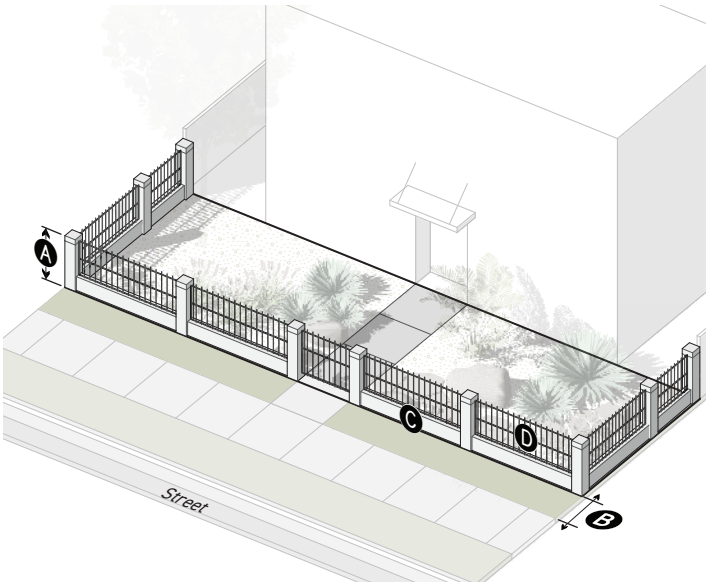
Intended for frontage yards where the need for visual interest and activation along the public realm must be balanced with the need for separation between private ground story uses and the public realm.



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

3. Type A3

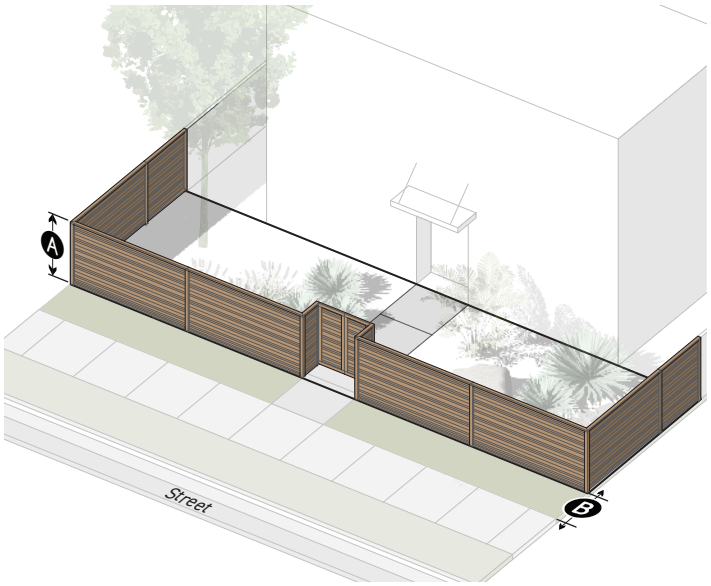
Intended for frontage yards where the need for visual interest and activation along the public realm must be balanced with the need for security between private ground story uses and the public realm.



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

4. Type A4

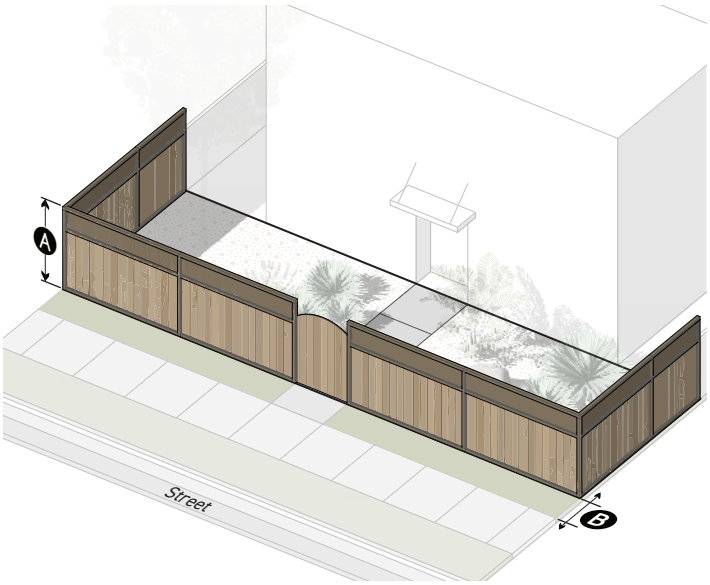
Intended for frontage yards in areas with high pedestrian and automobile traffic, where visual interest and activation along the public realm is less critical than the need to mitigate impacts from the public realm on private ground story uses.



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

5. Type A5

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



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

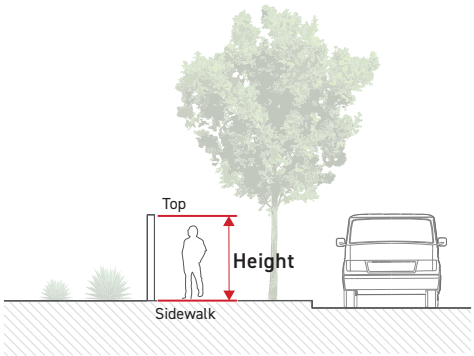
4. Measurement

a. Frontage Yard

For frontage yard designation see *Sec. 1200.O.1. Frontage Yard*.

b. Fence and Wall Height

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



2. Where no sidewalk exists within 5 feet of a wall or fence, height is measured vertically from the topmost point of the wall or fence to the finished grade at the base of the wall or fence on the side that faces outward from the lot.

3. For the measurement of retaining walls see *Sec. 620.G. Retaining Walls*.

c. Hedge Height

Hedge height is measured according to *Sec. 620.F.4.k. (Height at Maturity)*.

d. Opacity

For measurement of opacity, see *Sec. 1200.J. Opacity*.

e. Exceptions

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

1. The cumulative length of fence or wall that includes encroaching elements is no more than 10% of the total fence length located in the frontage yard.

2. An individual encroaching element must not be wider than 6 feet, measured along the length of the fence or wall.

3. One encroaching element for each 40 feet of fence length may exceed the maximum fence and wall height by up to 40 inches. All other encroaching elements must only exceed the maximum fence and wall height up to 18 inches.

f. Relief

A deviation from any allowed frontage yard fence and wall type standard may be requested as a variance in accordance with *Sec. 1160.E. Variance*.

Sec. 4100. Transparency

4100.A. Transparent Area

The amount of transparent area on a building facade.

1. Intent

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

2. Applicability

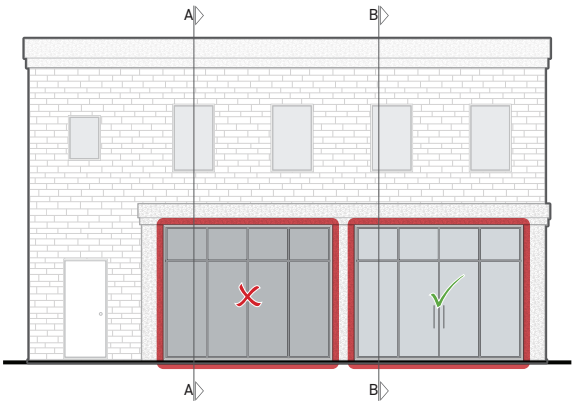
Transparency standards apply to all portions of a building used to meet build-to requirements. See *Sec. 470. Build-To*.

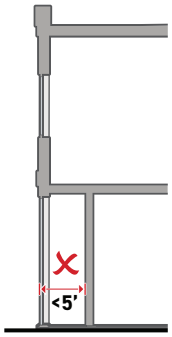
3. Standards

a. Each applicable facade must provide no less than the minimum transparency specified by the applied *Subpart 4B. Frontage Modules*.

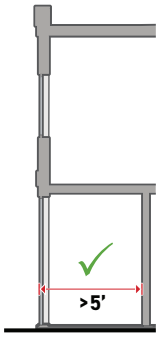
b. Window and door openings that meeting the following requirements count toward transparent area:

1. Walls, shelving, facade screens, or other interior or exterior visual obstructions must not be located within 5 feet of any ground story transparent area. Exterior visual obstructions must not be located within 5 feet of any upper story transparent area. Distance from transparent area is measured perpendicular to the exterior face of the transparent area. Visual obstructions may be located 5 feet or greater from facade area counting toward transparent area, with the exception of those visual obstructions allowed in *Sec 4100.A.3.b.2*.





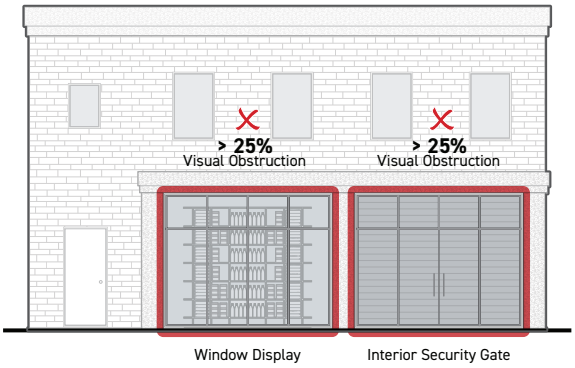
Section A

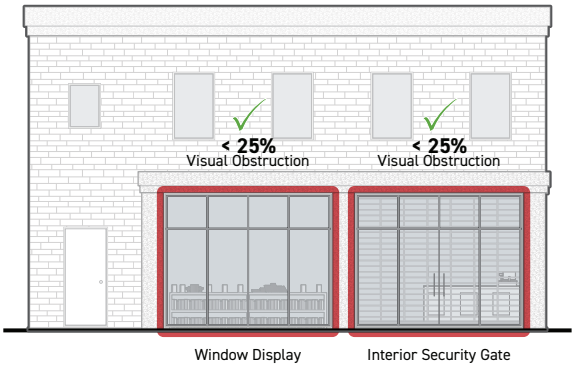


Section B

2. The following visual obstructions may be located less than 5 feet from facade area counting toward transparent area:

   i. Windows obscured by interior security gates and window displays may count toward transparent area, provided no more than 25% of the transparent area of any individual window is visually obstructed for any individual window counting toward transparent area. For measuring visual obstruction, see *Sec. 1200.J. Opacity*.





   ii. Windows obscured by fixed exterior facade screens may count toward transparent area, provided no more than 25% of the total transparent area is visually obstructed for any individual window opening counting toward transparent area. Percentage of visual obstruction is measured as *Sec. 1200.J. Opacity*.

   iii. Transparent area covered by window signs may count toward transparent area provided the window signs are permitted in *Part 6. Site.*

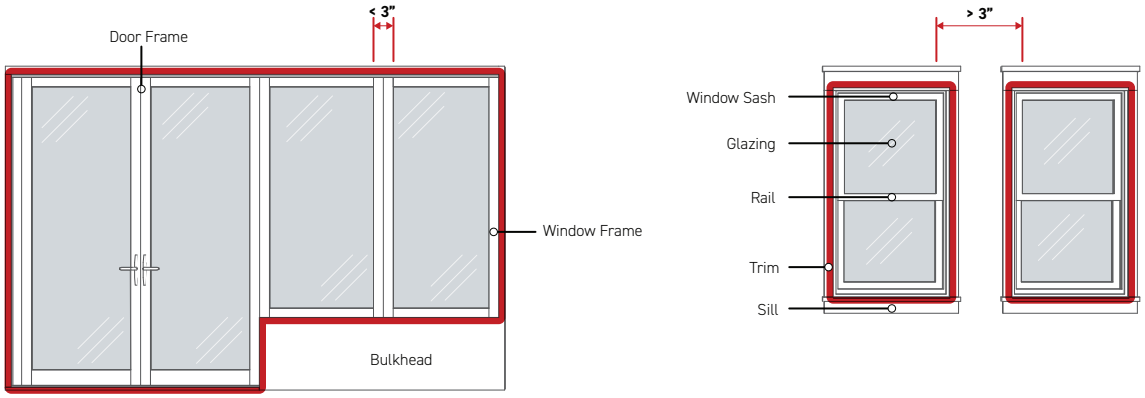
   iv. Areas of transparency may be made temporarily opaque by operable window treatments, such as curtains or blinds, located within the conditioned space.

3. To be considered transparent, window and door glazing must meet the following requirements based on the manufacturer's specifications:

TRANSPARENT AREA STANDARDS

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

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



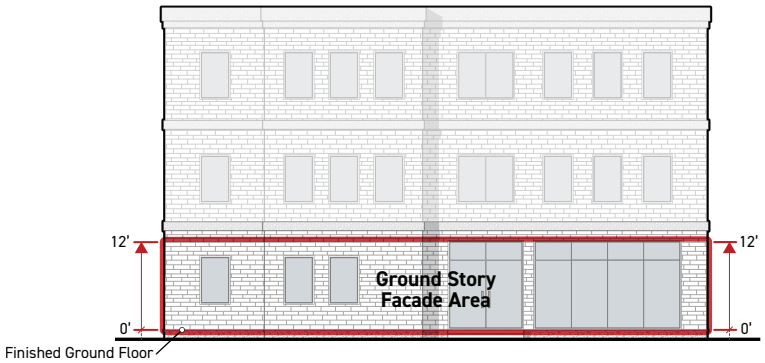
4. Measurement

a. Ground Story

1. Ground story transparency is measured as a percentage, calculated as the sum of all ground story facade area meeting the standards for transparent area divided by the total ground story facade area.

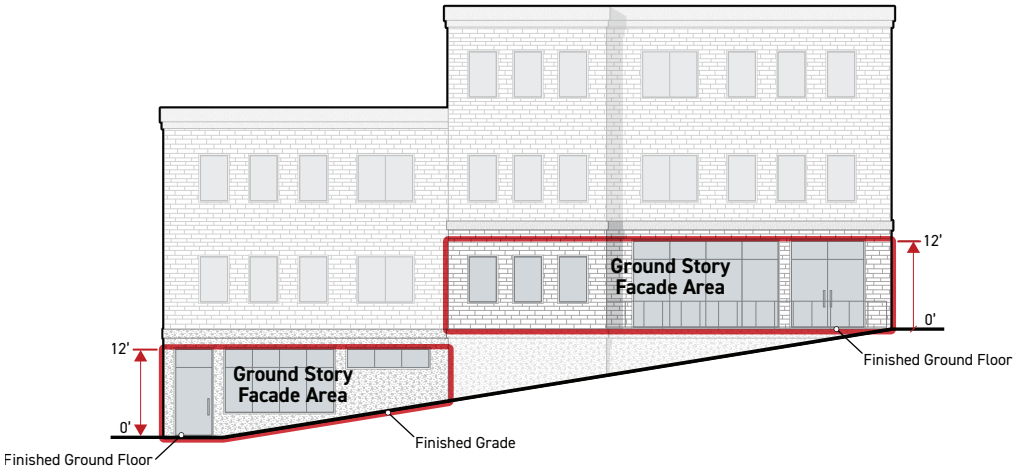
2. For the purpose of calculating ground story transparency, ground story facade area is measured in the following ways:

   i. Ground story facade area is measured as the above-grade facade area between 0 and 12 feet above the top of the finished floor of the ground story.



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

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

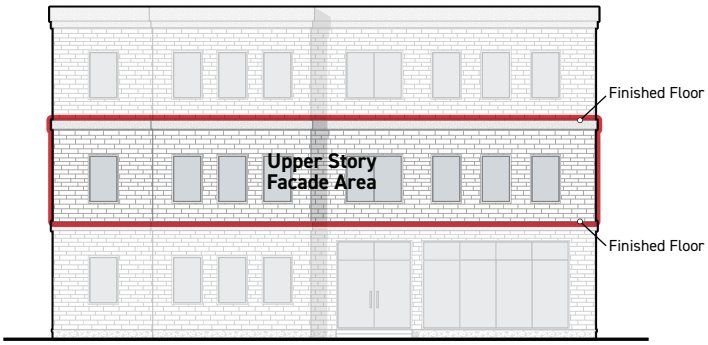


b. Upper Stories

1. Each upper story facade must meet the required transparency standard independently. All facade area associated with an upper story having the same story designation (for example: 4th story) is considered part of the same upper story facade.

2. Upper story transparency is measured as a percentage, calculated as the sum of all facade area meeting the standards for transparency divided by the total applicable facade area for each story.

3. For the purpose of calculating upper story transparency, upper story facade area is measured as the portion of a facade area between the top of the finished floor for that story to the top of the finished floor above, regardless of story height. When there is no story above, it is measured to the top of the uppermost surface of the ceiling structure above.



5. Relief

A deviation from required transparency standards may be requested as a variance in accordance with *Sec. 1160.E. Variance*.

4100.B. Active Wall Spacing

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

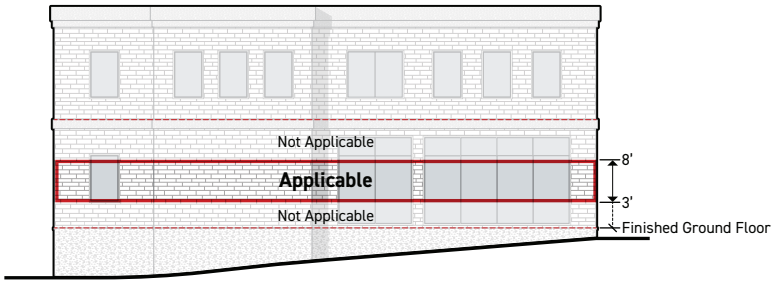
1. Intent

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

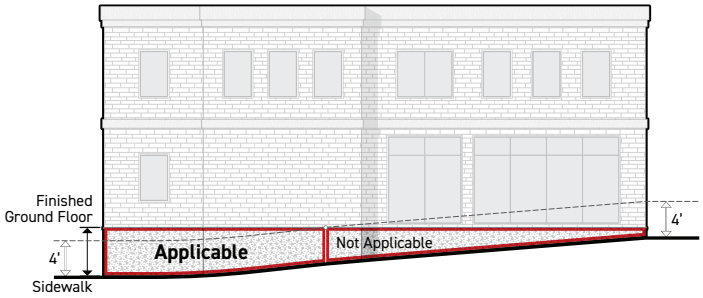
2. Applicability

Active wall spacing standards apply to the following facades:

a. All portions of ground story *Frontage Applicable Facades (Sec. 410.B.3.b.)* located between 3 feet and 8 feet from the ground floor elevation measured vertically.



b. All portions of foundation walls on *Frontage Applicable Facades (Sec. 410.B.3.b.)* that are exposed 4 feet in height or greater above sidewalk grade are applicable. If foundation walls are set back more than 10 feet from a sidewalk, exposed height is measured from the lowest elevation of finished grade within 5 feet, measured from and perpendicular to the foundation wall.



c. Active wall spacing standards do not apply to upper story facades.

3. Standards

a. Active Wall Spacing on Ground Story Facade

Window and door openings meeting *Sec. 4100.A. Transparent Area* on ground story facades must be separated by a distance no greater than the maximum active wall spacing. For exceptions to this standard, see *Sec. 4100.B.5. Exceptions*.

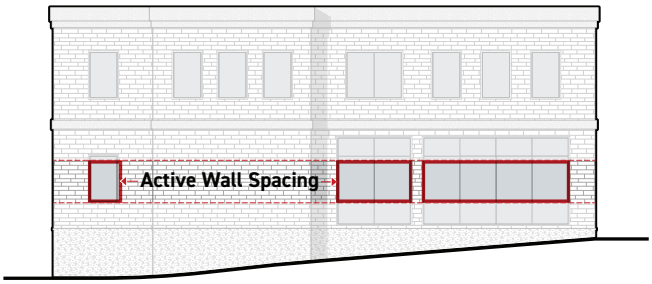
b. Active Wall Spacing on Foundation Wall

Applicable portions of foundation walls must be no wider than the maximum active wall spacing. For exceptions to this standard, see *Sec. 4100.B.5. Exceptions*.

4. Measurement

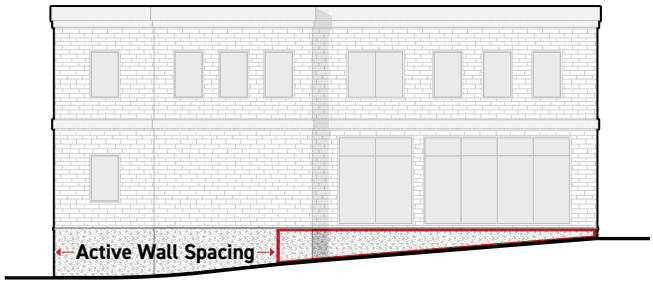
a. Active Wall Spacing on Ground Story Facade

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



b. Active Wall Spacing on Foundation Wall

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



5. Exceptions

a. General

1. Ground story facades that exceed the maximum allowed active wall spacing may apply one or more ground story inactive wall treatment options to the applicable facade area between door or window openings and increase the active wall spacing by 50%. See *Sec. 4100.B.6.b. Ground Story Inactive Wall Treatment Options*.

2. Facades designed with foundation walls that exceed the maximum allowed active wall spacing may apply one or more inactive foundation wall treatments to the facade area between active foundation walls and double the allowed active wall spacing. See *Sec.* 4100.B.6.c. *Foundation Inactive Wall Treatment Options*.

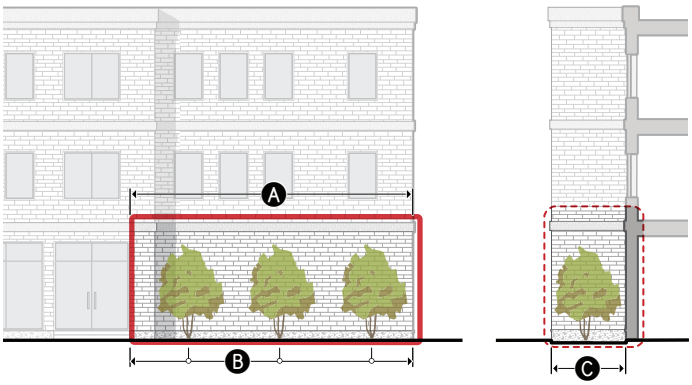
3. All required plants must meet the requirements in the following tables and also comply with *Sec. 620.F. Planting Standards*.

b. Ground Story Inactive Wall Treatment Options

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

1. Small Trees

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

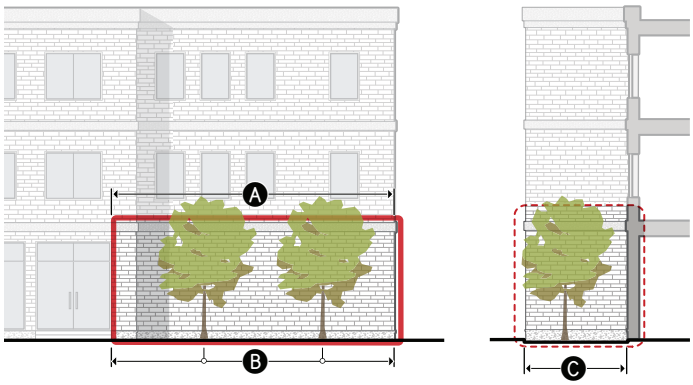


DIMENSIONAL STANDARDS	
A **Treatment width** (min portion of inactive wall)	100%
Tree type	Small species
B **Planting frequency** (min avg.)	5 per 100'
C **Planting area depth** (min)	7'

See *Sec. 620.F. Planting Standards* for additional standards

2. Large Trees

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



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

See *Sec. 620.F. Planting Standards* for additional standards

3. Living Wall

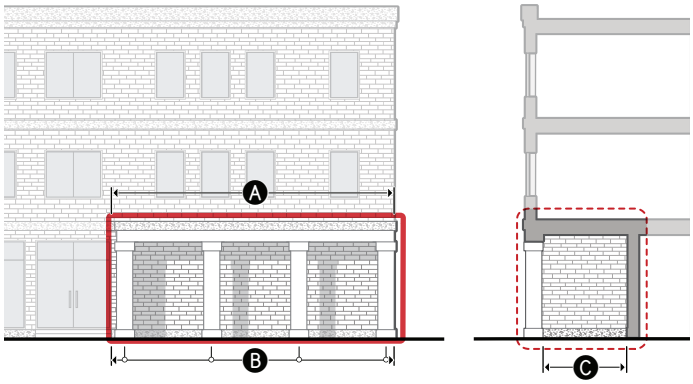
A permanently fixed assembly located between a ground story facade with no window or door openings and the public realm that supports plants, their growing medium, and irrigation.

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

See *Sec. 620.F. Planting Standards* for additional standards

4. Colonnade

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



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

5. Mural

An original artwork mural located between a ground story facade with no window or door openings and the public realm.

DIMENSIONAL STANDARDS	
A **Treatment area** (min % of ground story facade with inactive walls)	75%

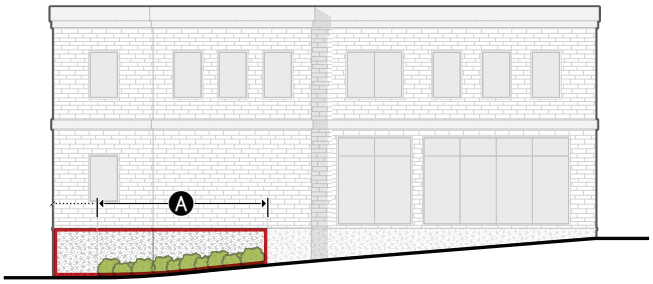
Murals are not allowed on primary street facades, and must be approved by the Cultural Arts Commission.

C. Foundation Inactive Wall Treatment Options

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

1. Foundation Planting

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

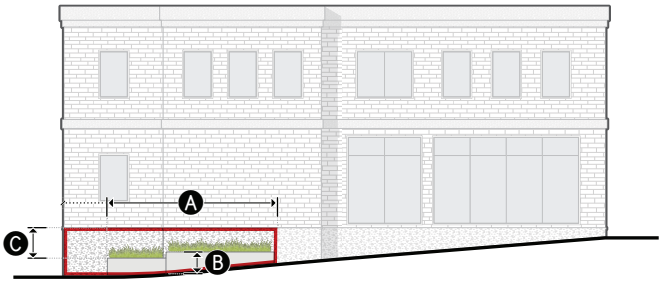


DIMENSIONAL STANDARDS	
A **Treatment width** (min portion of inactive wall)	75%
Plant type	Screening Plant
Planting frequency (min avg.)	3 per 10'
Planting area depth (min)	3'

See *Sec. 620.F. Planting Standards* for additional standards.

2. Planter

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

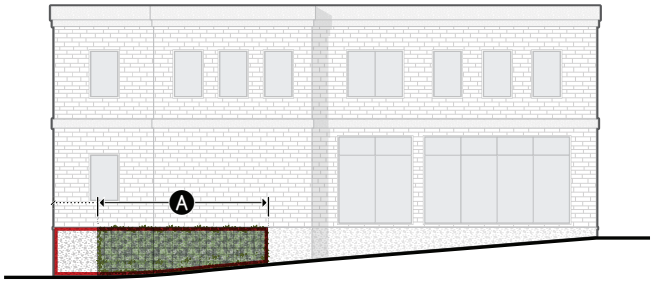


DIMENSIONAL STANDARDS	
A **Treatment width** (min)	75%
Plant coverage (min)	75%
Planting area depth (min)	2.5'
B **Height above sidewalk** (max)	4'
C **Foundation wall reveal** (max)	2'

See *Sec. 620.F. Planting Standards* for additional standards.

3. Green Wall

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

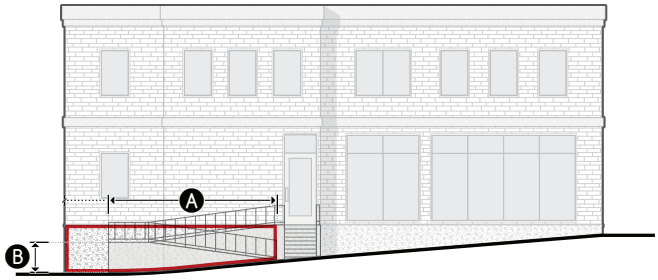


DIMENSIONAL STANDARDS	
A **Treatment area** (min)	75%
Planting area depth (min)	1.5'

See *Sec. 620.F. Planting Standards* for additional standards

4. Pedestrian Access

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

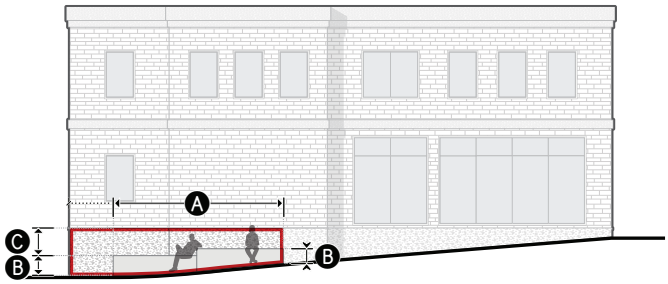


DIMENSIONAL STANDARDS	
A **Treatment width** (min)	75%
B **Height above sidewalk** (max)	4'

See *Sec. 610.B. Pedestrian Access* for additional standards

5. Seating

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



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

d. Inactive Wall Treatment Measurement

1. Treatment Width

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

2. Treatment Area

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

3. Tree Type

Tree type is measured as small species or large species according to *Sec. 620.F.3.d.1. Trees*.

4. Plant Type

Plant type is measured as screening plants, groundcover, and turf plants, hedges, living walls, or climbing plants according to *Sec. 620.F. Planting Standards*.

5. Plant Frequency

Planting frequency is measured as a ratio of the minimum number of plants required over a specified width of active wall spacing. A minimum of one plant of the required plant type must be provided regardless of the width of inactive wall treatment. For measuring frequency, see *Sec. 1200.E. Frequency*.

6. Column Frequency

Minimum column frequency is measured as a ratio of the minimum number of columns required over a specified width of treated inactive wall treatment. A minimum of two columns must be provided regardless of the inactive wall treatment width. For measuring frequency, see *Sec. 1200.E. Frequency*.

7. Planting Area Depth

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

8. Clear Depth

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

9. Height Above Sidewalk

i. Height above sidewalk is measured vertically from adjacent sidewalk grade to the topmost point of the inactive wall treatment.

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

10. Foundation Wall Reveal

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

11. Seat Depth

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

12. Enclosure

Maximum enclosure is measured according to *Sec. 1200.B. Enclosure*.

6. Relief

a. An increase in allowed active wall spacing and inactive wall treatment standards may be requested as a variance in accordance with *Sec. 1160.E. Variance*.

Sec. 4110. Entrances

4110.A. Street-Facing Entrance

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

1. Intent

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

2. Applicability

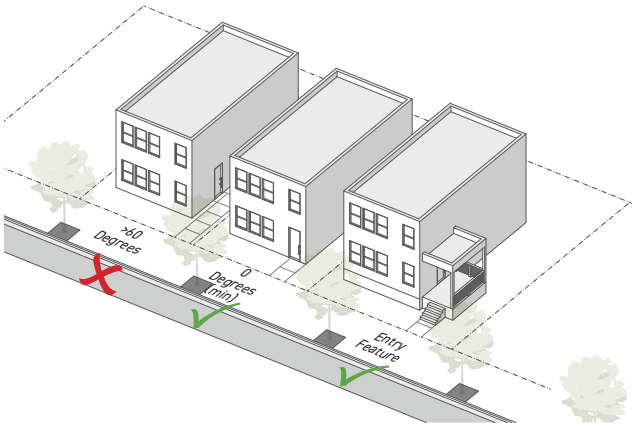
Street-facing entrance standards apply to all portions of buildings and structures where frontage standards apply. See *Sec. 410.B.3.b. Frontage Applicable Facades*.

3. Standards

a. General

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

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



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

b. Entrance Spacing

The distance between street-facing entrances meeting the standards of Sec. 4110.A.3.a *General*.

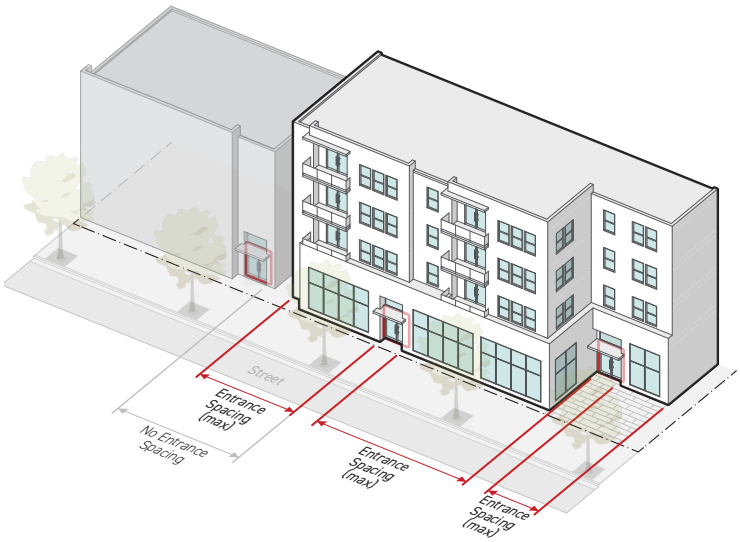
1. Measurement

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

2. Standards

i. Street-facing entrances must not be separated by a distance greater than the maximum allowed entrance spacing.

ii. The maximum entrance spacing requirements must be met for each building individually, but are not applicable to adjacent or abutting buildings.



4. Measurement

Street-facing entrance is measured as provided or not provided based on the presence of entrances meeting the standards of *Sec. 4110.A.3.a. General*.

5. Relief

a. Deviation from street-facing entrance and entrance spacing standards may be requested as a variance in accordance with *Sec. 1160.E. Variance*.

4110.B. Entry Feature

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

1. Intent

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

2. Applicability

Entry feature standards apply to all required street-facing entrances where entry features are required by the applied *Subpart 4B. Frontage Modules*.

3. Standards

a. General

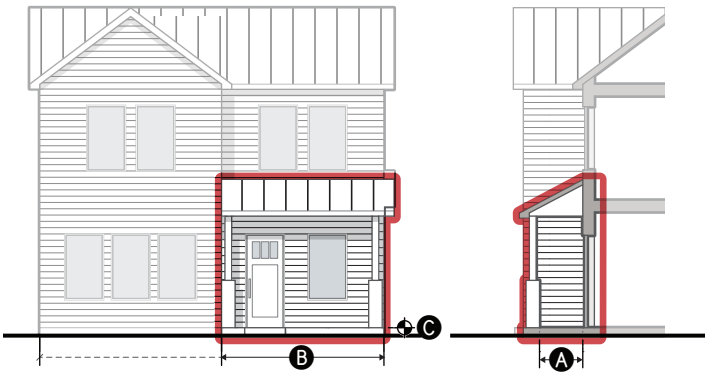
1. Each required street-facing entrance must include an entry feature meeting the standards for one of the allowed entry features options specified by the applied *Subpart 4B. Frontage Modules*.
2. Required entry features must abut and provide direct access to a street-facing entrance.
3. Required entry features must provide direct access from the public realm associated with the street lot line.
4. Required entry features must not encroach within the public right-of-way.

b. Entry Feature Options

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

1. Porch

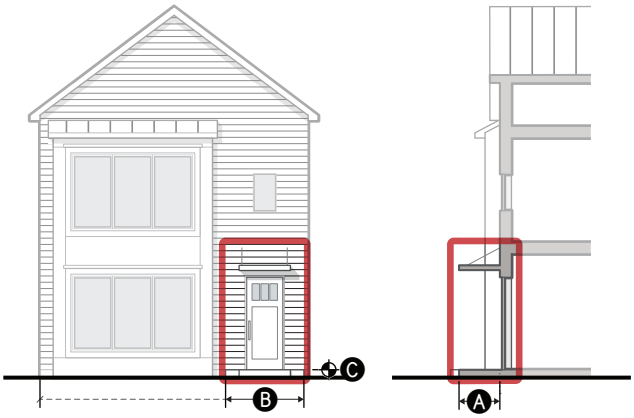
A wide, at-grade or raised platform, projecting in front of a street-facing entrance, that is entirely covered but not enclosed.



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

2. Stoop

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



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

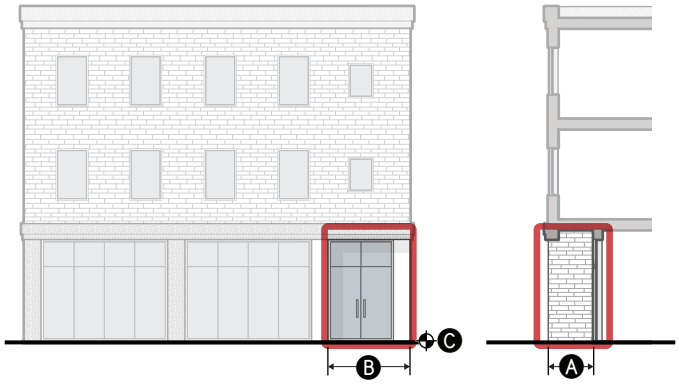
3. Forecourt

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

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

4. Recessed Entry

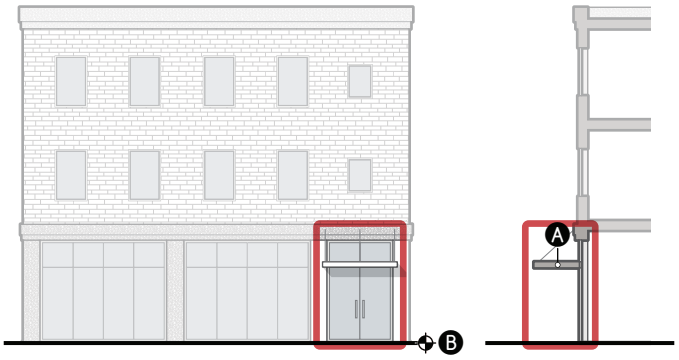
A space set behind the building face plane providing sheltered access to a street-facing entrance.



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

5. Covered Entry

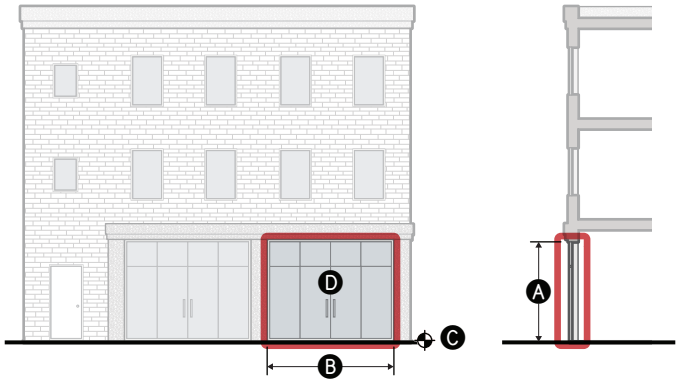
A space that provides sheltered access to an at-grade street-facing entrance with an overhead projecting structure.



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

6. Storefront Bay

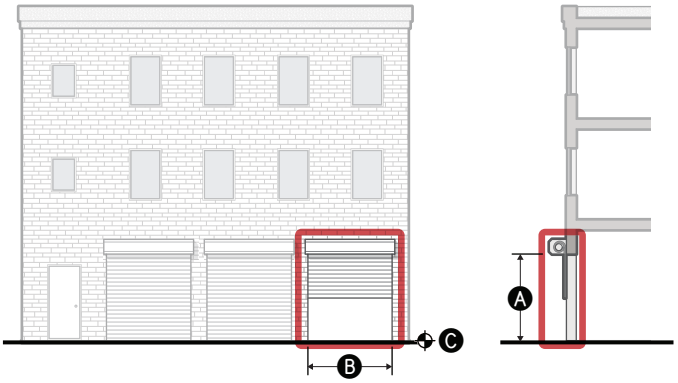
A facade area with a high level of contiguous transparency accentuating an at-grade street-facing entrance.



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

7. Market Stall

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



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

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

4. Measurement

a. General

1. Entry feature is measured as provided or not provided for each required street-facing entrance based on whether the design of a street-facing entrance meets the standards of an allowed entry feature specified by the applied *Subpart 4B. Frontage Modules*.

2. For the purpose of complying with entry feature standards, outdoor spaces like landings and yards required by an entry feature count as occupiable space.

b. Depth

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

c. Width

1. When specified in feet, width is measured as the width the facade area meeting the applicable entry feature standards or the clear width of the occupiable exterior area immediately abutting the associated street-facing entrance, whichever is narrowest, as measured parallel to the applicable street lot line.

2. When specified as a percentage, width is measured as the total width of the entry feature divided by the total width of the building that the entry provides access to, measured parallel to the applicable street lot line. For measuring building width, see *Sec. 390.B.4. Measurement*.

3. Where a minimum width and height are specified, the entry feature standards must be met for a rectangular portion of a facade having a width no less than the minimum width and a height no less than the minimum height.

4. Where a minimum width and depth are specified, the entry feature standards must be met for a rectangular area of occupiable space having a width no less than the minimum width and a depth no less than the minimum depth.

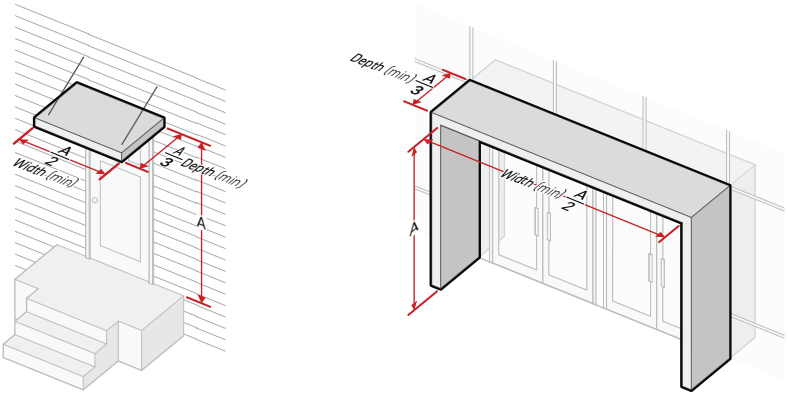
d. Height

1. Height is measured vertically from the finished floor elevation or the finished grade to the top of the facade area meeting the applicable entry feature standards or the clear height of the occupiable exterior area immediately abutting the associated street-facing entrance, whichever is shortest.

2. Where a minimum width and height are specified, the entry feature standards must be met for a rectangular portion of a facade having a width no less than the minimum width and a height no less than the minimum height.

e. Covered Entrance

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



A = Clear Height

f. Covered Area

Covered area is measured as the occupiable area of an entry feature that is covered by a canopy, roof or other sheltering structure, divided by the total occupiable entry feature area. For the measurement of covered area, see *Sec. 1200.B. Enclosure*.

g. Finished Floor Elevation

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

h. Transparency

Transparency is measured as a percentage calculated as ground story transparency only for the portion of ground story facade area abutting the entry feature. For the measurement of ground story transparency, see *Sec.* 4100.A.4.a. *Ground Story*.

i. Fence or Wall Height

Fence or wall height is measured according to Sec. 490.B.4.b. *Fence and Wall Height*.

5. Relief

a. Deviation from any entry feature standard may be requested as a variance in accordance with *Sec. 1160.E. Variance*.

Sec. 4120. Ground Story

4120.A. Ground Story Height

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

1. Intent

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

2. Applicability

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

3. Standards

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

4. Measurement

a. Ground story height is measured vertically from the top of the finished ground story to the top of the finished floor above.

b. Where no story exists above, ground story height is the shortest vertical distance from the top of the ground floor elevation to the top of the ceiling or roof structure above.

c. For determining the ground story, see *Sec. 390.A.4.b. Height in Stories*.

5. Relief

Deviation from ground story height standards may be requested as a variance in accordance with *Sec. 1160.E. Variance*.

4120.B. Ground Story Elevation

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

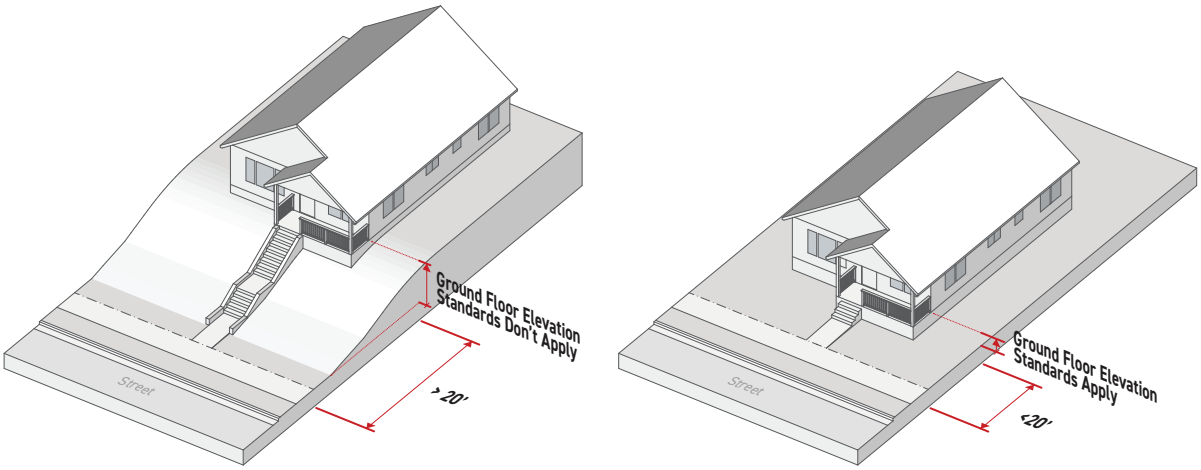
1. Intent

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

2. Applicability

a. For structures located less than 20 feet from the street lot line, all portions of the ground story located within the first 15 feet of a *Frontage Applicable Facades (Sec. 410.B.3.b.)*, measured inward and perpendicular to the street lot line, must comply with ground floor elevation standards.

b. Ground floor elevation standards do not apply to structures located 20 feet or greater from the street lot line.



3. Standards

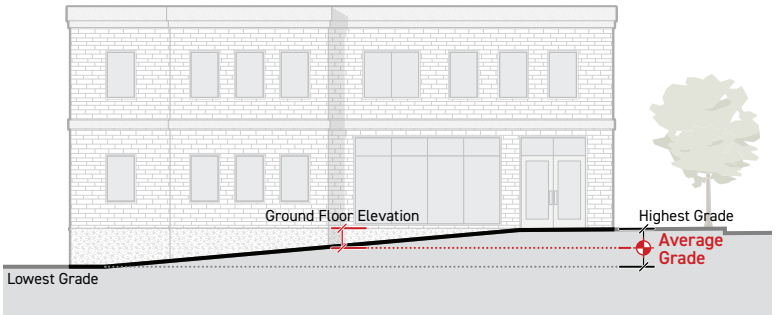
a. All occupiable space located in applicable portions of the ground story must have a ground floor elevation no higher than the maximum ground floor elevation specified by the applied *Subpart 4B. Frontage Modules*.

b. All occupiable space located in applicable portions of the ground story must have a ground floor elevation no lower than the minimum ground floor elevation specified by the applied *Subpart 4B. Frontage Modules*.

4. Measurement

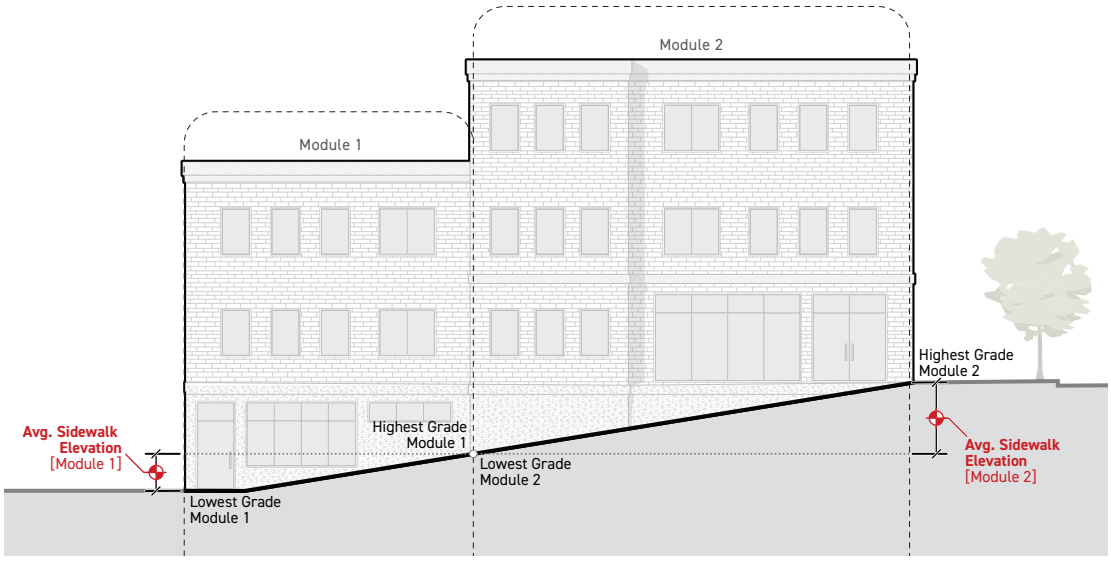
a. Where a building is located greater than 10 feet from a public sidewalk, ground story height is measured vertically from the average finished grade within 5 feet of the street lot line-facing building perimeter to the finished floor elevation of the ground story.

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



c. Ground floor elevation may be measured independently for different modules of the building width. The ground floor elevation for each module must be measured from either average sidewalk grade for the portion of the sidewalk in front of the module or from average finished grade within 5 feet of the street lot line-facing building perimeter based on the distance of the building module from a public sidewalk.

1. For sloped lots, average elevation along the sidewalk may be measured individually for each module and calculated as the average of the highest and lowest sidewalk elevation for the portion of the sidewalk located in front of the building module.



5. Relief

Deviation from ground floor elevation standards may be requested as a variance in accordance with *Sec. 1160.E. Variance*.

PART 5.

USE

Subpart 5A. Use Introduction **5-3**
Sec. 500. General Provisions 5-4
Subpart 5B. Use Modules **5-7**
Sec. 510. Use Modules 5-8
Sec. 520. Allowed Uses 5-11
Subpart 5C. Use Rules **5-19**
Sec. 530. Use Definitions 5-20
Sec. 540. Use Standards 5-50
Sec. 550. Accessory Uses and Structures 5-77
Sec. 560. Temporary Uses and Structures 5-88

SUBPART 5A.

USE INTRODUCTION

Sec. 500. General Provisions.....5-4
500.A. Use Intent 5-4
500.B. Use Applicability 5-4
500.C. Relationship to Form, Frontage, and Site 5-5

Sec. 500. General Provisions

500.A. Use Intent

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

500.B. Use Applicability

1. General

a. Most lots, operations, and facilities will contain more than 1 use. Any combination of uses permitted by the Use Module will be allowed unless specified within the use standards of an eligible *Subpart 7B. Alternate Typologies*.

b. All projects filed after the effective date of this Zoning and Development Code must comply with the Use Module standards and all other provisions in Part 5, as further specified below.

2. Project Activities

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

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

● = Standards apply ○ = Standards are not applicable

b. Project activities are defined in *Sec. 1200.K. Project Activities*.

c. Where a category of the use rules are listed as generally applicable in the table above, the project activity must meet all applicable use standards within that section. This general applicability may be further specified for each standard in the applicability provisions in *Subpart 5C. Use Rules*. Project applicability may also be modified by *Sec. 11100. Nonconformities*. Where a category of use rules is listed as not applicable in the table above, no standards from that use rule category apply to the project activity.

3. Applicable Components of Lots, Buildings, and Structures

a. Use regulations apply to all portions of a lot.

b. Use regulations apply to all portions of buildings and structures on a lot.

c. Specific use regulations may further limit which components of buildings and lots are required to comply with *Subpart 5C. Use Rules*.

4. Nonconformity

Sec. 11100. Nonconformities provides exceptions from the requirements of Part 5 for existing lots, site improvements, buildings, structures, and uses that conformed to the zoning regulations, if any, at the time they were established, but do not conform to current Use Module standards or use permissions. For lots with uses nonconforming as to the provisions of *Sec. 520. Allowed Uses*, *Sec. 530. Use Definitions*, or *Sec. 540. Use Standards* specified by the applied *Subpart 5B. Use Modules*, a project activity must not decrease the conformance with any regulations specified in *Part 5. Use*, unless otherwise specified by *Sec. 11100.D. Nonconforming Uses*. Consider the following examples:

a. An addition to an existing counter service business: Where the current total floor area of the use exceeds the maximum allowed commercial tenant size of the applied Use Module, the addition is not allowed; however, the existing nonconforming tenant area is allowed to be continued.

b. Demolition of a brewery facility where an accessory restaurant use remains: Where the restaurant is allowed only accessory to food and beverage manufacturing, this major demolition is not allowed unless the restaurant use is discontinued.

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

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

SUBPART 5B.

USE MODULES

Sec. 510. Use Modules **5-8**
510.A. Residential 1 (R1) 5-8
510.B. Residential-Mixed 1 (RX1) 5-8
510.C. Commercial-Mixed 1 (CX1) 5-8
510.D. Commercial-Mixed 2 (CX2) 5-8
510.E. Commercial-Mixed 3 (CX3) 5-8
510.F. Commercial-Mixed 4 (CX4) 5-9
510.G. Commercial-Mixed 5 (CX5) 5-9
510.H. Industrial-Mixed 1 (IX1) 5-9
510.I. Industrial 1 (I1) 5-9
510.J. Industrial 2 (I2) 5-9
510.K. Industrial 3 (I3) 5-10
510.L. Public 1 (P1) 5-10
510.M. Public 2 (P2) 5-10
510.N. Open Space 1 (OS1) 5-10
510.O. Open Space 2 (OS2) 5-10
Sec. 520. Allowed Uses **5-11**
520.A. Classification of Uses 5-11
520.B. Use Table Key 5-11
520.C. Allowed Use Table 5-13

Sec. 510. Use Modules

510.A. Residential 1 (R1)

Intent

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

510.B. Residential-Mixed 1 (RX1)

Intent

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

510.C. Commercial-Mixed 1 (CX1)

Intent

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

510.D. Commercial-Mixed 2 (CX2)

Intent

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

510.E. Commercial-Mixed 3 (CX3)

Intent

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

510.F. Commercial-Mixed 4 (CX4)

Intent

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

510.G. Commercial-Mixed 5 (CX5)

Intent

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

510.H. Industrial-Mixed 1 (IX1)

Intent

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

510.I. Industrial 1 (I1)

Intent

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

510.J. Industrial 2 (I2)

Intent

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

510.K. Industrial 3 (I3)

Intent

The I3 Use Module allows heavy commercial, light industrial, and limited logistics and distribution uses, as well as a limited amount of general commercial activity. No residential uses are permitted within the I3 Use Module. The Use Module is intended to support employment and goods movement and accommodate the most intense industrial activities while minimizing potential disruptions to surrounding uses, and to facilitate the efficient management of municipal resources.

510.L. Public 1 (P1)

Intent

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

510.M. Public 2 (P2)

Intent

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

510.N. Open Space 1 (OS1)

Intent

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

510.O. Open Space 2 (OS2)

Intent

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

Sec. 520. **Allowed Uses**

520.A. **Classification of Uses**

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

1. Primary Uses

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

2. Accessory Uses and Structures

Accessory uses and structures are those uses incidental to a permitted primary use on a site. See *Sec. 550. Accessory Uses and Structures.*

3. Temporary Uses and Structures

Temporary uses and structures are characterized by their short-term or seasonal nature, and do not involved permanent improvements made to a site. See *Sec. 560. Temporary Uses and Structures.*

520.B. **Use Table Key**

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

1. Permitted Uses (P)

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

2. Conditional Uses (C)

The letter "C" indicates that a use requires approval by the Planning Commission with input from members of the public. See *Sec. 1160.D. Conditional Use Permit*.

3. Uses Not Permitted (-)

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

4. Use Standard Applies (*)

The asterisk (*) symbol indicates that specific standards apply to a given use. These standards are important for ensuring that a use exists and operates in a manner that is consistent with the intent of the Use Module, and are found in *Sec. 540. Use Standards*.

5. Fairplex Overlay District (FD)

The letters "FD" indicates that a use is regulated by the Fairplex Overlay District. Not all uses with this designation are permitted. See *Sec. 820.A.3.b. Fairplex Overlay District.*

6. Wireless Communication Facility Permit (W)

The letter "W" in indicates that a use requires a wireless communication facility permit. See *Sec. 1160.G. Wireless Telecommunications Facility Permit.*

7. Cannabis Overlay District (CD)

The letters "CD" indicates that a use is regulated by a Cannabis Overlay District. See *-C: Commercial Cannabis Permit Program Overlay District.*

520.C. **Allowed Use Table**

Use	Use Module															Reference
	R1	RX1	CX1	CX2	CX3	CX4	CX5	IX1	I1	I2	I3	P1	P2	OS1	OS2	
RESIDENTIAL																
Household Living:																
Dwelling Unit	P	P	P	P	P	P	P*	P	-	-	-	C	FD	-	-	*Sec. 540.A.1.a.*
Manufactured Housing Park	P*	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	*Sec. 540.A.1.b.*
Live/Work Unit	-	P*	P*	P*	P*	P*	P*	P*	-	-	-	C*	FD	-	-	*Sec. 540.A.1.c.*
Family Day Care, Small	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	P*	FD	-	-	*Sec. 540.A.1.d.*
Family Day Care, Large	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	P*	FD	-	-	*Sec. 540.A.1.d.*
Low-Barrier Navigation Center	P	P	P	P	P	P	P	P	-	-	-	P	FD	-	-	
Community Care Center	P	P	P	P	P	P	P	P	-	-	-	P	FD	-	-	
Transient Occupancy:																
Short-Term Rental	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	FD	-	-	*Sec. 540.A.2.a.*
Hotel/Motel	-	-	C	C	C	C	C	C	-	-	-	-	FD	-	-	
Boardinghouse/ Roominghouse	-	-	P	P	P	P	P	P	-	-	-	-	FD	-	-	
ASSEMBLY																
Civic and Institutional:																
Campus Format	C	C	C	C	C	C	C	-	-	-	-	-	FD	-	-	
Non-Campus Format, Small	P	P	P	P	P	P	P	-	-	-	-	-	FD	-	-	
Non-Campus Format, Large	C	C	C	C	C	C	C	-	-	-	-	-	FD	-	-	
Sports Arena and Stadium	-	-	-	-	C	C	C	C	-	-	-	C	FD	-	-	
Detention Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
OPEN SPACE AND RECREATION																
Nature Reserve	P	P	P	P	P	P	P	P	P	P	P	P	FD	P	P	
Open Space, Public	P	P	P	P	P	P	P	P	P	P	P	P	FD	P	P	
Recreation, Public:																
General	P	P	P	P	P	P	P	P	P	C	C	P	FD	P	C	
Golf Course	C	C	C	C	C	C	C	C	-	-	-	C	FD	C	-	
Indoor Recreation, Commercial:																
Small	-	-	P	P	P	P	P	P	P	P	P	-	FD	-	-	
Large	-	-	-	C	C	C	C	C	P	P	P	-	FD	-	-	
Outdoor Recreation, Commercial:																
General	C	C	C	C	C	C	C	C	-	-	-	-	FD	C	-	
Golf Course	C	C	C	C	C	C	C	C	-	-	-	-	FD	C	-	
Cemetery	C*	C*	-	-	-	-	-	-	-	-	-	-	FD	C*	C*	*Sec. 540.B.1.*
INFRASTRUCTURE																
General Public Utility Infrastructure	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	FD	C*	-	*Sec. 540.C.1.*
Flood Control Facility	P	P	P	P	P	P	P	P	P	P	P	P	FD	C	C	

KEY: P = Permitted; C = Conditional use permit; ; - = Not permitted; * = Use standard applies; FD = Fairplex Overlay District; W = Wireless facility permit; CD = Cannabis Overlay District

Use	Use Module															Reference
	R1	RX1	CX1	CX2	CX3	CX4	CX5	IX1	I1	I2	I3	P1	P2	OS1	OS2	
Public Utility Substation/ Facility	C	C	C	C	C	C	C	P	P	P	P	P	FD	C	C	
Wireless Telecommunications Facility:																
Stealth Facility	-	-	W*	W*	W*	W*	W*	W*	W*	W*	W*	W*	FD	W*	W*	Sec. 540.C.2.
Monopole Facility	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Data Center	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Freight Terminal	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Heliport	-	-	-	-	-	C	C	C	C	C	C	C	FD	-	-	
Railway Facility	-	-	C	C	C	C	C	C	C	P	P	C	FD	-	-	
Transit Station	C	C	C	P	P	P	P	P	P	C	C	P	FD	C	-	
GENERAL COMMERCIAL																
Veterinary Care	-	-	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	FD	-	-	Sec. 540.D.1.
Commissary Kitchen	-	-	-	-	-	C*	P*	P*	P*	P*	P*	-	FD	-	-	Sec. 540.D.1.
Food and Beverage:																
Alcohol, Off-Sale	-	-	C*	C*	C*	C*	C*	C*	C*	C*	C*	-	FD	-	-	Sec. 540.D.1. Sec. 540.D.2.a. Sec. 540.D.2.b.
Alcohol, On-Sale	-	-	C*	C*	C*	C*	C*	C*	C*	C*	C*	-	FD	-	-	Sec. 540.D.1. Sec. 540.D.2.a. Sec. 540.D.2.c.
Alcoholic Beverage Manufacturing	-	-	-	-	-	-	-	P*	P*	P*	P*	-	FD	-	-	Sec. 540.D.1.
Restaurant/Drinking Establishment	-	-	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	FD	P*	P*	Sec. 540.D.1.
Tasting Room	-	-	-	-	-	-	-	C*	C*	C*	C*	-	FD	-	-	Sec. 540.D.1.
Entertainment Venue:																
Indoor	-	-	-	-	C*	P*	P*	P*	C*	C*	-	P*	FD	P*	-	Sec. 540.D.1.
Outdoor	-	-	-	-	C*	C*	C*	P*	C*	C*	-	P*	FD	P*	-	Sec. 540.D.1.
Banking and Financial Services:																
Bank or Finance Institution	-	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	FD	-	-	Sec. 540.D.1.
Deferred Deposit Originator (Payday Lender) Office	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Plasma Center	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Medical Clinic	-	P*	P*	P*	P*	P*	P*	P*	-	-	-	P*	FD	-	-	Sec. 540.D.1.
General Office	-	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	FD	-	-	Sec. 540.D.1.
Personal Services:																
General	-	P*	P*	P*	P*	P*	P*	P*	-	-	-	P*	FD	-	-	Sec. 540.D.1.
Massage	-	-	P*	P*	P*	P*	P*	P*	-	-	-	-	FD	-	-	Sec. 540.D.3.a.
Fortuneteller	-	-	-	-	C*	C*	C*	C*	C*	-	-	-	FD	-	-	Sec. 540.D.1.
Mortuary Services	-	-	-	-	C*	C*	P*	P*	P*	P*	-	-	FD	-	-	Sec. 540.D.1.

KEY: P = Permitted; C = Conditional use permit; ; - = Not permitted; * = Use standard applies; FD = Fairplex Overlay District; W = Wireless facility permit; CD = Cannabis Overlay District

Use	Use Module															Reference
	R1	RX1	CX1	CX2	CX3	CX4	CX5	IX1	I1	I2	I3	P1	P2	OS1	OS2	
Retail:																
General	-	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	C*	FD	-	-	*Sec. 540.D.1.*
Swap Meet (Concession Mall)	-	-	-	-	-	P*	P*	-	P*	P*	P*	-	FD	-	-	*Sec. 540.D.1.*
Large Format Retail	-	-	-	-	-	P*	P*	P*	P*	P*	P*	-	FD	-	-	*Sec. 540.D.1.*
Outdoor sales	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Hookah Lounge	-	-	-	-	-	-	C*	C*	C*	-	-	-	FD	-	-	*Sec. 540.D.1.*
Smoke and Vape Shop	-	-	-	-	C*	C*	C*	C*	-	-	-	-	FD	-	-	*Sec. 540.D.1.*
Pawnshop	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Commercial Cannabis	-	-	CD*	-	-	CD*	-	CD*	-	-	CD*	-	FD	-	-	*Sec. 540.D.1.*
Adult-Oriented Business	-	-	-	-	-	-	-	-	C*	C*	-	-	FD	-	-	*Sec. 540.D.1.* *Sec. 540.D.4.*
Indoor Self-Service Facility	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Small-Scale Contractors Indoor Storage	-	-	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	FD	-	-	*Sec. 540.D.5.*
AUTO-ORIENTED COMMERCIAL																
Ghost Kitchen	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Motor Vehicle Services:																
General Service	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Automated Car Wash	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Hand Car Wash	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Fueling Station	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Electric Vehicle Charging Station (EVCS)	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	FD	P*	P*	*Sec. 540.E.1.*
Motor Vehicle Sales and Rental:																
Vehicle Rental	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Vehicle Sales	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Drive-Through Facility	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Tow Yard	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
PRODUCTION-ORIENTED INDUSTRIAL																
Production:																
General	-	-	-	-	-	-	-	C*	P*	P*	P*	-	FD	-	-	*Sec. 540.F.1.*
Assembly Line	-	-	-	-	-	-	-	C*	P*	P*	P*	-	FD	-	-	*Sec. 540.F.1.*
Animal Products Processing	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Artisanal Manufacturing	-	-	-	-	-	-	-	P*	P*	P*	P*	-	FD	-	-	*Sec. 540.F.1.*
Food and Beverage Manufacturing:																
Small	-	-	-	-	-	-	-	P*	P*	P*	P*	-	FD	-	-	*Sec. 540.F.1.*
Large	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	

KEY: P = Permitted; C = Conditional use permit; ; - = Not permitted; * = Use standard applies; FD = Fairplex Overlay District; W = Wireless facility permit; CD = Cannabis Overlay District

Use	Use Module															Reference
	R1	RX1	CX1	CX2	CX3	CX4	CX5	IX1	I1	I2	I3	P1	P2	OS1	OS2	
Product Maintenance, Restoration, and Repair	-	-	-	-	-	-	-	P*	P*	P*	P*	-	FD	-	-	*Sec. 540.F.1.* *Sec. 540.F.2.*
Media Production:																
Backlot/Outdoor Facility	-	-	-	-	-	-	-	-	P*	P*	P*	-	FD	-	-	*Sec. 540.F.1.*
Indoor Support Facility	-	-	-	-	-	-	-	-	P*	P*	P*	-	FD	-	-	*Sec. 540.F.1.*
Soundstage	-	-	-	-	-	-	-	-	P*	P*	P*	-	FD	-	-	*Sec. 540.F.1.*
Research and Development	-	-	-	-	-	-	-	P*	P*	P*	P*	-	FD	-	-	*Sec. 540.F.1.*
Pallet Yard	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
DISTRIBUTION-ORIENTED INDUSTRIAL																
Product Distribution	-	-	-	-	-	-	-	-	P	P	P	-	FD	-	-	
Cold Storage	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
FULFILLMENT-ORIENTED INDUSTRIAL																
Microbusiness	-	-	-	-	-	-	-	-	P	P	P	-	FD	-	-	
Product Fulfillment	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Product Transportation	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
WASTE-ORIENTED INDUSTRIAL																
Automobile Dismantling Facility	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Waste:																
Construction and Demolition Waste Facility	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Electronic Waste Facility	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Food Waste Facility	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Green Waste Facility	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Hazardous Waste Facility	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Medical Waste Facility	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Solid Waste Facility	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Waste Transfer Facility	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Recycling:																
Recycling Facility	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Recycling Facility, Convenience	-	-	-	-	-	-	C	C	C	-	-	-	FD	-	-	
Recycling Manufacturer	-	-	-	-	-	-	-	-	-	C	C	-	FD	-	-	
Recycle, Recycling	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Salvage Yard	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Resource Extraction	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
OUTDOOR-ORIENTED INDUSTRIAL																
Storage:																
Workplace	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Container	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	
Vehicle	-	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	

KEY: P = Permitted; C = Conditional use permit; ; - = Not permitted; * = Use standard applies; FD = Fairplex Overlay District; W = Wireless facility permit; CD = Cannabis Overlay District

Use	Use Module															Reference
	R1	RX1	CX1	CX2	CX3	CX4	CX5	IX1	I1	I2	I3	P1	P2	OS1	OS2	
SMALL-SCALE INDUSTRIAL																
Small-Scale Production	-	-	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	FD	-	-	Sec. 540.G.1.
Small-Scale Product Distribution	-	-	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	FD	-	-	Sec. 540.G.2.
Small-Scale Microbusiness	-	-	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	FD	-	-	Sec. 540.G.3.
URBAN AGRICULTURAL																
Animal Keeping:																
Bees	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	FD	P*	P*	Sec. 540.H.1.a. Sec. 540.H.1.b.
Kennel	-	-	-	C*	C*	C*	C*	C*	C*	C*	C*	-	FD	-	-	Sec. 540.H.1.a. Sec. 540.H.1.c.
Domestic Animal, Small	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	FD	P*	P*	Sec. 540.H.1.a. Sec. 540.H.1.d.
Domestic Animal, Large	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	FD	P*	P*	Sec. 540.H.1.a. Sec. 540.H.1.e.
Urban Farm:																
Small	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	FD	P*	P*	Sec. 540.H.2.
Large	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	FD	P*	P*	Sec. 540.H.2.
Plant Cultivation:																
Outdoor Plant Nursery	P	P	P	P	P	P	P	P	P	P	P	P	FD	P	P	
Indoor Plant Nursery	P	P	P	P	P	P	P	P	P	P	P	P	FD	P	P	
ACCESSORY																
Shed	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	-	FD	P*	P*	Sec. 550.C.1.
Carport	P	P	-	-	-	-	-	-	-	-	-	-	FD	P	P	
Patio	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	-	FD	P*	P*	Sec. 550.C.2.
Sunroom	P	P	P	P	P	P	P	-	-	-	-	-	FD	P	P	
Garage	P	P	-	-	-	-	-	-	-	-	-	-	FD	P	P	
Outdoor Dining Area	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	FD	P*	P*	Sec. 550.C.3.
Certified Farmers' Market	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	P*	FD	P*	P*	Sec. 550.C.4.
Swimming Pool	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	P*	FD	P*	P*	Sec. 550.C.5.
Home Occupation	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	P*	FD	-	-	Sec. 550.C.6.
Cottage Food Operation	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	FD	-	-	Sec. 550.C.7.
Home-Based Business	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	FD	-	-	Sec. 550.C.8.
Accessory Commercial Unit (ACU)	P*	-	-	-	-	-	-	-	-	-	-	-	FD	-	-	Sec. 550.C.9.
Accessory Dwelling Unit (ADU)	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	FD	-	-	Sec. 550.C.10.
Junior Accessory Dwelling Unit (JADU)	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	FD	-	-	Sec. 550.C.11.
Outdoor Storage	-	-	-	-	-	-	-	P*	P*	P*	P*	-	-	-	-	Sec. 550.C.12.
Private Garden	P	P	P	P	P	P	P	P	-	-	-	P	FD	-	-	

KEY: P = Permitted; C = Conditional use permit; ; - = Not permitted; * = Use standard applies; FD = Fairplex Overlay District; W = Wireless facility permit; CD = Cannabis Overlay District

SUBPART 5C.

USE RULES

Sec. 530. Use Definitions 5-20
530.A. Use Interpretation 5-20
530.B. Residential Uses 5-21
530.C. Assembly Uses 5-23
530.D. Open Space and Recreation Uses 5-25
530.E. Infrastructure Uses 5-28
530.F. General Commercial Uses 5-30
530.G. Auto-Oriented Commercial Uses 5-35
530.H. Production-Oriented Industrial Uses. 5-37
530.I. Distribution-Oriented Industrial Uses 5-39
530.J. Fulfillment-Oriented Industrial Uses 5-40
530.K. Waste-Oriented Industrial Uses. 5-41
530.L. Outdoor-Oriented Industrial Uses 5-45
530.M. Small-Scale Industrial 5-46
530.N. Urban Agricultural Uses 5-47
Sec. 540. Use Standards 5-50
540.A. Residential Uses 5-50
540.B. Open Space and Recreation Uses 5-51
540.C. Infrastructure Uses. 5-52
540.D. General Commercial Uses 5-57
540.E. Auto-Oriented Commercial Uses. 5-70
540.F. Production-Oriented Industrial Uses 5-71
540.G. Small-Scale Industrial 5-72
540.H. Urban Agricultural Uses 5-72
Sec. 550. Accessory Uses and Structures 5-77
550.A. General Provisions 5-77
550.B. Defined 5-78
550.C. Standards 5-79
Sec. 560. Temporary Uses and Structures 5-88
560.A. General Provisions 5-88
560.B. Defined 5-88
560.C. Standards 5-89

Sec. 530. Use Definitions

530.A. Use Interpretation

1. General

Uses are organized by use category (Household Living, Community Care Center) and then by specific use within that category (Dwelling Unit, Live/Work Unit). Use categories are used to organize specific uses with similar attributes, which may be assigned use standards in *Sec. 540. Use Standards*. Specific uses within each use category have permissions that determine if that use is allowed in a particular zoning district. Uses not listed are prohibited unless a use has been determined to be similar to a permitted use in accordance with *Sec.530.A.2. Determination of Similarity*.

2. Determination of Similarity

a. When a proposed use is not listed, the Development Services Director has the responsibility for determining whether the proposed use is similar to an already listed use. Where a use contains a list of included uses, the uses on the list are to be considered example uses, and not all-inclusive. The Development Services Director will first determine what use category the use is most similar to and then determine what specific use within that use category the use is most similar to.

b. When determining whether a proposed use is similar to an already listed use, the Development Services Director must consider the following criteria:

1. The actual or projected characteristics of the proposed use.
2. The relative amount of lot area or floor area and equipment devoted to the proposed use.
3. Relative amounts of sales.
4. The customer type.
5. The relative number of employees.
6. Hours of operation.
7. Building and site arrangement.
8. Types of vehicles used and their parking demands.
9. The number of vehicle trips generated.
10. How the proposed use is advertised.
11. The likely impact on surrounding properties.
12. The amount of outdoor storage that might be anticipated.
13. The amount truck traffic that might be generated.

c. Where a proposed use is found by the Development Services Director to not be similar to an already listed use, the use is only permitted following a zoning text amendment as defined in *Sec. 1150.D. Zoning and Development Code Amendment*.

d. The Development Services Director must maintain a catalog that records each determination of similarity.

530.B. Residential Uses

1. Household Living

a. Dwelling Unit

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

b. Manufactured Housing Park

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

c. Live/Work Unit

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

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

d. Family Day Care, Small

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

e. Family Day Care, Large

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

f. Low-Barrier Navigation Center

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

65660(a)).

2. "Low barrier" means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

   i. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.

   ii. Pets.

   iii. The storage of possessions.

   iv. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

2. Community Care Center

Any facility, place, or building that is maintained and operated to provide non-medical residential care, day treatment, adult daycare, or foster family agency services for children, adults, or children and adults, including but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, as defined in the California Health and Safety Code *(Sec. 1502 (a))*.

3. Transient Occupancy

a. Short-Term Rental

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

b. Hotel/Motel

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

c. Boardinghouse/Roominghouse

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

530.C. Assembly Uses

1. Civic and Institutional:

a. Campus Format

Any public or private institutional or organizational facility, organized and operated in a campus format to facilitate multiple individually-permitted uses, that provides essential or cultural services.

1. Public examples include: post office; civic center; community center; community kitchen; child day care; artist cooperative; museum; library; art gallery; auditorium; and public health facility. This definition also includes public institutions of learning, such as: public primary school; secondary school; and college. Campus format uses may include multiple uses listed within the examples, above. Other uses may also be included as long as each use is individually permitted within the applicable use module.

2. Private examples include: private hospital; private school; private house of worship; private community center; private community kitchen; private child day care; and private artist cooperative. Campus format uses may include multiple uses listed within the examples, above. Other uses may also be included as long as each use is individually permitted within the applicable use module.

b. Non-Campus Format, Small

Any government administrative service or private, individual institutional, or organizational assembly use not intended to operate in a campus format. Small format is defined as a maximum of 15,000 total square footage in floor area.

1. Examples include: community center; community kitchen; child day care; artist cooperative; banquet hall; union hall; meeting hall; and house of worship. This definition may also include a specialized school such as: acting school; language school; music school; and dance school.

2. Does not include trucking or driving schools with behind the wheel training, or General Commercial – Entertainment Venue.

c. Non-Campus Format, Large

Any public or private, individual institutional or organizational assembly use not intended to operate in a campus format. Examples include: community center; community kitchen; child day care; artist cooperative; banquet hall; union hall; meeting hall; and house of worship.

d. Sports Arena and Stadium

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

e. Detention Facility

1. Any building, structure, enclosure, or portion thereof, whether permanent or temporary, designed, constructed, converted, adapted, or used for the involuntary confinement,

incarceration, housing, holding, or physical restraint of one or more persons for any of the following purposes:

i. Execution of a punitive sentence imposed by any court of competent jurisdiction;

ii. Detention pending a trial, hearing, arraignment, sentencing, or other judicial or administrative proceeding;

iii. Detention pursuant to any civil immigration proceeding or administrative order;

iv. Detention, confinement, or housing of persons in the custody of any federal, state, or local governmental entity, where such persons are not free to leave of their own volition;

v. Any other involuntary confinement for the purpose of law enforcement, compliance monitoring, removal processing, or civil or criminal custody;

vi. Any facility that functions as a Type I, Type II, Type III, or Type IV facility as those terms are defined in *Title 15, Division 1, Chapter 1, Subchapter 4 of the California Code of Regulations (Minimum Standards for Local Detention Facilities)*, or that would meet such definitions if it were subject to state regulation, regardless of whether the facility is actually inspected or certified by the Board of State and Community Corrections.

2. The term "Detention Facility" includes, without limitation, any facility characterized or denominated as a jail, prison, correctional center, processing center, transfer center, staging facility, holding facility, compliance center, secure shelter, civil detention center, or immigration detention center, regardless of the name or designation assigned to the facility by its operator, contracting entity, or any governmental entity. Additionally, this includes, any facility operated by a private entity under an intergovernmental service agreement (IGSA), cooperative agreement, or any other contractual mechanism through which a governmental entity procures detention or incarceration services from a non-governmental operator.

3. Exemptions. Notwithstanding the foregoing, "Detention Facility" does not include, and this Ordinance does not apply to, any of the following:

i. Any facility providing rehabilitative, counseling, treatment, mental health, educational, or medical services to a juvenile under the jurisdiction of the juvenile court pursuant to *Part 1 (commencing with Section 100) of Division 2 of the Welfare and Institutions Code*;

ii. Any facility providing evaluation or treatment services to a person detained or subject to a court-ordered commitment pursuant to *Penal Code Section 1026, or pursuant to Division 5 (commencing with Section 5000) or Division 6 (commencing with Section 6000) of the Welfare and Institutions Code*;

iii. Any residential care facility licensed pursuant to *Division 2 (commencing with Section 1200) of the Health and Safety Code*, including but not limited to sober living environments, group homes, and community care facilities, provided that residents are not involuntarily confined;

iv. Any school facility used for the disciplinary management of a student during the school day;

v. Any facility used for the quarantine or isolation of persons for public health purposes pursuant to *Division 105 (commencing with Section 120100) of the Health and Safety Code*;

vi. Any facility used for the temporary detention of a person by a merchant, private security guard, or other private person pursuant to *Penal Code Sections 490.5 or 837*;

vii. Any court facility operated by the Superior Court of California, County of Los Angeles, or the federal judiciary for the temporary holding of persons during court proceedings;

viii. Any medical facility, hospital, or psychiatric facility licensed by the State of California providing involuntary treatment pursuant to a lawful court order or the *Lanterman-Petris-Short Act (Welfare and Institutions Code Section 5000 et seq.)*;

ix. Any facility that is exempt from local regulation pursuant to *Article VI (Clause 2) of the United States Constitution (Supremacy Clause)*.

530.D. Open Space and Recreation Uses

1. Nature Reserve

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

2. Open Space, Public

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

3. Recreation, Public:

a. General

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

b. Golf Course

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

4. Indoor Recreation, Commercial:

a. Small

Any indoor commercial use not operated by an educational or public institution, engaged in providing sports and recreation services. Includes health clubs; fitness centers; dance studios;

boxing studios, gymnasiums; yoga studios; swimming pools; martial arts, physical training facilities, athletic facilities; and sports courts less than 15,000 square feet.

b. Large

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

5. Outdoor Recreation, Commercial:

a. General

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

b. Golf Course

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

6. Cemetery

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

530.E. Infrastructure Uses

1. General Public Utility Infrastructure

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

2. Flood Control Facility

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

3. Public Utility Substation/Facility

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

4. Wireless Telecommunications Facility

a. Stealth Facility

1. Any wireless telecommunications facility that is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements and details, and antenna structures designed to look like light poles, trees, and flagpoles.

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

b. Monopole Facility

1. Any freestanding wireless telecommunications facility structure composed of a single spire, pole, or tower used to support antennas or related equipment.

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

5. Data Center

Any facility engaging in the storage, management, processing, or transmission of digital data, and housing computer or network equipment, systems, servers, appliances and other associated components related to digital data operations.

6. Freight Terminal

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

7. Heliport

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

8. Railway Facility

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

9. Transit Station

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

530.F. General Commercial Uses

1. Veterinary Care

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

2. Commissary Kitchen

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

3. Food and Beverage

a. Alcohol, Off-Sale

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

b. Alcohol, On-Sale

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

c. Alcoholic Beverage Manufacturing

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

d. Restaurant/Drinking Establishment

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

e. Tasting Room

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

4. Entertainment Venue

a. Indoor

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

b. Outdoor

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

5. Banking and Financial Services

a. Bank or Finance Institution

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

b. Deferred Deposit Originator (Payday Lender) Office

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

6. Plasma Center

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

7. Medical Clinic

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

8. General Office

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

9. Personal Services

a. General

Any commercial use providing services directly to an individual~~s seeking services primarily for involving personal benefitneeds, rather than commercial gain, in a publicly-accessible setting, rather than a private office setting~~ involving personal needs, grooming, or maintenance. Includes instructional services, travel agent, real estate agent, hair cutting and styling, spa

treatment, cleaning service, dry cleaning service, laundromat or laundry service, jewelry repair, tailor or seamstress, tattooing, body piercing, pet grooming, pet boarding (of fewer than four animals at a time) and bicycle repair.

b. Massage

Any personal service, business, parlor, room, place or institution, where massage is given or administered by a massage technician as a service of the business establishment.

c. Fortuneteller

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

10. Mortuary Services

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

11. Retail

a. General

Any retail use involved in the sale of new or used products, or the provision of consumer or rental services, to individuals and businesses. Includes grocery store, meat market, produce market, party supply, hobby supply, flower shop, bookstore, cameras and photographic supply, music instruments and accessories, dry goods store, stationary store, fabric and sewing supply, antique shop, artist supply, art gallery, hardware store, drugstore or pharmacy, electronics store, furniture store, print shop, pet shop, and clothing store. Includes Commercial Cannabis Retailer-Storefront ~~persuant~~ pursuant to the *Pomona City Code (Ch. 68)* within the Commercial Cannabis Permit Program Overlay District Sub Areas 1 and 2.

b. Swap Meet (Concession Mall)

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

c. Large Format Retail

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

d. Outdoor Sales

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

e. Hookah Lounge

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

f. Smoke and Vape Shop

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

g. Pawnshop

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

12. Adult-Oriented Business

Any commercial use involving the retail sale, rental or exhibition, of any goods or services that are characterized by an emphasis on the exposure or display of specified sexual activities or specified

anatomical areas. Each sexually oriented business use must constitute a separate sexually oriented business, even if operated in conjunction with another adult business at the same establishment, for the intent of meeting applicable use standards. Includes: adult arcade, adult bookstore, adult cabaret, adult modeling studio, adult merchandise store, adult motel, adult motion picture theater, adult theater, sexual encounter establishment.

13. Indoor Self-Service Facility

Any commercial use that offers indoor, secure self-storage for household goods in individual rooms, compartments, lockers, or containers, to which clients bring goods for storage and retrieve them at any time during normal business hours.

14. Small-Scale Contractors Indoor Storage

The primary indoor storage of non-hazardous equipment, material, and machinery for use in the production of goods,construction, or maintenance. Includes infrastructure related storage, contractor's storage, and machinery rental storage. All associated activities must occur in an area not to exceed 5,000 square feet.

530.G. Auto-Oriented Commercial Uses

1. Ghost Kitchen

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

2. Motor Vehicle Services

a. General Service

Any motor vehicle services use involving the diagnosis, maintenance or servicing of non-commercial and commercial motor vehicles. Includes automotive emissions testing, electrical diagnostic, battery testing, changing, and charging, tire removal, and replacement. Does not include car wash or fueling station.

b. Automated Car Wash

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

c. Hand Car Wash

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

d. Fueling Station

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

e. Electric Vehicle Charging Station (EVCS)

As defined in the Pomona City Code *Ch. 75. (Electrical Vehicle Charging Stations)*, and the California Government Code *(Sec. 65850)*.

3. Motor Vehicle Sales and Rental

a. Vehicle Rental

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

b. Vehicle Sales

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

4. Drive-Through Facility

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

5. Tow Yard

Any establishment primarily engaged in towing light or heavy motor vehicles. Including, but not limited to: dispatch service; outdoor and/or indoor vehicle storage, vehicle sales, auction.

530.H. Production-Oriented Industrial Uses

1. Production

a. General

Any production use that maintains a primary manufacturing or fabrication component involving the making or processing of materials/components primarily by persons into products. Includes the manufacturing and assembly of ~~the following~~: medical equipment and supplies~~,~~; semiconductors and electronic instruments~~,~~; signs and printed material~~,~~; musical instruments~~,~~; toys~~,~~; furniture~~,~~; crates~~,~~; boxes~~,~~; barrels~~,~~; electronics~~,~~; cosmetics~~,~~; food and drink~~,~~; textiles~~,~~; and similar goods. Includes Commercial Cannabis Manufacturing ~~persuant~~ pursuant to the *Pomona City Code (Ch. 68)* within the Commercial Cannabis Permit Program Overlay District Sub Areas 3 and 4.

b. Assembly Line

Any general production use that also incorporates an assembly line. An assembly line includes any arrangement of workers and machines where each worker deals with one part of a product, and the product passes from one worker to another until the product is finished.

2. Animal Products Processing

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

3. Artisanal Manufacturing

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

4. Food and Beverage Manufacturing

a. Small

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

b. Large

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

5. Product Maintenance, Restoration, and Repair Services

A repair use in which the primary use is engaged in the maintenance or repair or restoration of industrial, business, or consumer machinery, equipment, products, and vehicle restoration entirely within an enclosed structure. Includes carpet cleaning, and maintenance and repair of household appliances, furniture, office equipment, and restoration. Does not include Motor Vehicle Services – General Service. Does not include pallet yards. Does not include accessory outdoor storage.

6. Media Production

a. Backlot/Outdoor Facility

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

b. Indoor Support Facility

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

c. Soundstage

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

7. Research and Development

Any light industrial use requiring a wet laboratory where chemicals, drugs, or other material or biological matter are handled in liquid solutions or volatile phases, requiring direct ventilation, and specialized piped utilities. Includes Commercial Cannabis Testing ~~persuant~~ pursuant to the *Pomona City Code (Ch. 68)* within the Commercial Cannabis Permit Program Overlay District Sub Areas 3 and 4.

8. Pallet Yard

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

530.I. Distribution-Oriented Industrial Uses

1. Product Distribution

The indoor storage of bulk goods intended for consolidation and distribution of products to manufacturers, wholesalers, or retailers within the supply chain ("business to business"), with little storage duration, high throughput of products, and high-efficiency, in either a traditional or high-cube format. Includes receiving and processing of bulk goods. Includes Commercial Cannabis Distribution ~~persuant~~ pursuant to the *Pomona City Code (Ch. 68)* within the Commercial Cannabis Permit Program Overlay District Sub Areas 3 and 4.

2. Cold Storage

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

530.J. Fulfillment-Oriented Industrial Uses

1. Microbusiness

A single business less than~~between 2,500 and~~ 22,500 square feet in size that engages in at least two of following activities: Retail– General~~,~~; Production~~,~~; Artisanal Manufacturing~~,~~; Distribution~~,~~; and Fulfillment. Includes Commercial Cannabis Microbusiness ~~persuant~~pursuant to the *Pomona City Code (Ch. 68)* within the Commercial Cannabis Permit Program Overlay District Sub Area 3.

2. Production Fulfillment

Any use that is primarily storage and direct distribution of products to end users within the supply chain ("business to business" or "business to consumer"), sorted, picked, and/or packed either manually or with automation, in either a traditional or a high-cube format. Includes receiving and processing of bulk goods and individual order processing. Excludes Retail and Large Format Retail. Includes e-commerce, third party logistics, on-demand transportation, and freight forwarding.

3. Production Transportation

Any facility that is involved in product fulfillment or product distribution of bulk goods primarily through the use of truck trailers and truck tractors for truckload services within the supply chain ("business to business" or "business to consumer"). Includes full truckload, less than truckload, trans-loading, consolidations, de-consolidations, cross-dock, and other on-demand transportation services.

530.K. Waste-Oriented Industrial Uses

1. Automobile Dismantling Facility

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

2. Waste

a. Construction and Demolition Waste Facility

1. A facility that accepts or collects building materials and solid waste generated from construction and demolition activities.

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

b. Electronic Waste Facility

1. A business that accepts by donation or purchase, "electronic waste" from the general public, other recycling facilities, government agencies, and other business enterprises.

2. The facility is used for the collection, sorting, and short-term storage of "electronic waste."

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

c. Food Waste Facility

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

2. "Food waste" means residuals, scraps, expired or discarded food originating from sale,

storage, processing, preparation or dining practices, including but not limited to vegetables, fruits, grains, dairy products, meats, and the compostable packaging that may be commingled. Does not include the sustainable composting of food waste in conjunction with an established urban farm or urban garden.

d. Green Waste Facility

1. A facility that accepts green waste to reprocess into compost, wood chips, or other products, including the use of power-driven processing equipment. Facilities which receive green waste for shipment to another facility for reprocessing or composting are not included in this type of facility. A green waste facility does not include the chipping, grinding, handling, processing or storage of construction and demolition waste.

2. "Green waste" means organic waste generated by landscape, garden or agricultural operations consisting of lawn clippings, tree and shrub prunings, wood, and miscellaneous soil material. This is categorized as material which can be used to process into compost or wood chips for reuse.

e. Hazardous Waste Facility

1. A facility, as defined in California Health and Safety Code *(Sec. 25117.1.)*, that accepts hazardous waste that are generated at another location (off-site) and serves more than one producer of hazardous waste.

2. "Hazardous waste" means any waste or combination of wastes which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious or irreversible illness or incapacity or any substance which poses a substantial hazardous threat to human health or the environment. Materials or mixture of wastes which have been defined as "hazardous substances" or "hazardous wastes" pursuant to the Resource Conservation and Recovery Act (RCRA) *(42 USC 6901 et seq.)*, the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) *(USC 96-1 et seq.)*, as either may be amended from time to time, or any substance which may be defined by the California Integrated Waste Management Board.

3. Should a discrepancy arise between two or more entities having jurisdiction in this matter as to the definition set forth, the definition having the more encompassing meaning of the term "hazardous waste" must prevail.

f. Medical Waste Facility

1. A facility with an off-site medical waste treatment facility from the California Department of Public Health (CDPH) that treats medical waste by a method approved by the CDPH.

2. "Medical waste" means waste which is generated or produced as a result of any of the following actions:

   i. Diagnosis, treatment, or immunization of human beings or animals.

   ii. The production or testing of biologicals.

iii. The accumulation of properly contained home-generated sharps waste that is brought by a patient, a member of the patient's family, or by a person authorized by the enforcement agency, to a point of consolidation approved by the enforcement agency pursuant to California Health and Safety Code *(Sec. 117904.)* or authorized pursuant to *(Sec. 118147.)*.

iv. Removal of a regulated waste, as defined in the California Code of Regulations *(Title 8, Sec. 5193.)*, from a trauma scene by a trauma scene waste management practitioner. The waste is one or more of the following:

a. Bio-hazardous waste ("red bag"),

b. Sharps waste,

c. Pharmaceutical waste,

d. Pathological waste, or

e. Trace chemotherapy waste.

g. Solid Waste Facility

1. A solid waste transfer or processing station, a disposal facility or other waste conversion facility, and also includes any solid waste operation that may be carried out pursuant to an enforcement agency notification, including a construction debris chip and grind facility that does not involve green waste.

2. "Solid waste" means:

i. All types of putrescible, offensive and nonputrescible solid and semisolid and liquid waste, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, animal carcasses, bulky goods, construction and demolition wastes;

ii. Abandoned vehicles and parts thereof;

iii. Discarded home and industrial appliances;

iv. Dewatered, treated or chemically fixed sewage sludge which is not to be deemed to contain hazardous material or substances;

v. Manure, vegetable or animal solid or semisolid waste;

vi. Green waste and recyclable materials; or

vii. Any other material as defined by the California Public Resources Code *(Sec. 40191.)*, California Integrated Waste Management Board, or any other entity having jurisdiction.

h. Solid Waste Transfer Facility

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

3. Recycling

a. Recycling Facility

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

b. Recycling Facility, Convenience

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

c. Recycling Manufacturer

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

d. Recycle, Recycling

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

4. Salvage Yard

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

5. Resource Extraction

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

530.L. Outdoor-Oriented Industrial Uses

1. Storage

a. Workplace

The primary open outdoor storage of non-hazardous equipment and machinery for use in the production of goods or for the construction of development projects. Includes infrastructure-related storage, contractor's storage, machinery rental, lumber storage. Excludes pallet yards.

b. Container

The primary open outdoor storage of containers that are either empty or contain goods or materials. This includes standardized shipping containers, including twenty-foot equivalent units (TEUs).

c. Vehicle

The primary open outdoor storage of passenger vehicles, commercial sized vehicles, heavy-duty trucks, boats, recreation vehicles, chassis, trailers, and other oversized vehicles. Includes draying and freight.

530.M. Small-Scale Industrial

1. Small-Scale Production

Any production use that maintains a primary manufacturing or fabrication component involving the making or processing of materials/components primarily by persons into products. Includes the manufacturing and assembly of: medical equipment and supplies; semiconductors and electronic instruments; signs and printed material; musical instruments; toys; furniture; crates; boxes; barrels; electronics; cosmetics; food and drinks; textiles; and similar goods. Includes Commercial Cannabis Manufacturing pursuant to the *Pomona City Code (Ch. 68)* within the Commercial Cannabis Permit Program Overlay District Sub Areas 3 and 4. All associated activities must occur in an area not to exceed 10,000 square feet.

2. Small-Scale Product Distribution

The indoor storage of bulk goods intended for consolidation and distribution of products to manufacturers, wholesalers, or retailers within the supply chain ("business to business"), with little storage duration, high throughput of products, and high efficiency, in either a traditional or high cube format. Includes receiving and processing of bulk goods. Includes Commercial Cannabis Distribution pursuant to the *Pomona City Code (Ch. 68)* within the Commercial Cannabis Permit Program Overlay District Sub Areas 3 and 4. All associated activities must occur in an area not to exceed 10,000 square feet.

3. Small-Scale Microbusiness

A single business less than 10,000 square feet in size that engages in at least two of following activities: Retail – General; Production; Artisanal Manufacturing; Distribution; and Fulfillment. Includes Commercial Cannabis Microbusiness pursuant to the *Pomona City Code (Ch. 68)* within the Commercial Cannabis Permit Program Overlay District Sub Area 3.

530.N. Urban Agricultural Uses

1. Animal Keeping

a. Bees

Any animal keeping use that includes the keeping of bees.

b. Kennel

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

c. Domestic Animal, Small

An animal keeping use incidental to another use that includes the breeding, raising, training, boarding, and keeping of animals listed below.

1. Poultry, including: chickens; turkeys; ducks; geese; pigeons; and other fowl.
2. Rabbits, including; hamsters; chinchillas; guinea pigs; and all types of rodents.
3. Pigs less than 150 lbs in weight.
4. Goats and sheep less than 100 lbs in weight.

d. Domestic Animal, Large

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

2. Urban Farm

a. Small

1. An agricultural use less than 3 acres in area, that is designed and intended for the sustainable cultivation of fruits, vegetables, plants, flowers, herbs, and animal keeping with the primary purpose of growing food for distribution.
2. May include shared facilities for storage and services incidental to the agricultural use including educational activities.
3. Educational activities may include volunteer programs, tours, youth programs and farming classes.
4. May be established as an accessory to a household living or public assembly use.
5. Does not include cannabis cultivation.

b. Large

1. An agricultural use more 3 acres in area and less than 10 acres, that is intended for the sustainable cultivation of fruits, vegetables, plants, flowers, herbs, and animal keeping with

the primary purpose of growing food for distribution.

2. May include shared facilities for storage and services incidental to the agricultural use including educational activities.
3. Educational activities may include volunteer programs, tours, youth programs and farming classes.
4. Does not include cannabis cultivation.

3. Plant Cultivation

a. Outdoor Plant Nursery

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

b. Indoor Plant Nursery

The cultivation of plants within completely enclosed buildings for sale or distribution either on-site or off-site. May include greenhouses, vertical farming, hydroponic systems, and aquaponic systems. Does not include cannabis cultivation. Includes Commercial Cannabis Indoor Cultivation ~~persuant~~ pursuant to the *Pomona City Code (Ch. 68)* within the Commercial Cannabis Permit Program Overlay District Sub Areas 3 and 4.

c. Garden Center

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

Sec. 540. Use Standards

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

540.A. Residential Uses

1. Household Living

a. General

1. Nonvacant sites identified in the Fifth Cycle Housing Element

In accordance with *Government Code Section 655583.2(l)*, housing developments with 20 percent or more affordable to lower income households on nonvacant sites as identified in *Appendix C of the City of Pomona Fifth Cycle Housing Element*, certified on September 30, 2022, are permitted on a by-right basis.

2. The following standards apply to household living uses in the CX5 use module:

   i. Household living uses are not permitted on the ground story of any building, except for lobby and circulation space or shared amenities (such as a gym, lounge area, meeting space or mail room).

   ii. Household living uses cannot exceed 80% of the gross floor area developed on any site, excluding related lobby, circulation, or shared amenity space.

   iii. The sum of household living uses and any related lobby, circulation, or shared amenity space cannot exceed 90% of the gross floor area developed on any site.

b. Manufactured Housing Park

The following standards apply to manufactured housing parks:

1. Size

The site must be at least 5 acres.

2. Buffering

A Buffer Type II is required along each side and rear lot line of a manufactured housing park, except where abutting a manufactured home park, flood control facility, railroad, or public right-of-way. See *Transition Buffer Types (Sec. 620.B.3.c.)*.

c. Live/Work Unit

1. General

   i. At least 1 person engaged in the live-work must reside in the dwelling unit in which the live-work business is located as their primary place of residence.

   ii. A live-work unit cannot exceed 4,000 square feet in floor area.

iii. No equipment or process is permitted in connection with the live/work unit that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off the premises.

2. Allowed Uses

i. The nonresidential use, as defined in *Sec. 530. Use Definitions*, in the dwelling unit is limited to:

a. Veterinary Care;

b. Child Day Care;

c. Restaurant/Drinking Establishment;

d. Bank or Finance Institution;

e. Medical Clinic;

f. General Office;

g. Personal Services - General;

h. Retail - General;

i. Food and Beverage Manufacturing - Small; and

j. Product Maintenance, Restoration, and Repair

d. Family Day Care, All

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

2. Transient Occupancy

a. Short-Term Rental

1. Short-term rentals require a business license in accordance with the City Code *(Sec. 50-411.)*.

2. The short-term rental of an accessory dwelling unit (ADU) is prohibited in accordance with the City Code *(Ord. 4281.)*.

540.B. Open Space and Recreation Uses

1. Cemetery

a. Burial plots must be set back at least 20 feet from a lot line.

b. Warehouses, storage or maintenance buildings, mausoleums, or columbaria must be set back at least 150 feet from a residential lot line.

c. Cemetery uses may choose to follow the standards of the Open Lot alternate typology. See *Sec. 710.A. Open Lot*. Cemetery uses are not subject to the standards of *Sec. 710.A.7.a.2. Use Standards* and *Sec. 710.A.7.a.3 Use Standards.*

540.C. Infrastructure Uses

1. General Public Utility Service Infrastructure

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

2. Wireless Telecommunications Facility

a. Stealth Facility

The following standards apply to all stealth facilities:

1. Modification to Existing Facilities and Eligible Facilities Request

i. Modification of facilities which constitute a substantial increase of size of a tower or base station as defined by the Federal Communications Commission is subject to the modification or establishment of a wireless communication facility permit as defined in *Sec. 1160.G. Wireless Telecommunications Facility Permit*. A substantial increase in size occurs if:

a. The mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or

b. The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed 4, or more than 1 new equipment shelter; or

c. The mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or

d. The mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

ii. Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

a. Collocation of new transmission equipment;

b. Removal of transmission equipment; or

c. Replacement of transmission equipment, is considered an eligible facilities request and must be permitted by-right.

2. **Fencing**

i. All ground support equipment must be fully screen by split-face decorative block wall and decorative cap.

ii. Chain-link fencing is prohibited except in active construction phases.

iii. All fence height must not exceed the maximum height limits for the underlying *Subpart 3B. Form Modules*

3. **Screening**

i. All ground support equipment must be fully screened including but not limited to generators, fuel tanks, equipment cabinets, ice bridges, equipment racks, and lighting. Equipment cabinets do not include remote radio heads/remote radio units, amplifiers, transceivers mounted behind antennas, and similar devices.

ii. Access to the wireless communications facility lease area must have a minimum width of 10 feet.

4. **Signs**

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

5. **Operational Standards**

i. **Maintenance Requirements:**

a. All wireless communication facilities including landscaping and surface areas must be continuously maintained free of weeds, debris, litter or temporary signage.

b. All graffiti must be removed from the premises within 24 hours of discovery.

ii. **Business License Requirements:**

a. All wireless communication facility permittees must demonstrate to the Department of Development Services that they have a business license for operating a wireless communication facility site prior to the finalization of building permits.

b. All property owners must demonstrate to the Department of Development Services that they have a business license for property rental before finalization of building permits.

c. Certification of continued use of each approved facility must be submitted on a yearly basis at the time of the facility operator's business license renewal for as long as the facility remains in operation. The certification must indicate that the facility is operating as approved and that the facility complies with the most current Federal Communication Commission (FCC) safety standards. Facilities, which are no longer in operation, must be removed within 90 days after the date of discontinuation.

iii. Cash Bond Requirements:

a. Prior to the finalizing of building permit for the construction or modification of a wireless communication facility, the applicant must provide the City with a cash bond for the removal of the facility and any accessory equipment, and rehabilitate the site if that facility is abandoned. The bond amount must be determined by the Administrator and must not be less than 15 percent of construction cost.

b. The bond must be deposited in an interest bearing account with the City named as co-depositor.

c. The permittee may petition to the Administrator, no more than once per year, for release of a portion of the funds. The petition must demonstrate to the satisfaction of the Administrator that the value of the account exceeds the amount required to remove the wireless communication facility and rehabilitate the site. After the release of funds, the amount remaining in the account must be equal to or greater than the amount required to remove the wireless communication facility and rehabilitate the site.

d. Prior to release of funds, the permittee must demonstrate that the wireless communication facility is operating in compliance with this section.

iv. Removal of Abandoned Wireless Communication Facilities:

a. A written notice of the determination of abandonment must be sent by first class mail, to the permittee of the wireless communication facility at said operator's business address on file with the City.

b. The operator must remove all facilities within 30 days of the date of such notice, unless within 10 days of the date of said notice, the permittee appeals such determination, in writing, to the Planning Commission.

c. If the permittee appeals the notice of abandonment, the Administrator must schedule a hearing on the matter to be conducted before the Planning Commission at which time the Commission may affirm, reverse, or modify with or without conditions the original determination of abandonment and must make written findings in support of its decision.

d. The decision of the Planning Commission may be appealed to the City Council.

e. At any time after the 30 day period from the date of notice or determination by the Planning Commission or City Council of abandonment, the City may remove the abandoned facility, repair any and all damage to the premises caused by such removal, and otherwise restore the premises as is appropriate to be in compliance with applicable code.

f. In removing the wireless communication facility, the City must exercise the easement to enter the property and use the bond proceeds to rehabilitate the site. At the conclusion of the rehabilitation, the City must remove the easement and return the remaining bond money to the permittee or property owner as designated.

g. The City may, but is not required to, store the removed facility or any of its parts. The City may, in lieu of storing the removed facility, convert it to the City's use, sell it, or dispose of it in any manner deemed appropriate by the City.

h. Thirty days from the notice of abandonment date or determination of abandonment date by the Planning Commission or City Council, the wireless communication facility permit for the subject facility will be terminated.

6. Permitted Stealth Facility Types

i. Faux Trees

a. Faux trees must incorporate a sufficient amount of branches per linear foot to create a structure as natural in appearance as technically feasible.

b. Faux branches and foliage must extend a minimum of one foot beyond antenna panels for the length of the faux tree, as appropriate with the tree species.

c. The antennas and antenna support structures must be colored to match the components (branches and foliage) of the proposed faux tree.

d. Faux trees must not exceed the maximum height limit for the underlying *Subpart 3B. Form Modules*.

e. Where applicable, the proposed faux tree must match the existing tree line in height and species.

f. The highest antenna must be 2 feet below the top of the structure.

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

a. Roof-mounted facilities must be hidden by an existing or newly created building or architectural feature, or must be concealed from public viewpoints using architectural features or screening devices, or by siting the facility so that it is concealed from off-site viewpoints.

b. Roof-mounted facilities must not exceed the maximum height limit for the underlying *Subpart 3B. Form Modules*.

c. Roof-mounted facilities must be compatible with the architectural style, color, texture, façade design, and materials of the building. Newly created architectural features must be proportional to the scale and size of the building or structure.

iii. Flush-Mounted Antenna

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

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

b. Flush-mounted antennas must not exceed the maximum height limit for the underlying *Subpart 3B. Form Modules*.

c. Any flush-mounted antenna attached to a light pole, utility pole, water tank, or similar structure must exhibit the same or improved appearance as the existing local light poles or utility poles.

d. Flush-mounted antennas must be attached to a vertical surface, except they may be mounted atop a light pole or a utility pole when flush-mounting is physically infeasible. Panel antennas must be mounted no more than 18 inches from building surfaces or poles, must not extend above the height of the building, and must appear as an integral part of the structure.

iv. Other Faux Stealth Facility

a. Faux structure types, including but not limited to water tanks, flag poles, and light poles, may be used as a stealth facility when that type of structure is commonly found within the local setting of the wireless communication facility.

b. Faux structures must not exceed the maximum height limits for the underlying zone.

540.D. General Commercial Uses

1. General

a. Size—New Construction

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

GROSS SQUARE FOOTAGE (MAX)			
Use Module	Ground Floor	Per Upper Floor	Total
RX1	1,000 SF	0 SF	1,000 SF
CX1	~~2,000 SF~~2,500 SF	0 SF	~~2,000 SF~~2,500 SF
CX2	5,000 SF	0 SF	5,000 SF
CX3	10,000 SF	0 SF	10,000 SF
CX4	Unlimited	Unlimited	Unlimited
CX5	Unlimited	Unlimited	Unlimited
IX1	Unlimited	Unlimited	Unlimited

b. Size—Existing Structure

A general commercial use establishment or tenant within an existing structure is not subject to gross square footage limitations.

2. Food and Beverage

a. Alcohol, All

In addition to the requirements of *Sec. 1160.D. Conditional Use Permit*, the following standards apply to any alcohol establishment:

1. Promotion

i. All exterior signage of any kind including interior window signage, which advertises the sale or availability of alcohol, is prohibited.

ii. The display or sale of alcohol must not be made from an ice tub.

iii. Storefront windows must be kept clear at all times from paper, paint, cardboard or any other material used for signage.

iv. All exterior windows must be clear glass with no tinting or window coverings either interior or exterior.

2. Training

i. All employees who sell alcoholic beverages must complete a training program in alcoholic beverage compliance, crime prevention techniques and the handling of violence.

ii. All new employees must complete the "Licensee Education on Alcohol and Drugs" training that is provided by the California Department of Alcohol and Beverage Control (ABC) or equivalent responsible beverage service program within 30 days of hire.

3. **Site**

i. Loitering or panhandling on the premises is prohibited.

ii. Overnight parking of vehicles, including recreational vehicles (RVs) on the premises is prohibited.

iii. Signs prohibiting overnight parking must be placed throughout the parking lot area.

iv. Vending machines of any kind must not be installed outdoors within the project site.

v. Pay telephones must not be installed within the enclosed portion of the premises equipped to receive incoming calls.

vi. New payphones of any kind must not be installed on the exterior of the premises.

4. **Security**

i. Designated areas for storage of beer and wine must be equipped with a locking mechanism.

ii. Interior and exterior site video surveillance equipment must be provided with signage advising customers that video recording devices are in use.

a. Recordings must be digital and recorded in high-definition, kept a minimum of 90 days and must record all activity on surrounding public rights-of-way as well as the subject site.

b. Prior to installation of the video surveillance equipment, a video surveillance plan must be approved by the Pomona Police Department.

5. **Police and City Contact**

i. All crimes occurring inside and outside of the location must be reported to the Police Department at the time of the occurrence.

ii. At any time when the licensee is absent from the premises, a responsible party must be designated who can respond to any inquiries from City officials.

iii. The establishment must provide a list annually of no less than 3 employees, who can be contacted 24 hours a day, to the Pomona Police Department's Records Bureau. The list of names will be used to facilitate a Police response to the location in the event of an emergency or other problem that requires entry into the location during non-business hours.

6. **Noise**

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

b. Alcohol, Off-Sale

1. Required Liquor License

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

2. Hours

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

3. Off-Sale Type

i. There must be no beer sold in less than 3 pack quantities.

ii. The sale of individual cans, bottles, or tapped/keg containers is prohibited.

iii. Beer or wine must not be sold in containers less than 750mL, unless sold by 4 pack or other manufacturers prepackaged multi-unit quantities.

iv. The quarterly gross sales of alcoholic beverages must not exceed the gross sales of the convenience market in the same period.

v. The applicant or other person issued an ABC license for the Premises ("licensee") must at all times maintain records which reflect separately the gross sales of the convenience market and the gross sales of alcoholic beverages of the licensed business. These records must be kept on a quarterly basis, and must be provided to City officials upon request.

c. Alcohol, On-Sale

1. Required Liquor License

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

2. Hours

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

3. On-Sale Type

i. Sales of alcoholic beverages under the on-sale privileges of the ~~Type 41~~ liquor license must be restricted to the interior gross floor area of the eating area, as indicated in the stamped and approved site plan.

ii. The quarterly gross sales of alcoholic beverages must not exceed the gross sales of food during the same period.

iii. The applicant or other person issued an ABC license for the Premises ("Licensee") must at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. These records must be kept on a quarterly basis, and must be provided to City officials upon request.

3. Personal Services

a. Massage

1. Certification Required

i. Massage Establishment

Owners, operators, and managers of Massage Establishments must not allow or provide massages to be administered or performed by any person other than a Certified Massage Practitioner or Certified Massage Therapist holding a valid, current certification from the California Massage Therapy Council (CAMTC).

ii. Massage Technician

It is unlawful for any person to engage in, or carry on the business or activities of a Massage Technician without a certification from the CAMTC as a Certified Massage Practitioner or Certified Massage Therapist.

iii. Off-Premises Massage Service

It is unlawful for any person to own, operate, or maintain an off-premise massage service in the City unless all Massage Technicians employed by the off-premises massage service hold a valid, current certification from the CAMTC as a Certified Massage Practitioner or Certified Massage Therapist.

2. Business License Required

It must be unlawful for any person to operate, manage or otherwise conduct business as a Massage Establishment, or to act in any capacity as a Massage Technician, either directly or indirectly, without obtaining a City of Pomona business license.

3. Massage Establishment Owner Background Check Required

i. Any person, association, partnership, or corporation desiring to operate a Massage Establishment, that owns or will own 5 percent or more of the Massage Establishment, and that is not a Certified Massage Practitioner or Certified Massage Therapist, must submit an application to the Development Services Director for an investigation of the applicant's background and history. A nonrefundable fee, in an amount set by resolution, must accompany the submission of each application to defray the cost of investigation, inspection and enforcement of *Sec. 540.D.2.a. Massage*. An annual nonrefundable renewal fee must be charged to defray associated costs of investigation, inspection and enforcement.

ii. Each applicant for a background check must submit the following information:

a. Applicant's full legal name and any other names used by the applicant.

b. Applicant's present address and telephone number.

c. Applicant's Driver's license number and social security number.

d. The proposed address of the Massage Establishment.

e. Each residence and business address of the applicant for the three years immediately preceding the date of the application, and the inclusive dates for each address.

f. Proof that the applicant is at least 18 years of age.

g. Applicant's height, weight, hair color, and eye color.

h. Two photographs of the applicant at least 2 inches by 2 inches taken within 4 months preceding the date of the application.

i. Applicant's business, occupation and employment history for the 5 years immediately preceding the date of application.

j. The business license or permit history of the applicant, including: whether the applicant has ever had any license or permit issued by any agency or board, City, county or state revoked or suspended; and whether the applicant had any professional or vocational license or permit revoked or suspended and the reason(s) for the revocation or suspension.

k. All criminal convictions and a statement of the dates and places (City and state) of such convictions.

l. If the applicant is a corporation, the name of the corporation must be set forth exactly as shown in the articles of incorporation or charter, together with the state and date of incorporation and names and residence addresses of each of its current officers and directors, and each stockholder holding more than 5 percent of the stock of the corporation. If the applicant is a partnership, the application must set forth the names and residence addresses of each of the partners, including the limited partners. If the applicant is a limited partnership, it must furnish a copy of its certificate of limited partnership filed with the county clerk. If one or more partners is a corporation, the provisions of *Sec. 540.D.2.a. Massage* pertaining to corporate applicants will apply. The applicant corporation or partnership must designate one of its officers or general partners to act as its responsible managing officer. Such person must complete and sign all application forms required of any individual applicant under this *Sec. 540.D.2.a. Massage*.

m. The full legal names and other names used, the present addresses and telephone numbers, driver's license numbers, and social security numbers, and state certificates from the CAMTC or transitional licenses for all Massage Technicians who will be working as employees or independent contractors at each Massage Establishment location. The applicant must provide the Director with any changes in the Massage Technicians that work at the Massage Establishment during the permit period within 10 working days of each change.

n. The Development Services Director may require the applicant to furnish fingerprints when needed for the purpose of verifying identification.

o. Such other identification and information as may be required by the Director in order to verify the information to be included in the application.

iii. The City must investigate the information on the application within 60 days. During the investigation of the background information, a City representative including, without limitation, a member of the Police Department, Fire Department, Building and Safety Division, Planning Division, or any authorized representative thereof, may inspect, with or without notice during regular business hours, the proposed place of business to determine whether it conforms to the requirements of this section. Upon completion of the inspection, the City representative must inform the Development Services Director in writing of the findings of the inspection.

iv. Background clearance will be issued, within 60 days of receipt of the application, to any applicant who has furnished all of the information required by *Sec. 540.D.2.a. Massage* in the application for such license, provided:

a. The applicant has not made a material false statement in the application and that all Massage Technicians who will be working as employees or independent contractors at each Massage Establishment permit location possesses certification from the CAMTC as a Certified Massage Practitioner or Certified Massage Therapist.

b. The applicant, if an individual, or in the case of an applicant which is a corporation or partnership, any of its officers, directors, holders or 5 percent or more of the corporation's stock, has not, within 5 years immediately preceding the date of the filing of the application been convicted in a court of competent jurisdiction of any of the following offenses: any offence under the California Penal Code *(Sec. 243.4., 261., 266a. through 266j., 267., 314. to 316., 318., or 647(a., b., d.)*; any offense requiring registration under the California Penal Code *(Sec. 290.)* or the California Health and Safety Code *(Sec. 11590)*; any felony offense involving the possession, possession for sale, sale, transportation, furnishing, or giving away of a controlled substance specified in the California Health and Safety Code *(Sec. 11054 to 11058)*, as amended; any offense in another state which, if committed in California, would have been punishable as one or more of the heretofore mentioned offenses; any offense involving the use of force or violence upon the person of another; or any offense involving theft, embezzlement or moral turpitude.

c. The applicant is at least 18 years of age.

d. The applicant has not had a Massage Technician, Massage Establishment, escort service, nude entertainment, nude photo studio or similar type of license or permit suspended within one year or revoked within 3 years immediately preceding the date of the filing of the application, unless the applicant can show a material change in circumstances or that mitigating circumstances exist since the revocation or suspension.

4. Additional Requirements

Before operating a Massage Establishment in the City, Massage Establishment owners must comply with all applicable codes adopted by the City, including, without limitation, the building, electrical, and plumbing codes.

5. Display of Permit

Any owner of a Massage Establishment or off-premise massage service must display the CAMTC certificates for all Massage Technicians prominently in a conspicuous place, capable of being viewed by customers or City representatives, at every location where massage is performed or conducted. For off-premise massage services, massage workers must also carry a copy of their CAMTC certificate and display it to customers upon request.

6. Prohibited Conduct

Owners of Massage Establishments or off-premise massage services, or Massage Technicians, must not conduct or allow any of the following activities:

i. It is unlawful for any Massage Technician or any other employee working in a Massage Establishment or for an off-premise massage service, or customers, patrons, or guests of the establishment or service, to engage in any specified sexual activities upon the premises of the Massage Establishment or the off-premise massage location.

ii. It is unlawful for any Massage Technician or other employee of a Massage Establishment to expose specified anatomical areas in the presence of any patron, customer, or guest.

iii. In the course of administering the massage, it is unlawful for any Massage Technician or other Massage Establishment employee to make intentional physical contact with the specified anatomical areas of any customer, patron or guest.

7. Facilities and Operations

It is unlawful for any Massage Establishment to operate unless the Massage Establishment premises and operation comply with the following minimum requirements:

i. Signs

A readable sign must be posted at the main entrance identifying the establishment as a Massage Establishment, provided, however, that all such signs must otherwise comply with the sign requirements of the Code or any adopted specific plan area regulations. Any posted signs which are in a language other than English must also be posted in English.

ii. Each service offered, the price thereof, and the duration of each service must be posted in English and such other languages as may be convenient to communicate such service, in a conspicuous location in each Massage Establishment. No services will be performed and no sums will be charged for such services other than those posted. Nothing herein prohibits patrons from paying gratuities.

iii. **Lighting**

Minimum lighting must be provided in accordance with the California Building Code, as adopted by this Code. Additionally, at least one unobstructed artificial light of not less than 900 lumens must be provided in each enclosed room or booth where massage services are being performed on a patron.

iv. **Ventilation**

Minimum ventilation must be provided in accordance with the California Building Code, as adopted by the City Code.

v. **Disinfection of Instruments**

Instruments used for massage must be disinfected before each use. Where instruments for massage are employed, adequate quantities of supplies for disinfection must be available during all hours of operation.

vi. **Water**

Hot and cold running water must be provided at all times.

vii. **Linen Storage**

Closed cabinets must be utilized for the storage of clean towels and linen. After use, towels and linen must be removed and stored in a separate container until laundered.

viii. **Sanitary Conditions**

All walls, ceilings, floors, steam and vapor rooms, and all other physical facilities for the Massage Establishment must be kept in good repair and be maintained in a clean and sanitary condition.

ix. **Clean Linen**

Clean and sanitary towels and linens must be provided for patrons receiving massage services. No common use of towels or linens is permitted.

x. **Compliance with Laws**

The premises to be used must at all times comply with all applicable State and local laws and regulations.

xi. The premises licensed as a Massage Establishment must not be used for any other business or purpose. Any room in which a Massage Establishment provides massage services must not be used for residential sleeping purposes.

xii. A register of all individuals employed as Massage Technicians, and copies of their current CAMTC certifications and Massage Technician business licenses, must be maintained and available for inspection at all times during regular business hours.

xiii. Each person present in any area of the Massage Establishment, other than the waiting area or other areas open to any member of the public, must be a Certified Massage Practitioner or Certified Massage Therapist or the Massage Establishment owner.

xiv. The permits and certifications required by this section must be displayed in an open and conspicuous public place on the premises.

xv. Massage Establishments must only be open for business only between the hours of 7AM and 10:30PM. A massage started at any time before 10:30PM must nevertheless terminate at 10:30PM. The hours of operation must be displayed in a conspicuous public place in the lobby within the Massage Establishment and in any front window clearly visible from the outside of the Massage Establishment. Patrons and visitors must only be in the Massage Establishment during business hours.

8. Exceptions

Sec. 540.D.2.a. Massage does not apply to the following classes of individuals, and no CAMTC certification is required of such persons, while engaged in the performance of the duties of their respective professions:

i. Acupuncturists who are duly certified to practice their profession in the state of California.

ii. Barbers, beauticians, and cosmetologists with respect to scalp massage, who are duly permitted pursuant to the California Business and Professions Code *(Sec. 7301., et seq.)*, in accordance with the limitations of their permits.

iii. Nurses who are registered as such under the laws of the state of California.

iv. Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are duly permitted to practice their respective professions in the state of California, or provide professional services in lawful compliance with the California Corporations Code *(Sec. 13401 (a).)*.

9. Public Nuisance Abatement

Any Massage Establishment operated, conducted or maintained contrary to the provisions of *Sec. 540.D.2.a. Massage* is unlawful and a public nuisance. The City Attorney is authorized, in addition to or in lieu of any other legal or criminal proceedings, to commence an action or proceeding for abatement, removal or enjoinment of such Massage Establishment in the manner provided by law. The City Attorney may seek a court order to grant such relief to abate or remove such Massage Establishments and restrain and enjoin

any person from operating, conducting or maintaining such an establishment contrary to the provisions of this section.

10. **Revocation**

i. **Grounds for Revocation.**

In addition to the grounds for business license revocation set forth in the City Code *(Ch. 50., Art. VIII., Div. 2.)*, the Development Services Director or City Attorney may revoke business licenses issued to Massage Technicians or Massage Establishments for one or more of the following grounds:

a. **Fraud or Deceit**

That the applicant practiced fraud or deceit in obtaining an approval under *Sec. 540.D.2.a. Massage*.

b. **Inspections**

That the applicant has refused, delayed, or interfered with, inspections or compliance verification by representatives of the City, County, or State.

c. **Violation of Chapter**

That the Massage Establishment owner, operator, Massage Technician, or its employee violated a provision or provisions of this section.

d. **Criminal Conviction**

That the Massage Establishment owner, operator, Massage Technician, or its employee has been convicted in a court of competent jurisdiction of any offense described in *Sec. 540.D.2.a. Massage*.

e. **Improperly Maintained Facilities**

That the facilities and operations of the Massage Establishment are not kept in compliance with this section, and that the owner or operator has failed to promptly remedy any deficiency of which they have been notified. For purposes of this subsection, "notice" means notice given personally or by leaving notice at the Massage Establishment premises, or by first class mail, postage prepaid, to the address designated by the Massage Technician or establishment in accordance with *Sec. 540.D.2.a. Massage*;

f. **Employment of Uncertified Technicians**

That the Massage Establishment has employed, allowed or permitted an uncertified person to perform massage in the Massage Establishment;

g. **Error**

That the approval was issued in error.

h. **Civil Penalties**

Assessment of 3 or more civil penalties as provided by *Sec. 540.D.2.a. Massage* during any 6 month period.

i. Prohibited Conduct

A Massage Establishment owner, operator, Massage Technician, or its employee or agent has been found to have engaged in prohibited conduct in violation of *Sec. 540.D.2.a. Massage*.

ii. Notice and Hearing of Revocation

Notice and hearing for the revocation of a Massage Technician's or Massage Establishment's business license must be pursuant to the City Code *(Ch. 50., Art. VIII., Div. 2.)*.

11. Civil Penalties

i. Any person violating any provision of *Sec. 540.D.2.a. Massage* is liable in a civil action brought by the City Attorney for an amount up to $500 per violation. Such person is also liable for reasonable attorneys' fees and costs incurred by the City Attorney in any civil proceeding filed to enforce *Sec. 540.D.2.a. Massage*.

ii. Enforcing *Sec. 540.D.2.a. Massage* through civil action may be filed as an alternative to criminal enforcement. Civil enforcement does not require the violation to be knowing or willful. A civil action must not be filed if the person is being criminally prosecuted.

iii. Each violation of *Sec. 540.D.2.a. Massage* is a separate offense subject to the civil penalty.

iv. The City Attorney may settle any civil enforcement before or after to the filing of a civil action by imposing a civil penalty in an amount not exceeding the potential civil liability, including attorneys' fees, set forth in *Sec. 540.D.2.a. Massage*. If such civil penalty is paid in full, the City Attorney can agree not to file civil or criminal actions or, if action has already been filed, may dismiss such action. Imposition of all civil penalties is public record.

v. All civil fines must be deposited into the General Fund.

4. Adult-Oriented Business

a. General

1. Location

i. An adult-oriented business must not be located within a radius of:

a. 750 feet of any other adult-oriented business property line; or

b. 1,000 feet of any existing residential lot line.

2. Size

i. An adult book store, adult merchandise store, or modeling studio must have a gross floor area of at least 1,000 square feet.

ii. Any other adult-oriented businesses, including an adult motion picture theater, live entertainment, cabaret, or arcade must have a gross floor area of at least 3,000 square feet.

iii. An adult-oriented business structure must not exceed 2 stories or 35 feet in height.

3. **Noise**

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

4. **Lighting**

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

ii. The lighting must be shown on the required sketch or diagram of the premises.

5. **Signs**

i. The operator must post "No Loitering" and "No Consumption of Alcohol on the Premises" signs in the parking lot area and on the exterior wall of the building.

ii. Any advertisements, displays or other promotional materials depicting or describing "specified anatomical areas" or "specified sexual activities" or displaying instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities" must not be visible to the public from any public right-of-way or any other exterior location.

iii. Any proposed exterior signage must comply with *Sec. 630. Signs*.

6. **Operational Standards**

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

ii. Any exterior door or window on the premises must not be propped or kept open at any time while the establishment is open.

iii. No person under the age of eighteen 18 is permitted within an adult-oriented business.

iv. Any adult-oriented business building entrance must be clearly and legibly posted with a notice indicating that persons under 18 years of age are precluded from entering the premises. The notice must be constructed and posted to the satisfaction of the Development Services Director.

v. The on-sale of alcohol is prohibited at all times during the operation of an adult-oriented business without the approval of a conditional use permit. See *Sec. 1160.D. Conditional Use Permit*.

vi. **Hours**

a. An adult-oriented retail store must not operate outside the hours of 10:00 a.m. to 10:00 p.m.

b. Any other adult-oriented business, except adult motels/hotels, must not operate outside the hours of 10AM and 12AM.

7. **Interior**

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

ii. All areas must be illuminated as follows:

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

b. **Adult Arcades**

1. **Interior**

i. Restrooms must not contain video or television equipment.

ii. All interior areas where patrons are permitted must be within a direct line of sight of the manager's station, except restrooms.

iii. **Viewing Rooms and Booths**

a. All walls and partitions between the viewing rooms and booths must be maintained in good repair at all times, with no holes between booths that would allow viewing and physical contact between occupants.

b. All walls or partitions between the viewing rooms and booths must be suspended between 16 inches and 4 feet above the ground.

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

c. **Adult Cabarets and Adult Theaters**

1. **Interior**

i. All stages must be raised at least 18 inches above the floor level.

ii. Fixed rails, at least thirty 30 inches in height, must be provided to separate entertainers and patrons.

iii. No patron is permitted within 6 feet of the stage while the stage is occupied by an entertainer in accordance with *City Code (Ord. 4031.)*.

iv. Separate and dedicated dressing rooms must be provided for entertainers. No guest or customer are permitted to enter any dressing room at any time.

v. A separate and dedicated entrance and exit must be provided for entertainers.

vi. **Dedicated Stage Access**

a. Dedicated access for entertainers between the stage and the dressing rooms, which is completely separated from the patrons must be provided.

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

5. Small-Scale Contractors Indoor Storage

Small-scale contractor indoor storage uses may only be located in an existing purpose-built industrial structure that meets the following criteria.

a. Location

1. The building permit issued for the existing purpose-built industrial structure must have been issued by July 31, 2024.
2. The structure must not be larger than 30,000 square feet.
3. The structure must have at least 1 at-grade roll-up door per 2 tenants.
4. The structure must not have an operable loading ramp, loading bay, or any other loading entry that is not at-grade.

b. Size

The maximum establishment size is 5,000 square feet as defined in *Sec. 530.F.14. (Small-Scale Contractors Indoor Storage)*.

c. Operations

1. All operations must occur within an enclosed structure.
2. All activities must be conducted in a manner that does not create a nuisance (generation of noise, odors, insects, etc.) nor impact the public health, safety, or welfare of persons within the area surrounding the establishment, or its participants, employees, or staff.

540.E. Auto-Oriented Commercial Uses

1. Electric Vehicle Charging Station (EVCS)

a. Only permitted in conjunction with another allowed primary use;

b. Must be located within a parking area.

c. Must not be located within a Build-to zone.

d. Must not cause any net loss of tree canopy or landscaping on the site.

540.F. Production-Oriented Industrial Uses

1. Production, All

a. Shore Power

See Sec. *540.C.1.a. Shore Power*.

b. Additional Permit Requirements

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

c. Operational Standards

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

d. Permitted Supportive Uses

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

2. Product Maintenance, Restoration, and Repair

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

a. Maximum establishment size: 4,000 gross square feet.

b. Automotive repair and small engine repair uses are prohibited.

c. Carpet cleaning is prohibited.

540.G. Small-Scale Industrial

1. Small-Scale Industrial, All

All small-scale industrial uses may only be located in an existing purpose-built industrial structure that meets the following criteria:

a. Location

1. The building permit issued for the existing purpose-built industrial structure must have been issued by July 31, 2024.
2. The structure must not be larger than 30,000 square feet.
3. The structure must have at least 1 at-grade roll-up door per 2 tenants.
4. The structure must not have an operable loading ramp, loading bay, or any other loading entry that is not at-grade.

b. Size

The maximum establishment size is 10,000 square feet as defined in *Sec. 530.M. (Small-Scale Industrial)*.

c. Operations

All operations must occur within an enclosed structure.

540.H. Urban Agricultural Uses

1. Animal Keeping

a. General

No animal keeping use is permitted within a required setback of required frontage yard.

b. Bees

The keeping of bees will be subject to the following requirements:

1. Bees must be maintained in hives consisting of moveable frames and combs;
2. No more than 2 hives must be maintained on a lot;
3. Hives must be kept in sound and usable condition at all times;
4. Hives must be located at least 5 feet from all property lines;
5. Hive entrances or openings must be oriented away from neighboring properties;
6. Hives must be continually managed to provide adequate living space for the resident bees in order to prevent swarming;
7. A water source for bees must be provided, at all times, on the property where the bees are kept to discourage bee visitation at swimming pools, hose bibs, and other water sources on

other property;

8. Hive maintenance materials or equipment must be stored in a sealed container or placed within a building; and

9. Bees and hives will be considered a public nuisance when any of the following occurs:

   i. A colony of bees exhibit defensive, objectionable behavior or interfere with the normal use of neighboring property.

   ii. Bees or a hive do not conform to this Code.

   iii. A hive becomes abandoned by resident bees or by the owner.

c. Kennel

1. The premises must be kept in a clean and sanitary manner by the daily removal of waste and by the use of spray and disinfectants to prevent the accumulation of flies, the spread of disease or offensive odor.

2. Kennels must conform to all the regulations contained in the County Code related to kennels, including but not limited to Noise Abatement and Control, Animal Control and Permit Fees and Procedures.

3. Animal odors must not be detectable beyond the lot lines of the property wherein the kennel is located.

4. Dust and drainage from the kennel enclosure must not create a nuisance or a hazard to adjoining property or uses.

5. The kennel enclosure must be screened by a nontransparent fence of a minimum 6 feet in height.

6. Grooming services for the animals being boarded may be allowed as an incidental use provided the grooming services are conducted indoors.

d. Domestic Animal, Small

1. Any animal must not be maintained on an area of less than 6,000 square feet.

2. Pens, coops, hutches, and other areas must be maintained in a clean and sanitary manner and must at no time become a source of offensive odors transmitted to adjacent properties.

3. Minimum Enclosure/Outdoor Pen Size

i. Poultry

a. Coop Size: 4 square feet

b. Run Size: 10 square feet per bird

ii. Rabbits

a. Hutch Area: 12 square feet per rabbit minimum

b. Hutch Height: 2 feet minimum

iii. **Pigs**

Pen Size: 120 square feet per pig

iv. **Goats and Sheep**

Pen Size: 200 square feet per goat

4. **Number of Animals**

The number of animals must not exceed the following:

i. **Poultry**

15 animals maximum

ii. **Rabbits**

15 animals maximum

iii. **Pigs**

6 animals maximum

iv. **Goats and Sheep**

6 animals maximum

e. **Domestic Animal, Large**

1. Any animal must not be maintained on an area of less than 14,520 square feet (1/3 acre).
2. The number of animals must not exceed 4 adult animals and their immature offspring.
3. Any animal must have an enclosure size of at least 650 square feet per animal.
4. Any open enclosure for any animal must be at least 30 feet from the nearest dwelling unit, except for the animal owner's residence.
5. Any open enclosure must be setback at least 30 feet from any street except for an alley.

2. Urban Farm

a. **Additional Permit Requirements**

1. Any urban farms must obtain a business license and land use permit with the City of Pomona.
2. The urban farm operator must submit a maintenance plan and animal care plan, if applicable, including the maintenance schedule of the site and animals, the removal of animal waste, weeds, and debris.
3. The urban farm operator must submit a composting plan for any active composting proposed on-site.

b. **Site**

1. The urban farm or urban garden must abide by *Sec. 18-222 (Public Nuisance)* in the City

Code.

2. Building coverage must not exceed 20% of the proposed urban farm net area, including accessory structures (i.e. tool sheds, gazebos, shipping containers, restrooms, etc.).

3. The urban farm must be designed and maintained to ensure that water will not drain to adjacent properties or the public right-of-way.

4. The urban farm or urban garden must be designed and maintained to prevent dust and other fugitive particles from leaving the site.

5. Where animals are present, permanent fencing must be provided around the urban farm or urban garden perimeter, and must meet the standards of the *Sec. 620.B. Transition Buffers Sec. 620.C. Frontage Screens*.

6. A pedestrian walkway at least 5 feet wide must be provided from the public right-of-way to the urban Farm or urban garden. The walkway must be clearly marked and made from a decorative compacted material, such as decomposed granite, or a decorative pervious surface.

   i. Exceptions

   a. An urban farm located to the rear of a street-facing building may be allowed to provide access to the urban farm through a structure.

   b. An urban farm located to the rear of a street-facing building may be allowed to provide access to the urban farm through a public alley.

7. Any storage structure for tools, equipment, or other materials, must be fully enclosed and located outside of the required setbacks of the zoning district where the urban farm is located, and must abide by the base zoning district setback standards for accessory structures.

8. Any storage structure for tools, equipment, or other materials, must be enclosed and located outside of the required setbacks of the zoning district where the urban farm is located, and must abide by the base zoning district setback standards for accessory structures.

9. All on-site lighting must be shielded, directed away from any adjoining properties and public rights-of-way, and meet the standards of *Sec. 640.A. Outdoor Lighting*.

c. Operational Standards

1. The use of pesticides, insecticides, and fungicides are prohibited.

2. In the R1 and RX1 use modules, the use of commercial grade machinery or mechanized equipment is expressly prohibited except in the initial preparation of the land and as necessary for seasonal transitions and compost health.

3. The hours of operation must be limited to the hours between one hour before sunrise and one hour after sunset.

d. Composting Standards

1. Active compost and compost receptacles must be located at least 15 feet from any interior

property line, and must not be located within any designated setback area of the zoning district in which the urban farm is located.

2. Composting activities must be conducted in a manner that does not create a nuisance (generation of noise, odors, insects, etc.) nor impact the public health, safety, or welfare of persons within the area surrounding the urban farm, or its participants, employees, or staff.

3. The scale of the composting activity must be consistent with the fertilizer requirements for the related urban farm the composting activity is intended to serve.

4. Feedstock inputs may only be imported to the site for purposes of maintain the health of compost as a soil resource for the urban farm.

Sec. 550. Accessory Uses and Structures

550.A. General Provisions

1. Allowed

a. The table in *Sec. 520.C. Allowed Use Table* lists allowed accessory uses and structures by Use Module.

b. An accessory use or structure is one which exists incidental to and directly associated with the principal permitted use on a lot, allowing for the flexibility of multi-use developments and facilities. To qualify as an accessory use, a use cannot exceed 50% of the gross floor area of the primary permitted use on a site.

2. Permit Required

~~All accessory uses and structures must obtain a~~A Ministerial Permit is required for the following uses pursuant to the procedures described in *Sec. 1170.C. Ministerial Permit*.

a. Outdoor Dining Area

b. Certified Farmers' Market

c. Home Occupation

d. Cottage Food Operation

e. Home-Based Business

f. Accessory Commercial Unit (ACU)

g. Outdoor Storage

3. Accessory Uses and Structures Not Listed

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

a. Is clearly incidental to and customarily found in connection with an allowed primary use;

b. Is subordinate to and serving an allowed primary use;

c. Is subordinate in area, extent and purpose to the primary use served;

d. Contributes to the comfort, convenience or needs of occupants, business or industry in the primary use served; and

e. Is located on the same lot as the primary use served.

4. Module Standards for Accessory Structures

a. Accessory structures must meet the coverage, setback and maximum height requirements of the *Subpart 3B. Form Modules*.

b. New construction accessory structures are only permitted in a side or rear yard.

550.B. Defined

1. Shed

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

2. Carport

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

3. Patio

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

4. Sunroom

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

5. Garage

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

6. Outdoor Dining Area

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

a. Located entirely outside the walls of the associated building;

b. Enclosed on two or fewer sides by walls, with or without a solid roof cover; or

c. Enclosed on three sides by walls without a solid roof cover.

7. Certified Farmers' Market

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

8. Swimming Pool

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

9. Home Occupation

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

10. Cottage Food Operation

An enterprise that is registered with, or permitted by, the County of Los Angeles, Department of Public Health, as a "Cottage Food Operation," as defined in California Health and Safety Code *(Sec. 113758)*, as may be amended.

11. Home-Based Business

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

12. Accessory Commercial Unit (ACU)

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

13. Accessory Dwelling Unit (ADU)

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

14. Junior Accessory Dwelling Unit (JADU)

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

15. Outdoor Storage

The incidental open outdoor storage of materials associated with a permitted, primary use only.

550.C. Standards

1. Shed

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

a. Form

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

b. Placement

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

2. Patio

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

3. Outdoor Dining Area

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

a. Outdoor dining areas must not obstruct or interfere with required pedestrian, bicycle, or vehicular circulation areas.

b. Outdoor dining areas must not encroach upon the public right-of-way.

c. Outdoor dining areas must be adequately secured and lockable outside normal hours of operation.

4. Certified Farmers' Market

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

a. The operator is limited to certified producers, non-profit organizations, and local government agencies.

b. If selling eggs, honey, fish and other seafood and freshwater products, live plants, and other agricultural products, the market operator and producer must secure all necessary licenses, certificates and health permits which are required to sell these products directly to consumers, provided these products are raised, grown, caught, and processed, if necessary, in California.

c. Safety barricades must be provided to separate and protect vendors and their customers from moving vehicles wherever active motor vehicle use areas and farmer's market activities are not separated by a permanent curb.

d. Trash containers must be provided during the hours of operation.

e. Any portion of the lot used for market activities must be cleaned at the close of hours of operation, including the removal of stalls, materials, debris, and trash used in conjunction with market activities.

f. (EBT) card payments must be accepted by all vendors for all hours of operation. A Food and Nutrition Service (FNS) Number issued by the United States Department of Agricultural must be available at the public's request as proof of Electronic Benefit Transfer (EBT) card acceptance.

g. Certification of the Certified Farmers' Market and contact information for the operator must be posted at the main entry, and otherwise available at the public's request. The contact person must be available during the hours of operation and must respond to any complaints. The operator must keep a log of complaints received, the date and time received, and their disposition.

5. Swimming Pool

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

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

b. Swimming pools must not be located within any utility easement.

c. Swimming pools larger than 150 square feet in water surface area must be located at least 5 feet from any wall of a primary structure.

d. Swimming pools located in the IX1 Use Module must be located indoors.

6. Home Occupation

Home occupations are allowed accessory to all dwelling unit uses in all Use Modules.

a. General

1. At least 1 person engaged in a home occupation must reside in the dwelling unit where the home occupation takes place.

2. ~~No more than 1 vehicle used in association with the home occupation is permitted to be parked on-site at any time.~~

3. A home occupation permit is not transferable. A permit for each new home occupation must be applied for.

b. Design

Any home occupation must be confined entirely to one room or other space with occupancy allowance in the dwelling and the entrance to such space must be within the dwelling unit.

c. Allowed Uses

Home Occupations only allow a General Office use as defined in *Sec. 530.F.8. General Office*. Does not include mobile licenses. Mobile licenses include but are not limited to mobile car wash and mobile vehicle sales. ~~Only the following uses are permitted as a home occupation businesses:~~

1. ~~General Office~~

2. ~~Personal Service - General~~

3. ~~Retail - General: Online sales only.~~

d. Employees and Customers

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

e. Deliveries

The use of commercial vehicles for the delivery or shipment of materials or equipment to or from the premises is expressly prohibited.

7. Cottage Food Operation

Cottage food operations are allowed accessory to all dwelling unit uses in all Use Modules.

a. General

1. At least 1 person engaged in a cottage food operation must reside in the dwelling unit where the cottage food operation takes place.
2. No more than 1 vehicle used in association with the cottage food operation is permitted to be parked on-site at any time.
3. A cottage food operation must be permitted by the Los Angeles County Department of Public Health and must operate in a manner consistent with the restrictions imposed by the County of Los Angeles, Department of Public Health.
4. Cottage food operations may sell food products permitted of the type and in the manner consistent with the class of operation as permitted by the County of Los Angeles, Department of Public Health.
5. A cottage food operation permit is not transferable. A permit for each new cottage food operation must be applied for. Notwithstanding the foregoing, a cottage food operation permit is not transferable between:
   a) Persons;
   b) Locations;
   c) Change in class; and
   d) Types of distribution.
6. There must not be more than one cottage food operation permit in any dwelling unit.

b. Design

1. Any cottage food operation must be confined entirely to one room in the dwelling and the entrance to such space must be within the dwelling unit.
2. Any cottage food operation must only cover the registered or permitted area, as permitted by the County of Los Angeles, Department of Public Health.
3. Any use of commercial kitchen equipment for cottage food operations must comply with all

Federal, State, and local laws.

c. Employees and Customers

1. No more than 1 non-resident employee is allowed on site at a given time.
2. No more than 1 customer or client is allowed on site at a given time.
3. Customers or clients are only allowed between the hours of 7AM and 7PM, and in a manner consistent with requirements of the County of Los Angeles, Department of Public Health.

d. Deliveries

Any cottage food operation may have delivery of materials or equipment subject to the following limitations:

1. No deliveries by any commercial vehicle may occur between the hours of 6PM and 8AM;
2. No more than 1 delivery vehicle may visit the site at the same time, and no more than 3 commercial vehicles may visit the site per day;
3. Any delivery vehicle must comply with local residential parking, stopping, noise, and size restrictions.

e. Storage

Any cottage food operations may store food and associated products in the manner consistent with requirements of the County of Los Angeles, Department of Public Health, and with all applicable State, County, and local laws.

8. Home-Based Business

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

a. General

1. No more than 1 home-based business is allowed per dwelling unit.
2. At least 1 person engaged in a home-based business must reside in the dwelling unit where the home-based business takes place.
3. No more than 1 vehicle used primarily in association with the home-based business is permitted to be parked on-site at any time. The vehicle must be rated Class 2 or lower.
4. Any activities related to the business must take place within the dwelling unit or an otherwise allowed enclosed accessory structure (such as a shed or enclosed garage), except for an urban farm or garden.
5. The urban farm or urban garden must abide by *Sec. 18-222 (Public Nuisance)* in the City Code.

b. Design

Any home-based business must be confined entirely to one room or other space with occupancy allowance in the dwelling and the entrance to such space must be within the dwelling unit, except for an urban farm or garden.

c. Allowed Uses

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

1. General Office
2. Personal Service - General, specifically defined as: any commercial use providing a service directly to an individual involving personal needs, grooming, or maintenance. Includes instructional services, hair cutting and styling, beauty & spa services, jewelry repair, handheld electronic repair, tailor or seamstress, bicycle repair (non-electric), and personal fitness training. Excludes tattooing, pet boarding, and massage.
3. Retail - General, specifically defined as: any retail use involved in the sale of new or used products, or the provision of consumer or rental services, to individuals and businesses. Limited to clothing or accessory store, party supply, hobby supply, beauty supply, flower shop, book store, cameras and photographic supply, music store, dry goods store, stationary store, fabric and sewing supply, antique shop, artist supply, art gallery, hardware store, electronics store, furniture store, and print shop. Excludes pharmacies, tobacco sales, alcohol sales, and pet stores.

d. Employees and Customers

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

e. Deliveries

Any home-based business may have delivery of materials or equipment subject to the following limitations:

1. No business-related deliveries ~~by any commercial vehicle~~ may occur between the hours of 6PM and 8AM;
2. No more than 1 ~~delivery vehicle may visit the site at the same time, and no more than 1 commercial vehicle may visit the site~~business-related delivery may occur per day;
3. Any delivery vehicle must comply with local residential parking, stopping, noise, and size restrictions.

9. Accessory Commercial Unit (ACU)

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

a. General

1. No more than 1 ACU is permitted per single-unit home.
2. At least 1 person engaged in an ACU must reside in the single-unit home associated with

the ACU.

3. All activities related to the business must take place within the ACU structure.
4. No equipment or process is permitted in connection with the ACU unit that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off the premises.

b. Allowed Uses

Only the following uses are allowed within an ACU:

1. Child Day Care;
2. Medical Clinic;
3. General Office;
4. Personal Services - General;
5. Retail - General; and
6. Food and Beverage Manufacturing - Small.

c. Design

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

d. Employees and Customers

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

e. Deliveries

Any ACU may have delivery of materials or equipment subject to the following limitations:

1. No deliveries by any commercial vehicle may occur between the hours of 6PM and 8AM;
2. No more than 1 delivery vehicle may visit the site at the same time, and no more than 3 commercial vehicles may visit the site per day;
3. Any delivery vehicle must comply with local residential parking, stopping, noise, and size restrictions.

10. Accessory Dwelling Unit (ADU)

a. One ADU is allowed in addition to 1 *Junior Accessory Dwelling Unit (JADU)* as defined in *Sec. 550.B.14.*

b. Any ADU must meet the standards of *Sec. 830.A. Accessory Dwelling Units*, and the *California Government Code (Title 7)*.

11. Junior Accessory Dwelling Unit (JADU)

a. One JADU is allowed within the primary structure, in addition to 1 *Accessory Dwelling Unit (ADU)* as defined in *Sec. 550.B.13* .

b. Any JADU must meet the standards of *Sec. 830.A. Accessory Dwelling Units*, and the *California Government Code (Title 7)*.

12. Outdoor Storage

In the IX1, I1, I2, and I3 use modules, accessory outdoor storage uses are permitted subject to the following standards:

a. General

1. Must be considered accessory to the primary use on-site.
2. Storage material must not be located in designated fire lanes, drive aisles, off-street parking areas, or loading areas.
3. Outdoor storage of vehicles is limited to the number of vehicles required for the primary use operation.
4. Must not include the outdoor storage of ~~trucks or~~ chassis, trailers, or containers.

b. Screening

1. Any outdoor storage material must be screened by a fence or wall.
2. Any outdoor storage material within the first 100 feet of any street-facing property line must not be visible from the public right-of-way.

c. Height

1. Any outdoor storage items within the first 250 feet of any street facing lot line must not exceed the height of the screen fence or wall.
2. Any outdoor storage items beyond the first 250 feet of any street-facing lot line may not exceed 10 feet in height.
3. Maximum height standards must not apply to specialized equipment such as cranes or other similar equipment as determined by the Development Services Director.

d. Property Maintenance Program

A Property Maintenance Program must be submitted for review and approval by the Development Services Director or their designee prior to the issuance of building permits, business license, or business license renewal. The program must do the following:

1. Identify the location for all outdoor storage areas.
2. Identify the maximum height for all outdoor storage areas.
3. Identify all materials intended for outdoor storage.
4. Provide any Fire Department approvals, if applicable, due to the type of materials being stored.
5. The methods and maximum intervals for maintenance of each outdoor storage area.

13. Private Garden

A private noncommercial food-producing garden that is accessory to a household living or public assembly use which is located in the front yard, side yard, rear yard, rooftop, courtyard, balcony, fence, wall, window sill or basement.

Sec. 560. Temporary Uses and Structures

560.A. General Provisions

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

1. Permit Required

All temporary uses or structures must obtain a temporary use permit pursuant to the procedures described in *Sec. 1170.D. Temporary Use Permit*, unless otherwise noted in the standards in *Sec. 560.C. Standards.*

2. Uses and Structures Not Listed

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

560.B. Defined

1. Seasonal Outdoor Sales

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

2. Outdoor Amusement or Assembly

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

3. ~~Garage Sale or Yard Sale~~

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

4. Car Wash

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

5. Construction Office or Sales Showroom

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

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

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

7. Portable Residential Storage Unit

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

560.C. Standards

1. General Standards for all Temporary Uses

a. Duration and Frequency

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

b. Compliance with Other Regulations

1. Proposed temporary uses cannot endanger or be detrimental to the public health, safety, and welfare, and cannot impair the normal and safe operation of a primary or accessory use or uses on the same property or any adjacent property.
2. Temporary uses must comply with all applicable food safety, health, fire, building and other governmental standards and regulations.
3. Temporary uses on commercial or industrial property must be limited to car washes, candy sales and other activities by tax exempt organizations pursuant to the Federal Revenue and Taxation Code *(Sec. 501(c).)*, with no limitation on number of occasions and duration.
4. All signage associated with a temporary use must meet the standards and regulations of *Sec. 630. Signs*.

c. Other Conditions

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

2. Seasonal Outdoor Sales

a. Seasonal outdoor sales uses are permitted on all properties in all Use Modules.

b. Seasonal outdoor sales uses are allowed for up to 30 consecutive calendar days, and up to twice per year per site.

c. An on-site manager is required during all hours of operation.

3. Outdoor Amusement or Assembly

a. Outdoor amusement or assembly temporary are permitted on all properties in all Use Modules.

b. In the R1 Use Module, notices must be mailed to all property owners within 400 feet, 21 days prior to the event date.

c. Outdoor amusement or assembly uses are limited to a maximum duration of 10 calendar days.

d. Any related rides or equipment must meet all applicable safety regulations and certifications, and are subject to inspection.

4. Garage Sale or Yard Sale

Garage sales and yard sales must meet the standards and regulations of *Art. 12. of the Pomona City Code (Yard Sales)*.

5. Car Wash

a. A temporary use permit is not required.

b. Temporary car washes may not be located on the public right-of-way.

c. A temporary car wash may not be in place for more than 3 consecutive days.

d. No more than 4 temporary car washes per calendar year are allowed on a lot.

6. Construction Office or Contractor Shop

a. A temporary use permit is not required for a construction office or contractor shop which meets the following standards:

1. A trailer coach, mobile home, or other manufactured housing unit may be used as a temporary construction office or contractor shop.

2. Construction offices or contractor shops must be located on the lot where related construction activities are taking place.

3. The office or shop must be removed from a site within 10 days after final inspection of the permanent structure, or before the expiration of the corresponding building permit, whichever occurs first.

7. Mobile Food Vendor (Food Truck or Food Cart)

Mobile food vendors must meet all applicable state, county, and local health and safety regulations. See *Ch. 30. (Licenses, Permits and Miscellaneous Regulations)*.

8. Portable Residential Storage Unit

a. A temporary use permit is not required for a portable residential storage unit which meets the following standards:

b. No more than 1 portable storage unit may be located on a lot at one time.

c. A portable storage unit may not be located on a lot for greater than 30 consecutive days.

d. A portable storage unit may not be larger than 8 feet in height, 8 feet in width, and 16 feet in length.

e. Portable storage units must remain securely locked outside periods of loading or unloading.

PART 6.

SITE

Subpart 6A. Site Introduction **6-3**
Sec. 600. General Provisions 6-4
Subpart 6B. Site Rules **6-7**
Sec. 610. Parking and Access 6-8
Sec. 620. Landscaping and Screening 6-42
Sec. 630. Signs 6-73
Sec. 640. Environmental Protection 6-97

SUBPART 6A.

SITE INTRODUCTION

Sec. 600. General Provisions 6-4
600.A. Site Intent 6-4
600.B. Site Applicability 6-4

Sec. 600. General Provisions

600.A. Site Intent

The intent of Part 7 is to regulate site design, including location and characteristics of access, parking, landscape and other site features. Site standards consist of a combination of regulations that are appropriate to a variety of contexts ranging from auto-oriented to pedestrian-oriented.

600.B. Site Applicability

1. Project Applicability

All projects filed after the effective date of this Zoning and Development Code must comply with the Site standards and rules in this Part, as further specified.

2. Project Activities

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

Site Rules		Project Activities							
		Subdivision	New Construction	Addition	Site Modification	Facade Modification	Change of Use	Renovation	Maintenance and Repair
Parking and Access									
Sec. 610.A	Vehicle Access	●	●	○	●	○	○	○	○
Sec. 610.B	Pedestrian Access	●	●	○	●	○	○	○	○
Sec. 610.C	Automobile Parking	○	●	●	●	○	○	○	○
Sec. 610.D	Motor Vehicle Use Areas	●	●	●	●	○	○	○	○
Sec. 610.E	Bicycle Parking	○	●	●	●	○	○	○	○
Landscaping and Screening									
Sec. 620.A	Parking Lot Landscaping	○	●	○	●	○	○	○	○
Sec. 620.B	Transition Buffers	●	●	○	○	○	○	○	○
Sec. 620.C	Frontage Screens	○	●	○	●	○	●	○	○
Sec. 620.D	Structural Screens	○	●	○	○	○	○	○	○
Sec. 620.E	Fence and Wall Standards	○	●	○	●	○	●	●	○
Sec. 620.F	Planting Standards	●	●	●	●	○	○	○	○
Sec. 620.G	Retaining Walls	●	●	●	●	○	○	○	○

Site Rules		Project Activities							
		Subdivision	New Construction	Addition	Site Modification	Facade Modification	Change of Use	Renovation	Maintenance and Repair
Signs									
Sec. 630.	Signs	●	●	○	●	●	●	●	○
Environmental Protection									
Sec. 640.A	Outdoor Lighting	●	●	○	●	●	○	●	○
Sec. 640.B	Recycling and Solid Waste Disposal	●	●	○	●	●	○	●	○
Sec. 640.C	Floodplains	○	●	●	●	○	○	○	○
Sec. 640.D	Operational Performance Standards	●	●	●	●	●	●	●	●

● = Standards apply ○ = Standards are not applicable

a. Project activities are defined in *Sec. 1200.K. Project Activities*.

b. Where a category of Site rules is listed as generally applicable in the table above, the project activity must meet all applicable Site standards within the Section. This general applicability may be further specified for each standard in the applicability provisions for each Site standard. Project applicability may also be modified by *Sec. 11100. Nonconformities*. Where a category of Site rules is listed as not applicable in the table above, no standards from that Site rule category apply to the project activity.

3. Nonconformity

Sec. 11100. Nonconformities provides relief from the exceptions of Part 6 for existing lots, site improvements, buildings, structures, and uses that conformed to the zoning regulations, if any, at the time they were established, but do not conform to current district standards or use permissions. A project activity must not decrease conformance with any Site regulation unless otherwise specified by *Sec. 11100.L. Site Exceptions*. Consider the following example:

a. Extending a fence in a side yard: Where the existing, legally established fence located in a side yard is taller than the maximum height allowed by the fences and walls type specified by the applicable Frontage Module, all new portions of fence built in the front yard have to meet the maximum fence and wall height standard, but no existing fence alteration is required.

4. Applicable Components of Lots and Structures

a. Site rules apply to all portions of a lot.

b. Site rules apply to all portions of buildings and structures on a lot.

c. Specific Site rules may further limit which components of structures and lots are required to comply with the rules.

SUBPART 6B.

SITE RULES

Sec. 610. Parking and Access 6-8
610.A. Vehicle Access 6-8
610.B. Pedestrian Access 6-15
610.C. Automobile Parking 6-24
610.D. Motor Vehicle Use Areas. 6-35
610.E. Bicycle Parking 6-38
Sec. 620. Landscaping and Screening 6-42
620.A. Parking Lot Landscaping 6-42
620.B. Transition Buffers. 6-44
620.C. Frontage Screens 6-51
620.D. Structural Screens 6-57
620.E. Fence and Wall Standards 6-61
620.F. Planting Standards 6-66
620.G. Retaining Walls 6-71
Sec. 630. Signs 6-73
630.A. General 6-73
630.B. Signs Not Requiring a Permit 6-73
630.C. Prohibited Signs 6-75
630.D. General Signs Requirements 6-77
630.E. Large Temporary Signs. 6-79
630.F. Permanent Signs 6-80
630.G. Measurement. 6-95
630.H. Relief 6-96
Sec. 640. Environmental Protection 6-97
640.A. Outdoor Lighting. 6-97
640.B. Recycling and Solid Waste Disposal 6-101
640.C. Floodplains 6-103
640.D. Operational Performance Standards 6-103

Sec. 610. Parking and Access

610.A. Vehicle Access

A means for a motor vehicle to approach or enter a place.

1. Intent

To ensure motor vehicle access to sites to support the safety of all users by minimizing conflicts with pedestrians, cyclists, emergency service vehicles, transit vehicles, micro-mobility devices, and motor vehicles on the abutting public right-of-way, and to avoid detrimental effects on the surrounding public realm, while providing sufficient access to structures, vehicle parking and other motor vehicle use areas.

2. Applicability

a. Any lot that provides access to motor vehicles.

b. A permit is required for any cutting of the curb or pavement of a public right-of-way to provide vehicle access to a property. A driveway must only be installed after the issuance of a permit by the Public Works Director.

3. General

a. All existing and proposed development that provides on-site parking must provide a satisfactory means of motor vehicle access to and from a street or alley.

b. Each lot is permitted at least one driveway or one fire apparatus access road unless otherwise modified by the Development Services Director.

c. Driveways and fire apparatus access roads must be located to minimize conflicts with pedestrians, cyclists, and motor vehicles on the abutting public right-of-way.

d. Driveways and fire apparatus access roads near intersections must comply with *city standard A-27-10*.

e. No new driveway is allowed within six feet of fire hydrant.

f. On corner lots, driveways and fire apparatus access roads must be placed along a side street or alley, unless otherwise permitted by the Development Services Director.

4. Access Road Spacing

The minimum spacing requirements between driveway and fire apparatus access road curb cuts along a public street.

a. Applicability

1. All driveways serving an on-site parking area with 5 or more parking spaces.

2. All fire apparatus access roads.

b. Standards

No new driveway serving 5 or more parking spaces or new fire apparatus access road is permitted to be located closer to any other driveway on the site than the minimum spacing listed below. The table provides criteria that will be used in making a determination. Additional driveways or fire apparatus roads may be considered by the Development Services Director.

ROADWAY CLASSIFICATION	SPACING (MIN)
Major Arterial	250'
Minor Arterial	200'
Collector	150'
Local	100'
Alley	Unlimited

c. Measurement

Driveway and fire apparatus access road spacing is measured along the street lot line from edge of pavement to edge of pavement from all existing and proposed driveways located on-site.

5. Driveway Design

a. Applicability

All driveways serving an on-site parking area of any size, except for driveways that take access from an alley.

b. Standards

1. General Provisions

All driveways must meet the following standards.

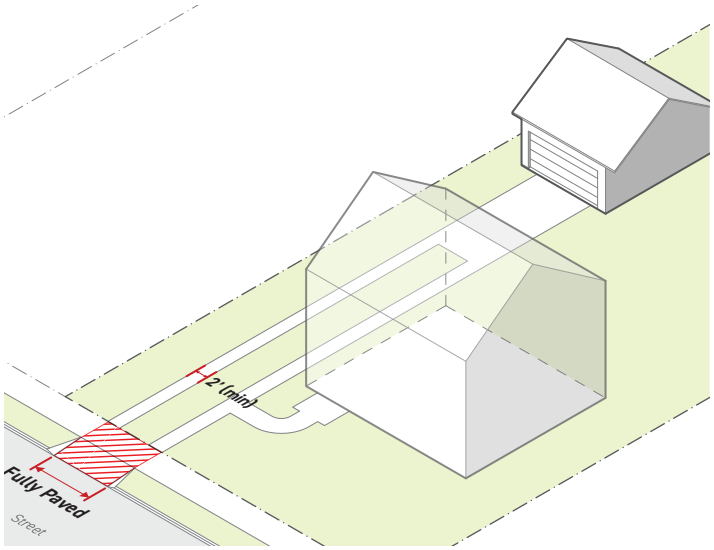
DRIVEWAY STANDARDS				
Driveway Type	Number of driveways per lot (max)	Number of lanes per driveway (max)	Lane width (min/max)	
			Primary St.	Side St.
Driveway serving up to 10 on-site parking spaces	1	1	8'/10'	8'/11'
Driveway serving 11 to 50 on-site parking spaces	1	2	8'/11'	8'/12'
Driveway serving more than 51 to 100 on-site parking spaces	2	2	9'/12'	9'/12'
Driveway serving more than 100 on-site parking spaces	3	3	9'/12'	9'/12'
Driveway serving an off-street loading facility (of any size parking area)	--	2	12'/20'	12'/20'

2. Hollywood Driveway

For driveways serving up to 5 on-site parking spaces, a Hollywood driveway is allowed as an alternative to a fully paved driveway.

i. The concrete strips in a Hollywood driveway must be at least 2 feet in width. When the concrete strip is also used as a walkway, the width of strips must be increased to at least 3 feet.

ii. Within the right-of-way, the driveway must be fully paved along its total width, pursuant to the Public Works Department's *Standard Drawings*.



6. Fire Apparatus Access Road Design

a. Applicability

All fire apparatus access roads.

b. Standards

1. All fire apparatus access roads must meet the design standards of a Residential Case 2 roadway type as defined in the Public Works Department's *Standard Drawings (Std. No. A-1-71-II.)*.

2. All fire apparatus access roads are considered secondary streets and are subject to the frontage standards of *Part 4. Frontage*.

3. At the discretion of the LA County Fire Department, a fire apparatus access road may take access from a street or fire apparatus access road located on an adjoining property if a reciprocal easement agreement is established.

c. Exceptions

1. A *Fire Apparatus Access Road Alternative 1 (Street)* *(Sec. 610.A.6.d.1.)* may be used instead of a Residential Case 2 roadway type where:

   i. The site has an existing lot width between 75 feet and 130 feet;

   ii. New buildings will not exceed 30 feet in height; and

   iii. New buildings will be built under the International Building Code (IRC).

2. A *Fire Apparatus Access Road Alternative 2 (Mews)* *(Sec. 610.A.6.d.2.)* may be used instead of a Residential Case 2 roadway type where:

   i. The site has an existing lot width narrower than 75 feet;

   ii. New buildings will not exceed 30 feet in height; and

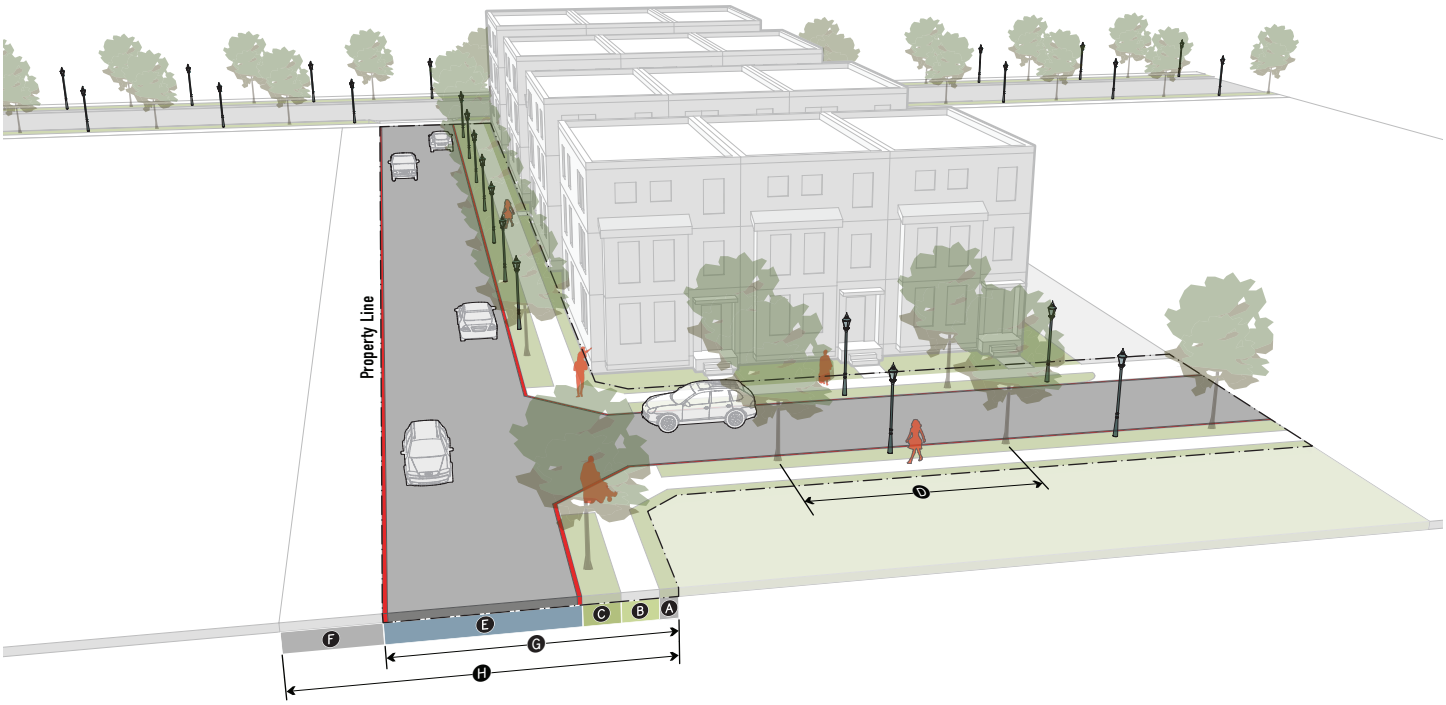
   iii. New buildings will be built under the International Building Code (IRC).

3. Fire apparatus access road design alternatives do not apply to existing structures rebuilt pursuant to the rules of *Sec. 11100.I.2.c. Existing Structures with an Industrial-Oriented Use*.

d. Fire Apparatus Access Road Alternative Options

Pedestrian-oriented fire lane designs for deep and narrow sites using an intermediate turn-around as defined by the Los Angeles County Fire Code (Sec. 503.2.5.).

1. Fire Apparatus Access Road Alternative 1 (Street)



DIMENSIONAL STANDARDS	
Streetscape	
A Landscape panel (min)	2'
B Sidewalk (min)	4'
C Parkway (min)	4'
Tree type	Large species
D Planting frequency (min avg.)	3 per 100'
E **Fire lane** (min)	20'
F **Future streetscape expansion**	10'

See *Sec. 620.F. Planting Standards* for additional standards.

CONFIGURATION	
G **Half Street** (min)	30'
H **Full Street** (min)	40'

2. Fire Apparatus Access Road Alternative 2 (Mews)

DIMENSIONAL STANDARDS	
Ⓐ **Fire lane** (min)	20'

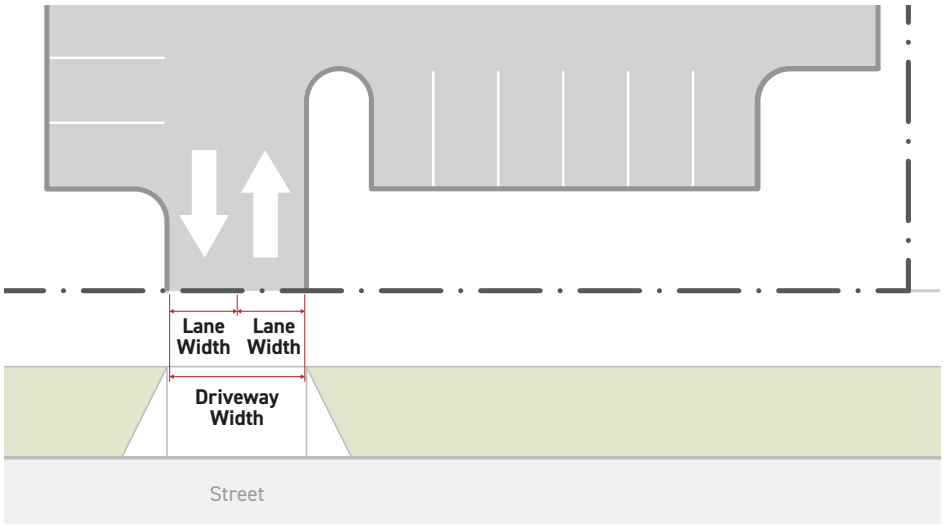
The fire lane in this alternative must be paved with special pavers approved by the Los Angeles County Fire Code Official *(Sec. 503.2.3.)*.

7. Measurement

a. Driveway lane width is measured separately for each driveway lane.

b. Driveway lane width is measured for each driveway lane from edge of designated lane to edge of designated lane along the street lot line.

c. Driveway width includes all driveway lanes within a driveway, and is measured between a driveway's outer edges along the street lot line. For the purposes of measuring width, a fire lane is equivalent to a driveway.



d. Fire Apparatus Access Road Alternative 1 Streetscape

1. The parkway is measured from the back of the fire lane toward the outer edge of the fire apparatus access road cross section

2. The sidewalk is measured from the back of the parkway toward the outer edge of the fire apparatus access road cross section.

3. The landscape panel is measured from the back of the sidewalk toward the outer edge of the fire apparatus access road cross section.

e. The outer edge of a fire apparatus access road cross section, labeled as a 'property line' or 'P.L.' in the Public Works Department's *Standard Drawings (Std. No. A-1-71-II.)*, is equivalent to a street lot line for the purposes of measuring frontage rules in *Subpart 4C. Frontage Rules*.

8. Relief

a. An alternative to a fire apparatus access road design standard may be requested in accordance with *Sec. 1170.E. Alternative Compliance*.

b. A deviation from a fire apparatus access road design standard may be allowed as a variance in accordance with *Sec. 1160.E. Variance*.

610.B. Pedestrian Access

A means for a pedestrian to approach or enter a place.

1. Intent

To promote walkability, improve pedestrian access from the public realm to the interior of buildings, ensure that required entrances are conveniently and effectively accessible to pedestrians, and activate the public realm with building access points and improve convenient pedestrian circulation through large sites to an extent and frequency appropriate to the context.

2. Applicability

a. Site Access

Site access standards apply to all required *Sec. 4110.A. Street-Facing Entrance*. Site access standards do not apply to non-required entrances.

b. Through Access

1. Through access standards apply only to projects that include one or more of the following project activities:
   i. Site modification; and
   ii. New construction.
2. Through access standards apply only to lots that meet all of the following conditions:
   i. Lot area is greater than 2 acres; and
   ii. Lot is a through lot or abuts either a public right-of-way or publicly accessible easement or open space.

3. Standards

a. By District

Lots must meet the following site and through access requirements for the applicable zoning district.

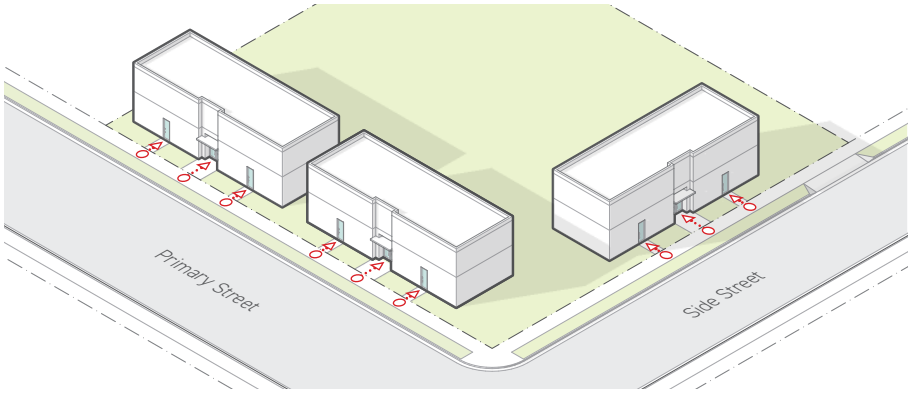
PEDESTRIAN ACCESS BY DISTRICT					
District Type	Site Access Packages			Through Access Standards	
	1	2	3	Passageway	Spacing (max)
RND	--	Required	--	Required	400′
NED	--	Required	--	Required	300′
UND	Required	--	--	Required	300′
ACD	Required	--	--	Required	300′
TOD	Required	--	--	Required	300′
WD	--	--	Required	Required	600′
SCD	--	--	Required	Required	500′
PLD	--	--	--	--	--

b. Site Access Packages

1. Site Access Package 1

i. Intended to ensure buildings are highly integrated with the surrounding public realm and promote walking as a safe and convenient mobility option through frequent physical connections between the public realm and the interior of a building and improved porosity through large sites.

ii. A minimum of one *Direct Pedestrian Accessway Standards* (*Sec. 610.B.3.e.*) must be provided to each required street-facing entrance.



2. Site Access Package 2

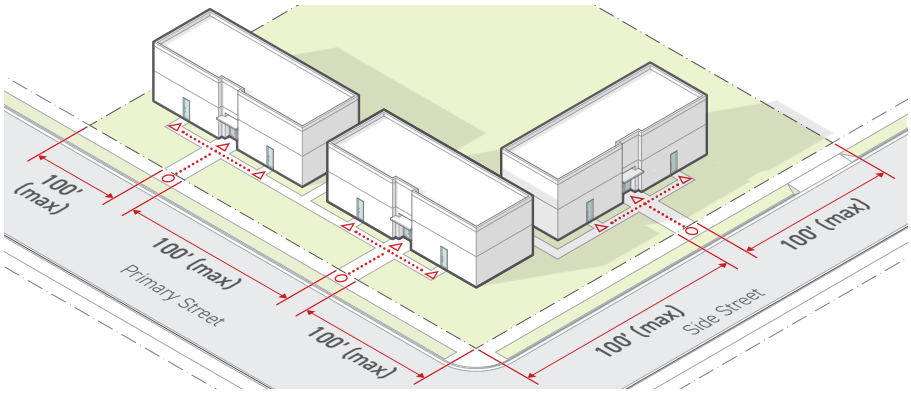
i. Intended to ensure buildings are conveniently accessible from the public realm and promote walking as a safe and convenient mobility option through regular physical connections between the public realm and the interior of a building and improved porosity through very large sites.

ii. A minimum of one *Direct Pedestrian Accessway Standards* (*Sec. 610.B.3.e.*) must be provided for each primary street lot line and side street lot line.

iii. Pedestrian accessway spacing can be no more than 100 feet.

iv. Pedestrian accessway spacing can be no more than 100 feet from a street intersection.

v. All required entrances must be accessible from a pedestrian accessway.

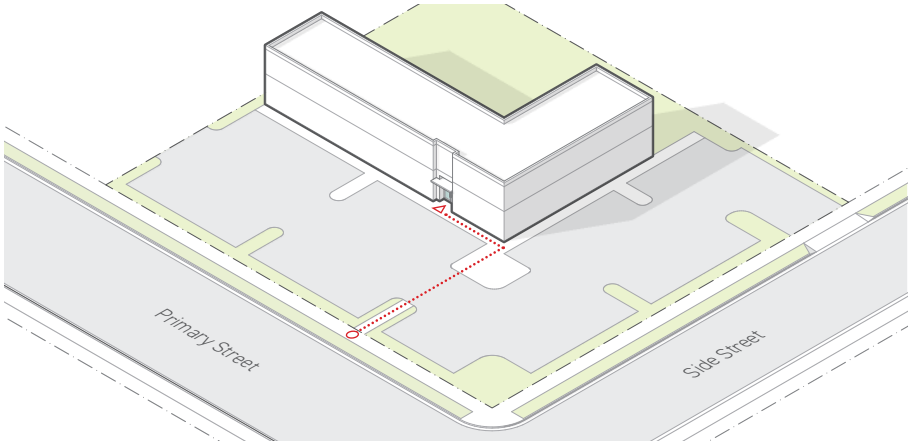


3. Site Access Package 3

i. Intended to ensure buildings are accessible from the public realm by requiring a physical connection between the public realm and the interior of a building.

ii. A minimum of one *Direct Pedestrian Accessway Standards* (*Sec. 610.B.3.e.*) or one *Linked Pedestrian Accessway Standards* (*Sec. 610.B.3.d.*) must be provided along the primary street lot line.

iii. All required entrances must be accessible from a pedestrian accessway.



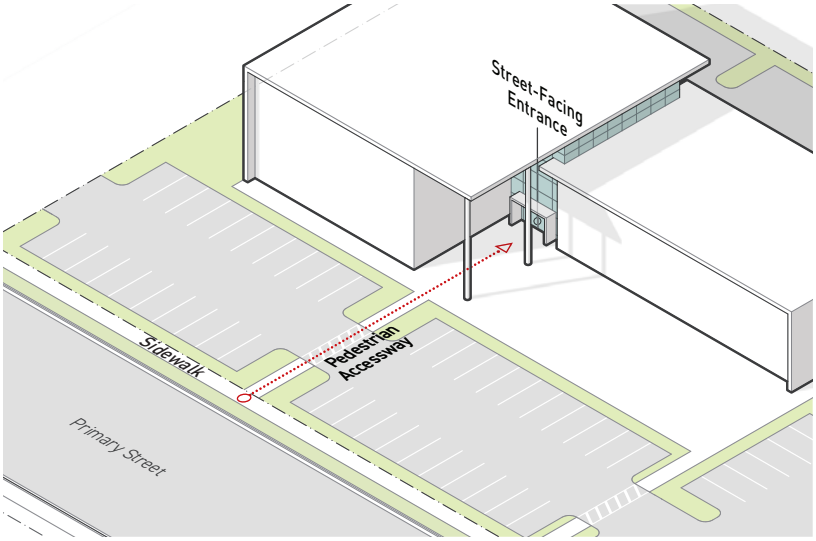
c. Pedestrian Accessways Standards

1. Pedestrian accessways must connect to the sidewalk, or other publicly accessible pedestrian-facility along the street lot line, to a required street-facing entrance.

2. Pedestrian accessways must be at least 6 feet wide~~.~~ with a minimum walkway width of 4 feet.

3. Finished ground or floor surfaces must be stable, firm and slip resistant in accordance with ADA floor and ground surface standards.

4. Pedestrian accessways must be physically separated from and uninterrupted by motor vehicle use areas except where required to cross a drive-aisle. Drive-aisle crossings must be the shortest practical.

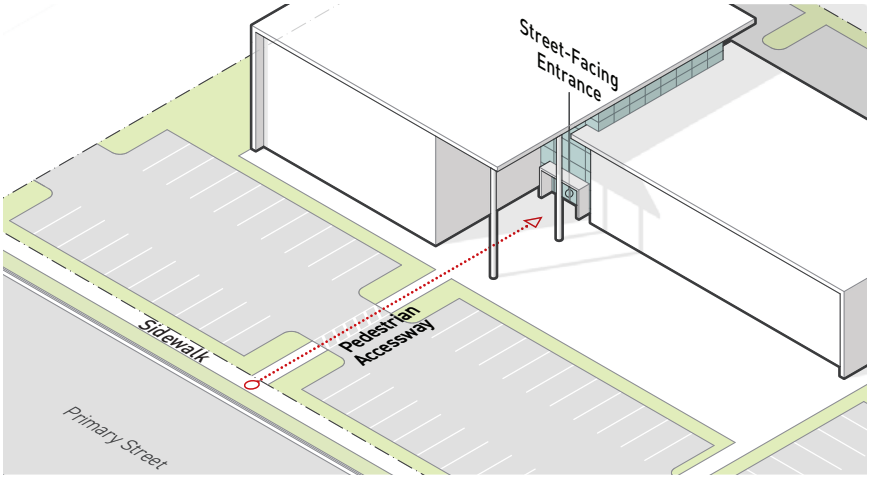


d. Linked Pedestrian Accessway Standards

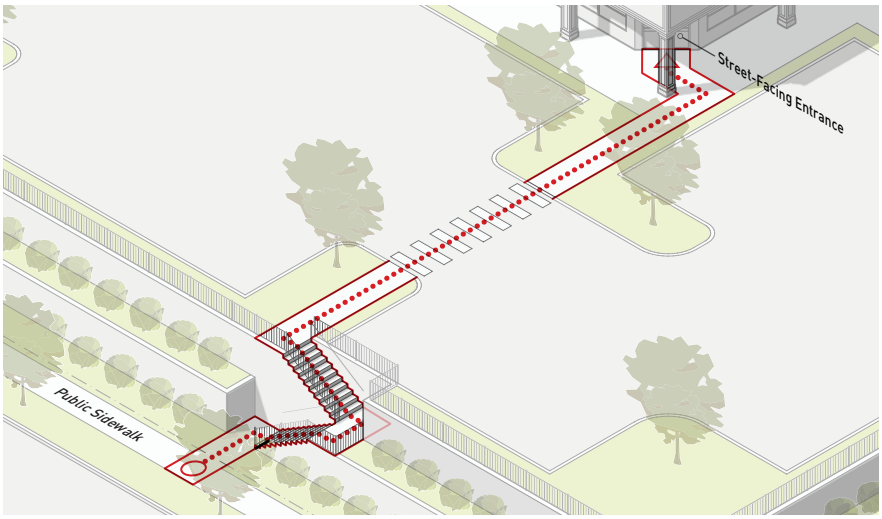
1. Must be a minimum width of 4~~6~~ feet.

2. Must connect from the sidewalk, or other publicly accessible pedestrian facility along the applicable frontage lot line, to a street-facing entrance required by the applicable *Subpart 3B. Form Modules* within the frontage yard.

3. Must be physically separated from and uninterrupted by motor vehicle use areas except where required to cross a drive aisle. Drive aisle crossings must be no wider than the minimum drive aisle width specified in *Sec. 610.C.3.b.5.ii. Parking Bays and Drive Aisles*. Physical separation methods may include, curbs of no less than 4 inches in height or bollards, walls, raised planters or similar containment methods, no less than 30 inches in height and separated by no more than 5 feet.

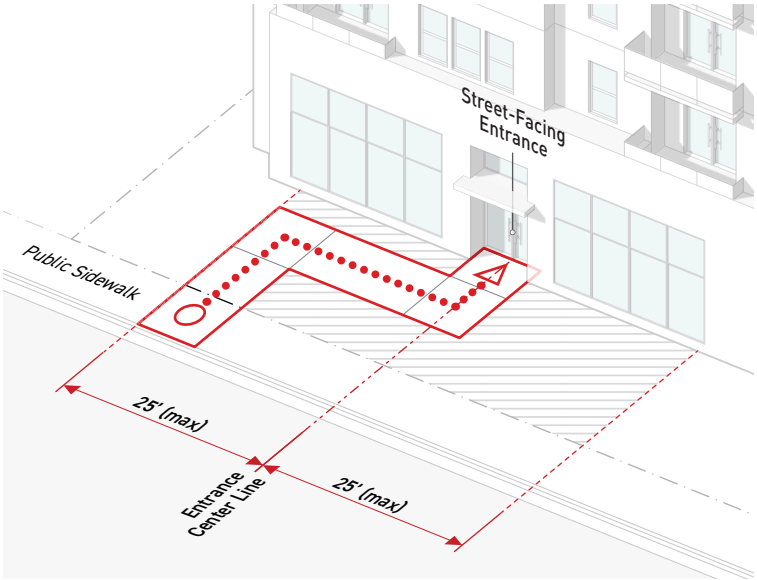


4. Where a retaining wall, open drainage, or similar obstacle interrupts a required pedestrian accessway, the pedestrian accessway must be designed to facilitate passage through or over the obstacle.



e. Direct Pedestrian Accessway Standards

1. Must comply with *Sec. 610.B.3.d. Linked Pedestrian Accessway Standards*.
2. A minimum of one pedestrian accessway must be provided to each street-facing entrance required by the applied *Subpart 3B. Form Modules*.
3. The connection to the public sidewalk must be within 25 feet of the center of the street-facing entrance, measured parallel to the applicable lot line.



f. Through Lot

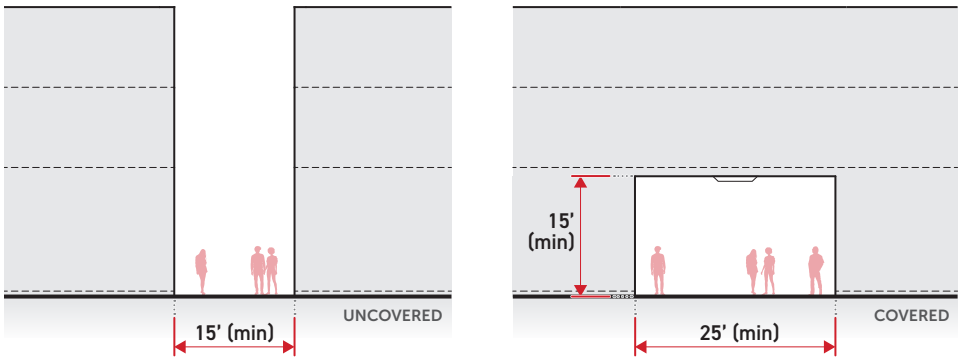
1. Pedestrian Passageway

When a pedestrian passageway is required (*Sec. 610.B.3.c. Pedestrian Accessways Standards*), a pedestrian passageway meeting the following requirements must be provided:

i. The pedestrian passageway must connect from the public sidewalk on the primary street through the lot to either the public sidewalk, alley, other public way or easement abutting the opposing lot line.

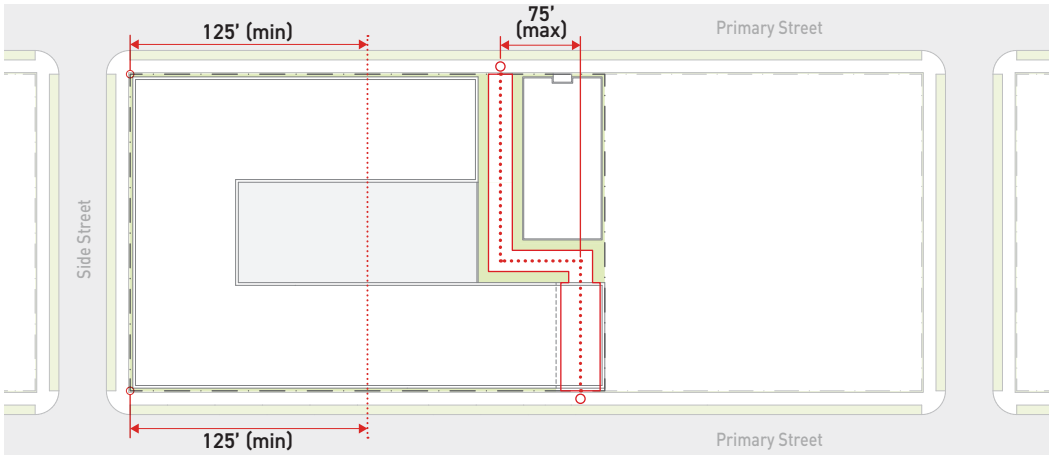
ii. The pedestrian passageway must be a minimum width of 15 feet for uncovered portions and a minimum width of 25 feet for covered portions.

iii. The pedestrian passageway must have a minimum clear height of 15 feet, with the exception of required luminaires.



iv. The centerline of the pedestrian passageway must be located within 75 feet of the sidewalk access point on the primary street, measured parallel to the primary street lot line.

v. The pedestrian passageway must take access from the sidewalk along the primary street lot line a minimum of 125 feet from a street intersection.



vi. The pedestrian passageway must be physically separated from and uninterrupted by motor vehicle use areas except where required to cross a drive-aisle. Drive-aisle crossings must be the shortest practical.

vii. The pedestrian passageway must be illuminated in accordance with *Sec. 640.A. Outdoor Lighting*.

viii. The pedestrian passageway must be made permanently available to the general public, at no cost, between sunrise and sunset daily, or during the operating hours of the building, whichever would result in a longer period of time. Gates or other barriers must not block any portion of a pedestrian passageway from pedestrian access during the required available hours.

ix. Pedestrian passageways may count towards required outdoor amenity space if they meet the requirements of *Sec. 380.B. Outdoor Amenity Space Design Standards*.

2. Pedestrian Passageway Spacing

i. Pedestrian passageways cannot be separated from another pedestrian passageway or the end of a primary street lot line by a distance greater than the maximum allowed pedestrian passageway spacing specified in *Sec. 610.B.3. Standards*

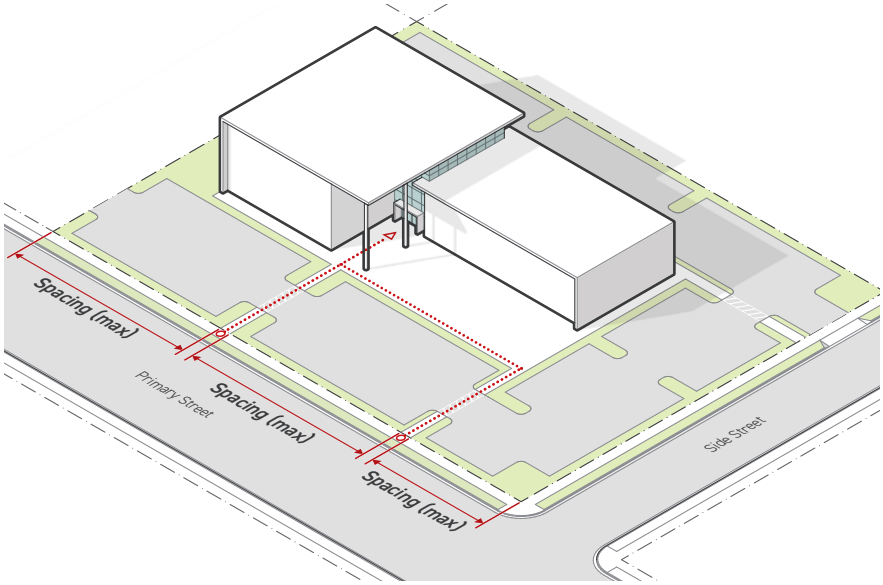
ii. The maximum pedestrian passageway spacing requirement must be met for each lot individually and is not applicable to adjacent or abutting lots.

4. Measurement

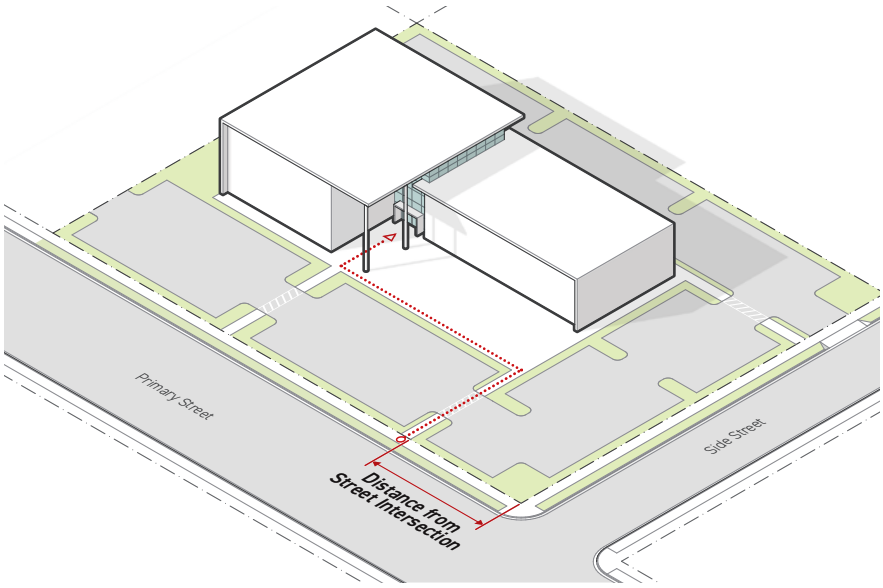
a. Pedestrian Accessways

1. Pedestrian accessway width is measured from one edge of the accessway perpendicularly to the opposite edge.

2. Pedestrian accessway spacing is measured as the distance between pedestrian accessways measured following the geometry of the frontage lot line from end of lot line to edge of pedestrian accessway and from edge of pedestrian accessway to edge of pedestrian accessway.



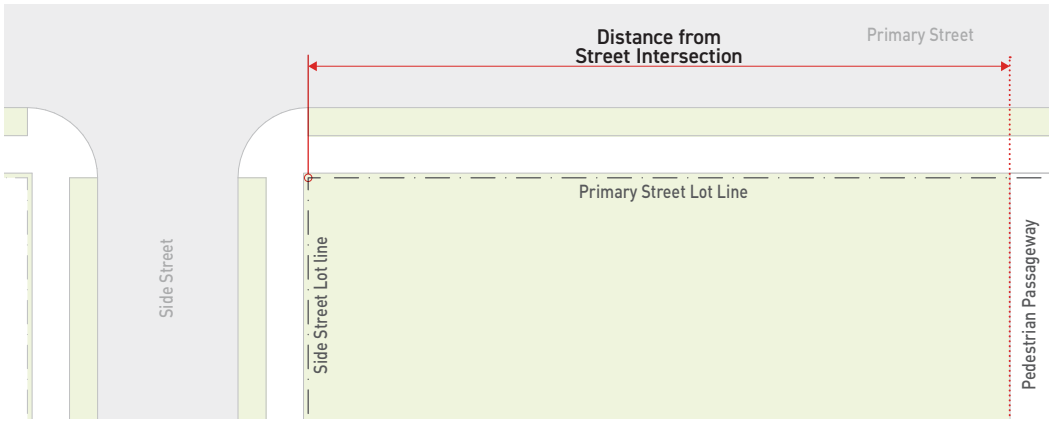
3. Pedestrian accessway distance from a street intersection is measured from the intersection of two street lot lines to the nearest edge of a pedestrian accessway measured along the street lot line.



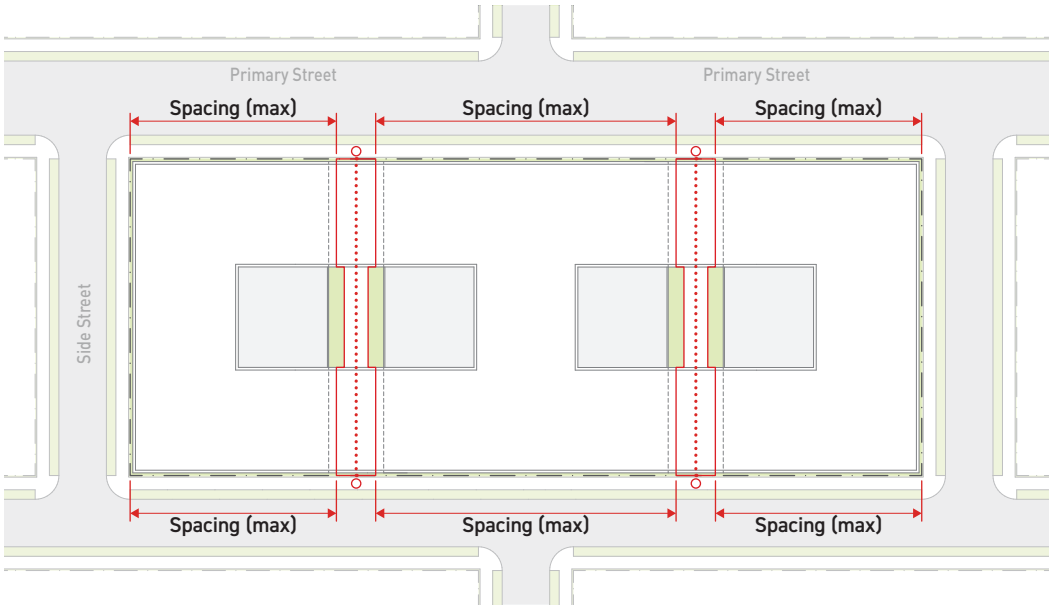
b. Pedestrian Passageways

1. Pedestrian passageway width is measured from one edge of the designated passageway perpendicularly to the opposite edge of the passageway.

2. Access distance from street intersection is measured from the point where two street lot lines intersect adjacent to a street corner to the nearest edge of a required pedestrian passageway, measured along the street lot line.



3. Pedestrian passageway spacing is measured as the horizontal distance between designated pedestrian passageway passageways measured at the primary street lot line from end of lot line to edge of passageway and from edge of passageway to edge of passageway.



610.C. Automobile Parking

Space within a structure or surface parking area, exclusive of driveways, ramps, columns, office, and work areas, for the parking of automobiles. Does not include bicycle parking.

1. Intent

a. To help ensure automobile parking areas and structures are designed to create safe, comfortable and attractive environments for users and pedestrians, while also mitigating negative environmental effects through landscaping and surface design.

b. To reduce parking demand, support the use of alternative forms of transportation, promote reuse and redevelopment of existing buildings, reduce the overall cost of construction and development and increase the overall efficiency and use of taxable land within the city.

2. Applicability

a. All uses established in accordance with *Part 5. Use*.

b. When provided, all on-site parking areas must meet the following requirements.

3. Standards

a. Required Parking

1. General

i. Automobile parking must be provided in accordance with the following table.

REQUIRED AUTOMOBILE PARKING	
Use	Required Off-Street Parking Spaces (min)
RESIDENTIAL	
All:	
1st 3 dwelling units	none
4th+ dwelling units	1 per 1 du after 3rd du
NONRESIDENTIAL	
All:	
Under 15,000 SF	none
15,000+ SF	subject to a parking study

ii. When the application of these regulations results in the requirement of a fractional automobile parking space, fractions of ½ or more are counted as 1 space.

iii. Automobile parking must meet the minimum parking dimensions of *Sec. 610.3.b.5.i. (Parking Spaces)*.

2. Parking Study

i. Any nonresidential project with over 15,000 square feet of gross floor area must submit a parking study, prepared by a qualified professional with demonstrated experience in transportation planning and traffic engineering. The parking study must provide the anticipated travel demand for the project and how the anticipated travel demand will be met on-site or off-site, including:

a) Number of on-street vehicle parking spaces, off-street vehicle parking spaces, or shared vehicle parking arrangements. If provided, parking ratios should be specified for each group of proposed uses.

b) Number of short-term and long-term vehicle and bicycle parking spaces.

c) Accommodations for pedestrians, cyclists, motorists, transit riders, and the mobility-impaired.

d) The strategies that will be employed to reduce single-occupancy vehicle trips, reduce vehicle miles traveled by site users, and promote transportation alternatives such as walking, cycling, ride-sharing, and transit.

e) The modal share objectives that will be sought from the implementation of Transportation Demand Management (TDM) strategies.

ii. TDM strategies should include, but not be limited to, the following:

a) Walking, cycling, ride-sharing, and transit promotion and education.

b) Parking cash-out programs or unbundled parking/market rate pricing.

c) Shared parking arrangements.

d) Enhanced bicycle parking and services (above the minimum required).

e) Support for car-share and bike-share services and facilities.

f) Carpooling or van-pooling programs or benefits.

g) Free or subsidized transit passes, transit-to-work shuttles, or enhanced transit facilities (such as bus shelters).

h) Guaranteed ride home (GRH) programs.

i) Provision for alternative work schedules (i.e., flextime, compressed work week, staggered shifts, work from home).

j) Promotion of “live near your work” programs.

iii. In making a decision on the number of required off-street parking spaces, the Development Services Director must consider the following:

a) The extent to which the project includes performance objectives to minimize single-occupancy vehicle trips and maximize the utilization of transportation alternatives to the extent practicable, taking into account the opportunities and constraints of the site and the nature of the development.

b) The extent to which the project meets the anticipated transportation demand without placing an unreasonable burden on public infrastructure, such as the availability of transit and on-street parking facilities within the neighborhood.

3. Substituting Required Automobile Parking

i. Bicycle Parking

a) Required automobile parking spaces may be substituted with longterm bicycle parking in the form of bike lockers or enclosed bicycle storage rooms at a ratio of 1 automobile parking space for every 4 bicycle parking spaces that meet the standards of *Sec. 610.E.3.a. Required Bicycle Parking Spaces*.

b) Nonresidential uses subject to a *Parking Study (Sec. 610.C.3.a.2.)* may substitute up to 20% of their projected automobile parking spaces with bicycle parking.

c) Residential uses may substitute up to 10% of the required automobile parking with bicycle parking.

ii. Ride-Sharing

a) Required automobile parking spaces may be substituted with a dedicated ride-share pick-up/drop-off space at a ratio of 3 automobile parking spaces for every 1 off-street ride-share pick-up/drop-off space that meets the standards of *Sec. 610.C.3.b. Parking Area Design*.

b) All ride-share pick-up/drop-off spaces must be clearly and visibly marked with signage.

c) Wayfinding signage that is visible from the primary street must be provided along the primary street frontage to direct ride-share drivers to dedicated ride-share pick-up/drop-off spaces.

d) Nonresidential uses subject to a *Parking Study (Sec. 610.C.3.a.2.)* may substitute up to 20% of their projected automobile parking spaces with ride-share pick-up/drop-off spaces.

e) Residential uses may substitute up to 10% of the required automobile parking with ride-share pick-up/drop-off spaces.

4. Shared Parking

To minimize underutilized parking spaces, the total number of required automobile parking spaces may be reduced when an applicant demonstrates that automobile parking spaces can be shared among multiple uses and sites. The parking strategy must meet all of the following criteria:

i. A shared parking facility must be located within a 660-foot (1/8th of a mile) walking distance of each participating use.

ii. Participating uses must have mutually exclusive periods of peak parking demand, and must prove documentation demonstrating legal authority to utilize shared parking spaces during hours of operation of said use.

iii. The shared parking strategy will sufficiently alleviate the demand for the specified number of required parking spaces.

5. Accessible Parking

i. Accessible parking spaces must be provided in accordance with the requirements of the *Americans with Disabilities Act (Title III)* and the *California Building Code (Sec. 1108A).*

ii. One accessible parking space is equivalent to one standard parking space when calculating a project's *Required Parking (Sec. 610.C.3.a.).*

b. Parking Area Design

1. Applicability

Applies to all sites where 6 or more on-site parking spaces are provided.

2. Location

See *Sec. 480. Parking Location*

3. General

i. All portions of a parking area or structure must be accessible by motor vehicles to all other portions of the parking area without requiring the use of a street (except for an alley).

ii. Each parking space must be located so that no motor vehicle is required to back onto any street (except for an alley) or sidewalk to leave the parking space.

iii. Full and permanent parking space delineation is required. Delineation must include striping, wheel stops, curbing, or other similar permanent materials which can clearly define and delineate each parking space. Full parking space delineation means clear markings for all three sides of a space.

4. Paving

i. All parking areas must be constructed with an all-weather surface. An all-weather surface includes compacted asphaltic paving or Portland cement paving at least 6 inches thick.

ii. Alternative materials such as porous asphalt, porous concrete, permeable interlocking concrete pavers, permeable pavers, decomposed granite, crushed rock, gravel, or restrained systems (a plastic or concrete grid system confined on all sides to restrict lateral movement, and filled with gravel or grass in the voids) may be allowed if demonstrated that the materials will be properly maintained. Proper maintenance includes ensuring that materials are kept and regularly scheduled maintenance is provided to retain parking area functionality.

iii. Alternate paving materials are subject to the following standards:

a) Paving materials located in a designated fire apparatus access road must be approved by the LA County Fire Department.

b) Permeable interlocking concrete pavers and permeable pavers must have a minimum thickness of 80 mm (3.14 inches).

c) If plantings are an element of the alternative paving material, the irrigation system cannot utilize potable water except for plant establishment.

d) Products and underlying drainage material must be installed per manufacturers' specifications. Sub-grade soils must be compacted as required per the product installation specifications.

e) Decomposed granite, crushed rock and gravel are only allowed for parking areas serving 1 or 2 parking spaces.

iv. All parking lots must be graded and drained to collect, retain and infiltrate surface water on-site by applying low impact development practices and standards.

v. Continuous curbing or parking blocks of no less than 6 inches in height must be installed around the edge of all parking lots. Curbing must have openings to allow drainage to enter and percolate through landscaped areas.

5. Dimensions

i. Parking Spaces

a) Parking spaces must meet the following minimum dimensions.

PARKING SPACE DIMENSIONS				
Parking Space		Dimension	Parking Space Type	
Type	Angle		Standard	Tandem
Perpendicular and Angled	30°-90°	Width	9'-0"	9'-0"
		Depth	18'-0"	33'-0"
Parallel	0°	Width	8'-0"	n/a
		Depth	24'-0"	n/a

ii. Parking Bays and Drive Aisles

a) Parking bays and drive aisles must meet the following minimum dimensions.

PARKING BAY AND DRIVE AISLE DIMENSIONS								
Parking Space	One-Way Drive Aisle				Two-Way Drive Aisle			
	Double Loaded		Single Loaded		Double Loaded		Single Loaded	
Angle	Aisle Width	Bay Width	Aisle Width	Bay Width	Aisle Width	Bay Width	Aisle Width	Bay Width
0° (Parallel)	10'-0"	26'-0"	10'-0"	18'-0"	20'-0"	36'-0"	20'-0"	28'-0"
30°	16'-0"	49'-8"	16'-0"	32'-10"	n/a	n/a	n/a	n/a
45°	18'-0"	56'-3"	18'-0"	37'-2"	n/a	n/a	n/a	n/a
60°	20'-0"	60'-3"	20'-0"	40'-2"	n/a	n/a	n/a	n/a
90°	24'-0"	60'-0"	24'-0"	42'-0"	24'-0"	60'-0"	24'-0"	42'-0"

b) Where a parking space abuts a landscaped island, the front 2 feet of the required parking space length may overhang the landscaped island, provided that a wheel stop with a minimum height of 6 inches is provided.

iii. Tandem Spaces

a) Automobiles may be parked in tandem in a private parking area serving a residential use, where the tandem parking is not more than 2 cars in depth.

b) Tandem parking is not allowed for recreational vehicles or guest parking provided as part of a private parking area serving a residential use.

iv. Mechanical Automobile Lifts

a) Mechanical automobile lifts may be used to meet the standard of *Sec. 610.C.3.a. Required Parking* when the mechanical automobile lift design allows for access to a specific vehicle on demand.

b) One mechanical lift parking space is equivalent to one standard parking space when calculating a project's *Required Parking (Sec. 610.C.3.a.).*

c) The mechanical automobile lift must be fully enclosed in a structure.

v. Lighting

Parking area lighting must meet *Sec. 640.A.3.c. Parking and Pedestrian Area Lighting*.

vi. Electric Vehicle Charging Stations (EVCS)

a) Electric vehicle charging equipment, including pedestals, bollards, or cables must not adversely affect building elements or encroach into drive aisles or pedestrian walkways.

b) Anchorage of either ground-mounted or wall-mounted electric vehicle charging equipment must meet the requirements of the California Building or Residential Code as applicable per occupancy, and the provisions of the manufacturer's installation instructions.

c) Electric vehicle charging equipment must be designed and installed in compliance with the *California Electrical Code (Art. 625.)* and must be incorporated into load calculations of all new or existing electrical services as a continuous load.

d) Transformers and other utility equipment associated with electric vehicle chargers must be screened from the public right-of-way according to *Sec. 620.C. Sec. 620.C. Frontage Screens*.

e) Electric vehicle charging stations are also subject to the standards of *Sec. 540.E.2. Electric Vehicle Charging Station (EVCS)*.

vii. Landscaping

Parking lots must be landscaped and screened in accordance with *Sec. 620.A. Parking Lot Landscaping*.

c. Parking Structure Screening

1. Applicability

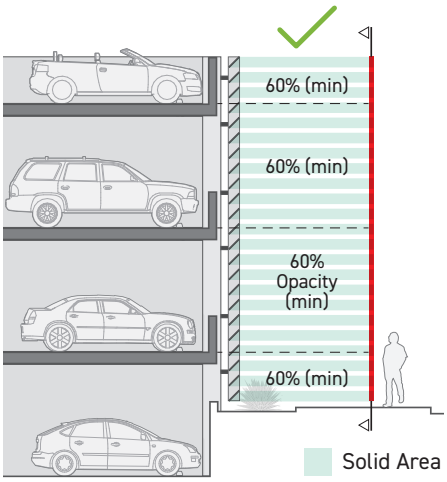
Applies to all structures that include exposed above-grade parking structure facades located within 30 feet of a street lot line.

2. Standards

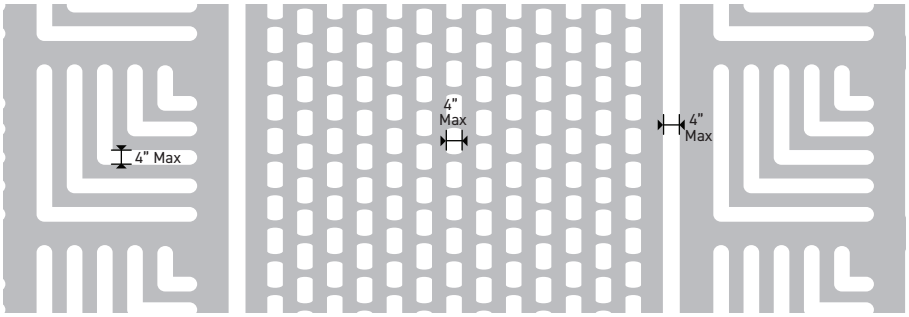
i. Screened parking structure facades cannot be used to meet an active depth requirement *(Sec. 470.E. Active Depth)* and must meet the frontage standards required by the applicable *Subpart 3B. Form Modules.*

ii. All exposed above-grade parking structure facades located within 30 feet of a street-lot line must be screened with a permanent structure that meets the following standards:

a) Cannot have less than 60% opacity for any individual parking tier measured in elevation projection.



b) Openings in screens must be 4 inches or less in at least one dimension except for openings provided for pedestrian or vehicle access.



c) Upper story parking screening, when projected from an angle of elevation of 45 degrees must not have a lower opacity than when measured in elevation projection.

d) Parking structure screen openings accommodating automobile access are allowed for a width no greater than the maximum allowed driveway width as measured in *Sec. 610.A.5. Driveway Design*.

e) Parking structure screen openings accommodating pedestrian accessways are allowed for a width no greater than 8 feet in width for each individual pedestrian accessway. Where an opening in the parking garage screening accommodates both pedestrian and automobile access, the maximum allowable opening width is 8 feet greater than the maximum allowed driveway width.

f) Parking structure screen openings must have a height no greater than 1 story.

4. Measurement

a. Automobile

All vehicles including SUVs, trucks, and other vehicle under 10,000 pounds gross vehicle weight.

b. Walking Distance

See *Sec. 1200.A.2. Walking Distance*.

c. Parking Space Width

The distance measured between opposite sides of a parking space.

d. Parking Space Depth

The distance measured perpendicular to the drive aisle between opposite ends of a parking space.

e. Parking Bay Width

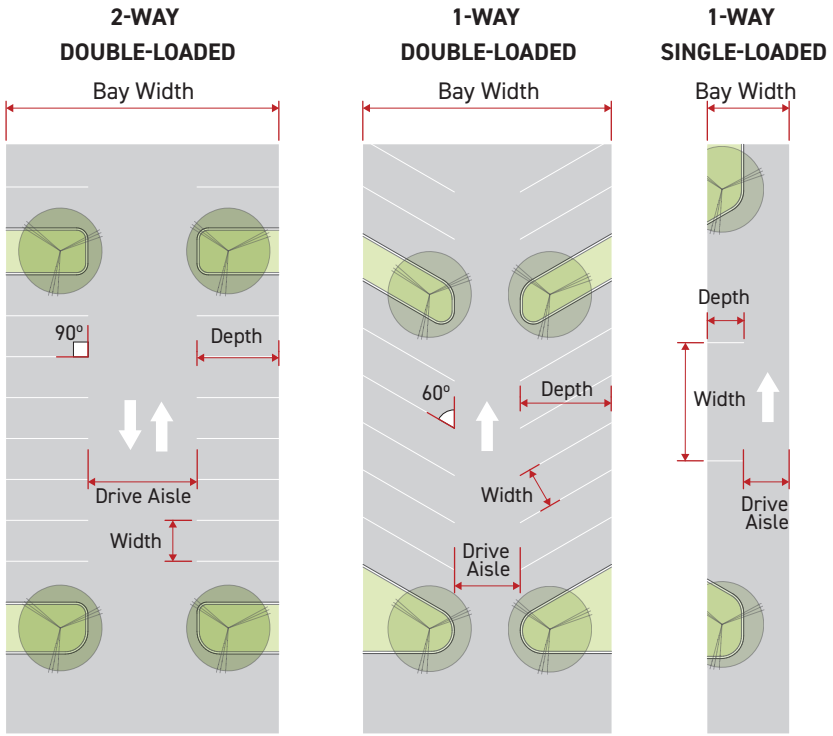
The distance measured between two rows of parking spaces and the drive aisle in-between, or for a single row, the distance between a the row of parking spaces and the end of the drive aisle.

f. Parking Angle

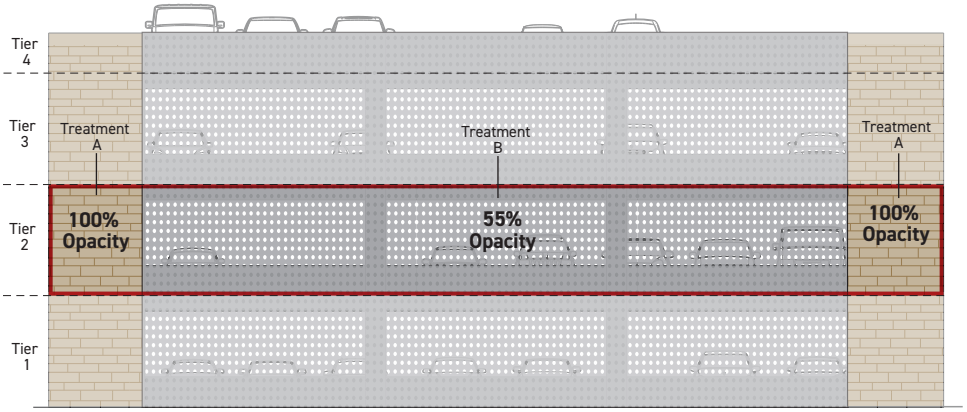
The angle measured from the long edge of a parking space to the drive aisle.

g. Drive Aisle

The distance measured from the edge of one row of parking to the edge of the opposite row of parking. If there is only one row parking space then the paved surface for a vehicle to drive on must meet the meet the minimum drive aisle width.

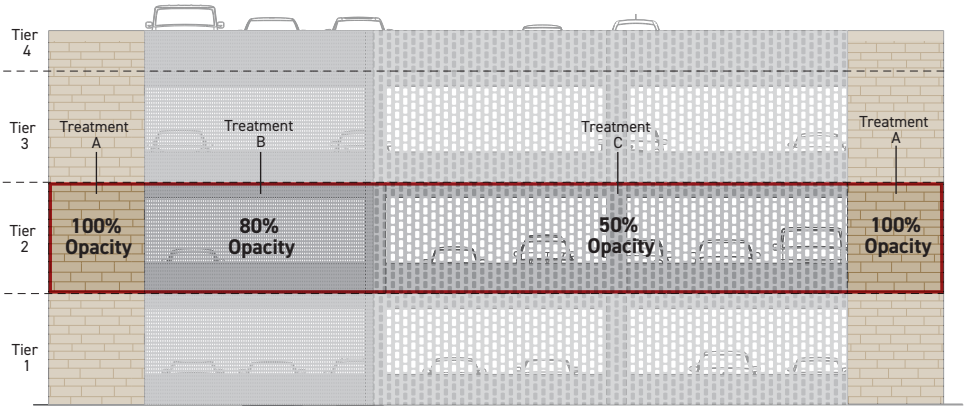


h. Parking Structure Screen Opacity



TIER 2 OPACITY CALCULATION

	% OPACITY	x PORTION OF TOTAL FACADE AREA	= WEIGHTED VALUE
TREATMENT A	100%	0.2	20%
TREATMENT B	55%	0.8	42%
TIER 2 TOTAL OPACITY			62%



TIER 2 OPACITY CALCULATION

	% OPACITY	x PORTION OF TOTAL FACADE AREA	= WEIGHTED VALUE
TREATMENT A	100%	0.2	20%
TREATMENT B	80%	0.3	24%
TREATMENT C	50%	0.5	25%
TIER 2 TOTAL OPACITY			69%

1. Opacity of screening is calculated separately for each tier of parking on each building facade.
2. Minimum opacity is measured as a percentage calculated as the sum of all solid areas on a parking facade area divided by the total parking facade area projected horizontally and perpendicular to the facade area.
3. When a parking structure tier uses more than one screening treatment with varying opacities, the opacity for the entire tier is calculated as a weighted average of the opacities of all the treatments used on the tier. The opacity of each screening treatment is weighted by the percent of the total parking screen facade area covered by that screening treatment.

5. Relief

a. Parking Structure Screening

A deviation from a parking structure screening standard may be allowed as a variance in accordance with *Sec. 1160.E. Variance.*

610.D. Motor Vehicle Use Areas

Portions of a lot designed and intended for use by motor vehicles, including areas to be used by motor vehicles for circulation, maneuvering, loading, staging, queuing, service areas and areas to be used for the sale or storage of motor vehicles. Does not include parking lots and parking structures.

1. Intent

To ensure motor vehicle use areas are designed in a manner that does not detract from the safety, comfort, or enjoyment of users of neighboring lots or the public realm.

2. Applicability

a. Motor vehicle use area design standards apply to portions of a lot designed and intended for use by motor vehicles, including areas to be used by motor vehicles for circulation, maneuvering, loading, staging, queuing, service areas and areas to be used for the sale or storage of motor vehicles.

b. Motor vehicle use area design standards do not apply to:

1. Alleys;

2. Fire apparatus access roads meeting the standards of *Sec. 610.A.6. (Fire Apparatus Access Road Design)*; and

3. Parking lots and parking structures ~~are excluded from motor vehicle use area design standards~~. For parking lots and parking structure design standards, see *Sec. 610.C.3.b. (Parking Area Design)*.

c. Freight loading area standards apply to all freight loading areas on-site.

d. Loading space standards do not apply to change-of-use projects.

e. Drive-through standards apply to any improved and expanded drive-through facility.

3. Standards

a. General

1. Location

Motor vehicle use areas cannot be located in a primary street or side street yard~~.~~, and must also follow the standards of *Pomona City Code Sec. 34-3. (Storage of vehicles)*.

2. Paving

i. All vehicle use areas must be constructed with an all-weather surface. An all-weather surface includes compacted asphaltic paving or Portland cement paving at least 6 inches thick.

ii. Alternative materials such as porous asphalt, porous concrete, permeable interlocking concrete pavers, permeable pavers, decomposed granite, crushed rock, gravel, or restrained systems (a plastic or concrete grid system confined on all sides to restrict lateral movement, and filled with gravel or grass in the voids) may be allowed if

demonstrated that the materials will be properly maintained. Proper maintenance includes ensuring that materials are kept and regularly scheduled maintenance is provided to retain parking lot functionality.

iii. Alternate paving materials are subject to the following standards:

a) Paving materials located in a designated fire apparatus access road must be approved by the LA County Fire Department.

b) Permeable interlocking concrete pavers and permeable pavers must have a minimum thickness of 80 mm (3.14 inches).

c) If plantings are an element of the alternative paving material, the irrigation system cannot utilize potable water except for plant establishment.

d) Products and underlying drainage material must be installed per manufacturers' specifications. Sub-grade soils must be compacted as required per the product installation specifications.

e) Decomposed granite, crushed rock and gravel are only allowed for parking areas serving 1 or 2 parking spaces.

iv. All parking lots must be graded and drained to collect, retain and infiltrate surface water on-site by applying low impact development practices and standards.

v. Continuous curbing or parking blocks of no less than 6 inches in height must be installed around the edge of all parking lots. Curbing must have openings to allow drainage to enter and percolate through landscaped areas.

3. Buffer/Screening

i. A Transition Buffer may be required between the motor vehicle use area and a common lot line. See *Sec. 620.B. Transition Buffers*.

ii. A Frontage Screen may be required between the motor vehicle use area and a street lot line *Sec. 620.C. Frontage Screens*.

4. Lighting

Motor vehicle use area lighting must meet *Sec. 640.A.3.c. Parking and Pedestrian Area Lighting*.

b. Medium and Heavy Duty Vehicle Loading

1. A loading area is not required. If determined necessary by the Development Services Director, adequate space must be made available on-site for the unloading and loading of goods, materials, items or stock for delivery and shipping.

2. With the exception of alleys and areas specifically designated by the City, loading and unloading activities are not allowed on a public street.

3. Loading and unloading activities must not encroach on or interfere with the use of sidewalks, driveways, drive aisles, stacking spaces, or parking lots.

4. The number of dock high or at-grade loading doors on any site must not exceed 1 loading door per 7,500 square feet of building or structure floor area.

5. Shore Power

For any industrial use, as defined in *Sec. 530. Use Definitions*, that includes buildings or structures with a cumulative area of 100,000 square feet or more, all buildings must include electric hook-ups at each loading dock as well as for each on-site parking stall designated for medium and heavy duty vehicle parking. Each electric hook-up must be designed to accommodate medium and heavy duty electric vehicle charging.

c. Drive-Through Facilities

New construction drive-through facilities are not permitted on any site in any zoning district. Improvements and expansions of existing drive-through facilities must meet the standards defined in *Sec. 11100. Nonconformities*.

4. Measurement

a. For lot line determination, see *Sec. 1200.I. Lot Line Designation*.

b. For frontage yard designation, see *Sec. 1200.P. Yard Designation*.

c. Medium and Heavy Duty Vehicle

Any electric vehicle including tractor-trailer trucks and buses over 10,000 pounds gross vehicle weight.

d. Tractor-Trailer

A transport vehicle consisting of a semi-tractor and attached trailer.

e. Dock High Loading Door

A loading dock door that is elevated to be even with a tractor-trailer floor height.

f. At-Grade Loading Door

A loading dock door that is level with a building or structure's finished ground floor.

5. Exceptions

The standards of *Pomona City Code Sec. 34-3. (Storage of vehicles)* may be waived pursuant to the exceptions listed in *Pomona City Code Sec. 43-3(c)*.

610.E. Bicycle Parking

Space within a structure or surface parking area, exclusive of driveways, ramps, columns, office, and work areas, for the parking of automobiles. Does not include automobile parking.

1. Intent

To promote bicycling as an alternative to automobile transportation and to help ensure safe, secure, accessible, and convenient storage of bicycles for all users.

2. Applicability

a. All uses established in accordance with *Part 5. Use*.

b. Projects with less than 5 dwellings units are not required to provided short or long-term bicycle parking.

c. Dwelling units with individually accessed private garages are not required to provide long-term bicycle parking.

3. Standards

a. Required Bicycle Parking Spaces

1. Bicycle parking must be provided in accordance with the following table.

REQUIRED BICYCLE PARKING		
Use	Short-Term *Sec. 610.E.3.b.2.*	Long-Term *Sec. 610.E.3.b.3*
RESIDENTIAL		
All:		
1st 3 Dwelling Units	none	none
4th-25th Dwelling Unit	1 per 10 du (2 min)	1 per 1 du
26th-100th Dwelling Unit	1 per 15 du (2 min)	1 per 1.5 du
101st-200th Dwelling Unit	1/20 du (2 min)	1 per 2 du
201st + Dwelling Units	1/40 du (2 min)	1 per 4 du
ASSEMBLY		
All Assembly, Except:	1 per 10,000 SF, (2 min)	1 per 5,000 SF, (2 min)
College or University	1 per 500 SF or 1 per 50 fixed seats whichever is greater, (2 min)	1 per 1,000 SF or 1 per 100 fixed seats whichever is greater, (2 min)
OPEN SPACE AND RECREATION		
All Open Space and Recreation, Except:	1 per 10,000 SF, (2 min)	none
Indoor Recreation, Commercial	1 per 5,000 SF, (2 min)	1 per 10,000 SF, (2 min)
Sports Arena and Stadium	1 per 500 SF or 1 per 50 fixed seats whichever is greater, (2 min)	1 per 1,000 SF or 1 per 100 fixed seats whichever is greater, (2 min)

REQUIRED BICYCLE PARKING		
Use	Short-Term Sec. 610.E.3.b.2.	Long-Term Sec. 610.E.3.b.3
INFRASTRUCTURE		
All	none	none
GENERAL COMMERCIAL		
All General Commercial, Except:	1 per 10,000 SF, (2 min)	1 per 10,000 SF, (2 min)
Food and Beverage: All	1 per 2,500 SF, (2 min)	1 per 5,000 SF (2 min)
Entertainment Venue: All	1 per 350 SF or 1 per 50 fixed seats whichever is greater, (2 min)	1 per 700 SF or 1 per 100 fixed seats whichever is greater, (2 min)
General Office	1 per 10,000 SF (2 min)	1 per 5,000 SF (2 min)
AUTO-ORIENTED COMMERCIAL		
All	1 per 10,000 SF, (2 min)	1 per 10,000 SF, (2 min)
PRODUCTION-ORIENTED INDUSTRIAL		
All	1 per 10,000 SF (2 min)	1 per 10,000 SF (2 min)
DISTRIBUTION-ORIENTED INDUSTRIAL		
All	1 per 10,000 SF (2 min)	1 per 10,000 SF (2 min)
FULFILLMENT-ORIENTED INDUSTRIAL		
All	1 per 10,000 SF (2 min)	1 per 10,000 SF (2 min)
WASTE-ORIENTED INDUSTRIAL		
All	none	none
URBAN AGRICULTURAL		
All	none	none

2. When the application of these regulations results in the requirement of a fractional bicycle parking space, fractions of ½ or more are counted as 1 space.

b. Bicycle Facilities

1. General

i. Bicycle parking must consist of bicycle racks that support the bicycle frame at two points.

ii. Racks must allow for the bicycle frame and at least one wheel to be locked to the rack.

iii. If bicycles can be locked to each side of the rack, each side can be counted as a required space.

iv. Spacing of bicycle racks must provide clear and maneuverable access.

v. Bicycle parking spaces must be located on paved or pervious, dust-free surface with a slope no greater than 3%. Surfaces cannot be gravel, landscape stone, or wood chips. Racks must be securely anchored to a permanent surface.

vi. Bicycle parking spaces must be a minimum of 2 feet wide and 6 feet long.

vii. Bicycle parking must be provided in a well-lit area.

2. Short-Term Bicycle Parking

i. Short-term bicycle parking must be publicly accessible and be located on-site or no more than 100 feet of the building it serves.

ii. Short-term bicycle parking may be located within the public right-of-way subject to review and approval by the Public Works Director.

iii. Business operators or property owners who choose to install bicycle parking within the public right-of-way are responsible for maintaining the racks.

iv. Any site located within 500 feet of a City-funded bicycle corral may count up to 2 bicycle parking spaces within the bicycle corral towards their required short-term bicycle parking.

3. Long-Term Bicycle Parking

i. Long-term bicycle parking offers a secure and weather protected place to park bicycles for employees, residents, commuters, and other visitors who generally stay at a site for several hours.

ii. Long-term bicycle parking must be covered, include a bicycle repair station, and include at least one of the following:

a) A locked room;

b) A bicycle locker;

c) An area enclosed by a fence with a locked gate;

d) An area within view of an attendant or security guard or monitored by a security camera; or

e) An area visible from employee work areas.

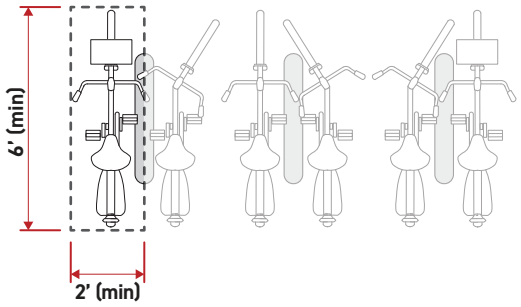
iii. The bicycle parking area must be located on-site or in an area within 200 feet of the building it serves.

4. Measurement

a. When the application of these regulations results in the requirement of a fractional bicycle parking space, fractions of ½ or more are counted as 1 space.

b. Distance is measured in walking distance from the nearest point of the bicycle rack to the primary entrance of the use served.

c. Bicycle parking space width and length are measured as shown in the image below:



Sec. 620. Landscaping and Screening

620.A. Parking Lot Landscaping

Landscaping within and along the perimeter of parking areas that have no floor area below or above it.

1. Intent

To ensure parking lots are designed to create safe, comfortable and attractive environments for users and pedestrians, while also mitigating heat island effects, absorbing noise pollution, managing stormwater runoff, sequestering carbon emissions and supporting urban biodiversity through landscaping and surface design.

2. Applicability

a. Perimeter landscape is required on all on-site surface parking lots.

b. Interior landscape is required on all on-site surface parking lots serving 20 or more parking spaces.

3. Standards

a. Perimeter Landscape

1. A Transition Buffer may be required between the motor vehicle use area and a common lot line. See *Sec. 620.B. Transition Buffers*.

2. A Frontage Screen may be required between the motor vehicle use area and a street lot line. See *Sec. 620.C. Frontage Screens*.

b. Interior Landscape

1. Interior Islands

i. A landscape interior island must be provided every 10 parking spaces. Interior islands must be distributed evenly throughout the parking lot. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees.

ii. An interior island abutting a single row of parking spaces must be a minimum of 9 feet in width and 150 square feet in area. Each island must include 1 large tree.

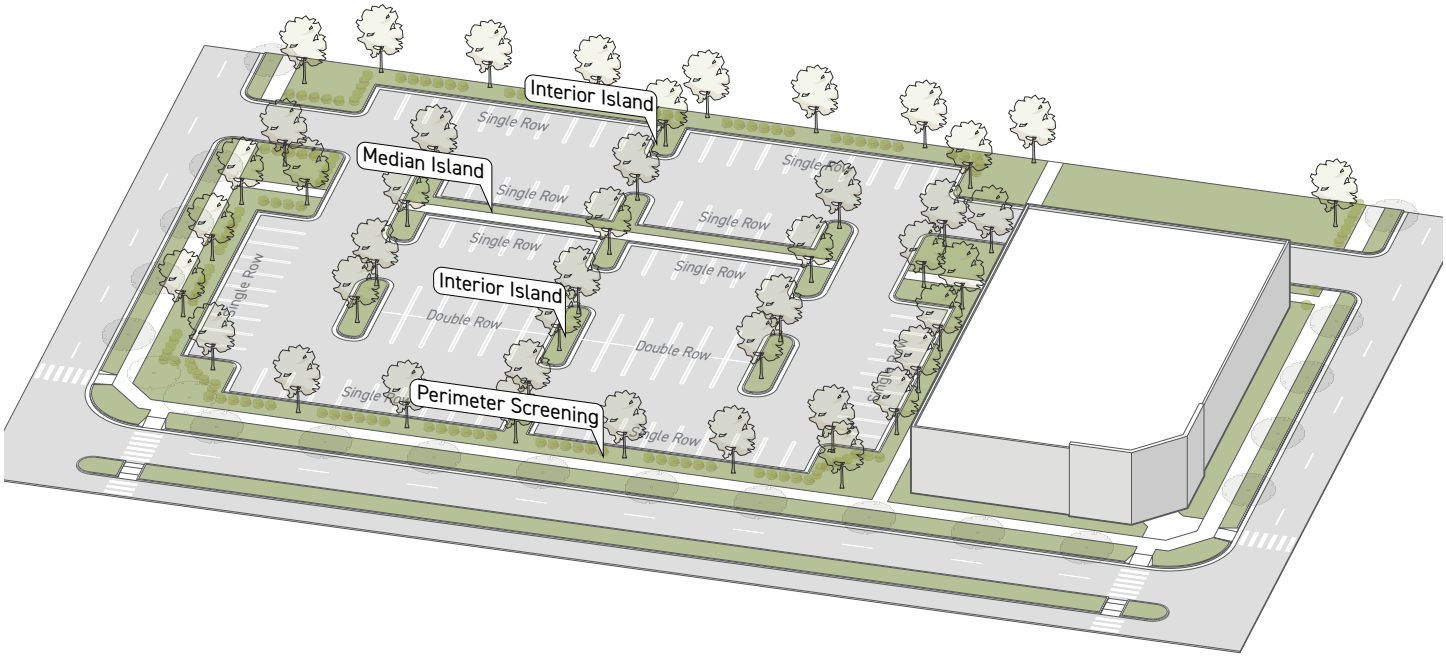
iii. An interior island abutting a double row of parking spaces must be a minimum of 9 feet in width and 300 square feet in area. Each island must include 2 large trees.

iv. Interior islands must be installed below the level of the parking lot surface to allow for runoff capture.

2. Median Islands

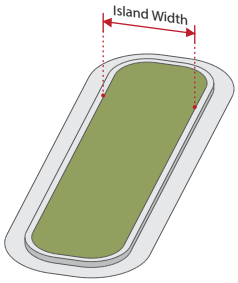
i. A landscape median island must be provided between every 4 single parking rows. Intervals may be expanded to preserve existing trees.

ii. A median island must be at least 6 feet wide. A median island with a pedestrian walkway must be a minimum of 12 feet wide.



4. Measurement

Interior and median island width is measured as the narrowest horizontal dimension from one edge of an island to the opposite edge.



620.B. Transition Buffers

A device or combination of elements along a common lot line that conceals, obstructs or protects abutting lots from impactful uses, activities, and site elements.

1. Intent

a. To mitigate negative impacts from uses, activities, or site elements with significant impacts on abutting uses.

b. To help reduce cumulative health impacts resulting from industrial uses that are in close proximity to residential, educational and other lower intensity uses.

2. Applicability

a. Buffers are required along applicable common lot lines:

1. When a more intense district abuts a less intense district. See *Sec. 610.B.3.a. District Boundaries*.

2. When an industrial use abuts a non-industrial use. See *Sec. 530. Use Definitions*.

3. For motor vehicle use and outdoor storage areas. See *Sec. 610.B.3.b. Impactful Uses, Activities, and Site Elements*.

b. The applicable portion of the common lot line is the portion of the common lot line that is shared between the two abutting uses.

c. When a conflict occurs between buffer types, the more stringent buffer type applies. In no case is more than one buffer type required.

d. When an industrial use is separated by a railway from a non-industrial use, the buffer only applies to the portion of the industrial use's common lot line abutting the railway.

3. Standards

a. District Boundaries

When abutting or across an alley from a site with a Use Module designation, the required buffer must be installed along all applicable portions of the common lot line as specified in the following table.

REQUIRED DISTRICT BOUNDARY BUFFER								
		Abutting Use Module						
		R1, RX1	CX1, CX2, CX3	CX4, CX5	IX1	I1, I2, I3	P1	OS1, OS2
New Project Use Module	R1, RX1	--	--	--	--	--	--	--
	CX1, CX2, CX3	Type III	--	--	--	--	--	--
	CX4, CX5	Type III	Type III	--	--	--	--	--
	IX1	Type IV, V	Type IV, V	Type III	--	--	--	--
	I1, I2, I3	Type IV, V	Type IV, V	Type IV, V	Type IV, V	--	Type IV, V	Type IV, V
	P1	Type III	--	--	--	--	--	--
	OS1, OS2	--	--	--	--	--	--	--

KEY: Type III = Type III buffer required;

Type IV, V = Type IV or Type V buffer required, at applicant's discretion;

-- = Buffer not required

See *Sec. 620.B.3.c.2.* for buffer type standards.

b. Impactful Uses, Activities, and Site Elements

1. When located within 50 feet of a building containing a residential use on an abutting site, the following buffer must be installed along all applicable portions of the common lot line. See *Sec. 620.B.3.c.2.* for *Buffer Type Standards*:

   i. Outdoor storage areas: Buffer Type II.

   ii. Vehicle use areas:

      a) Loading/service area: Buffer II.

      b) Drive-through area: Buffer Type I.

      c) Vehicle sales area: Buffer Type I.

      d) Remote parking lot: Buffer Type I.

   iii. Utility areas: Buffer Type III.

   iv. Freeway: Buffer IV

   v. Railway: Buffer I

c. Transition Buffer Types

1. General Provisions

i. To allow for access for maintenance, required trees and shrubs must be planted on the inside of the wall or fence.

ii. Walls and fences including their sub-grade elements, such as footings or foundations, must be located entirely on site.

iii. Breaks for pedestrian, bicycle and vehicle access are allowed, provided the break in the buffer is the minimum practical width. Driveways or walkways must cross at or near a perpendicular angle.

iv. No buildings or structures, except for walls or fences, are allowed in the buffer area.

v. No vehicle use areas are allowed in the buffer area, including fire apparatus access roads.

vi. All walls and fences provided must meet the wall and fence design and installation standards as specified in *Sec. 620.E.3.c. Design and Installation*.

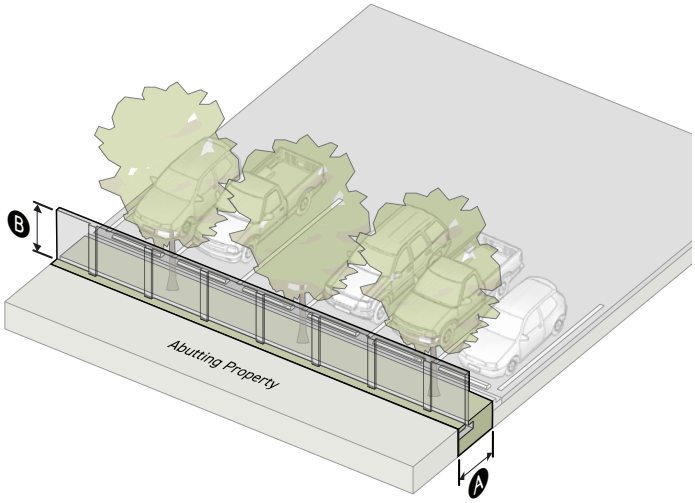
vii. All required trees and shrubs must meet the standards specified in *Sec. 620.F. Planting Standards*.

2. Buffer Type Standards

A package of buffer standards required along applicable common lot line that conceal, obstruct or protect abutting lots from impactful uses, activities, or site elements.

i. Buffer Type I

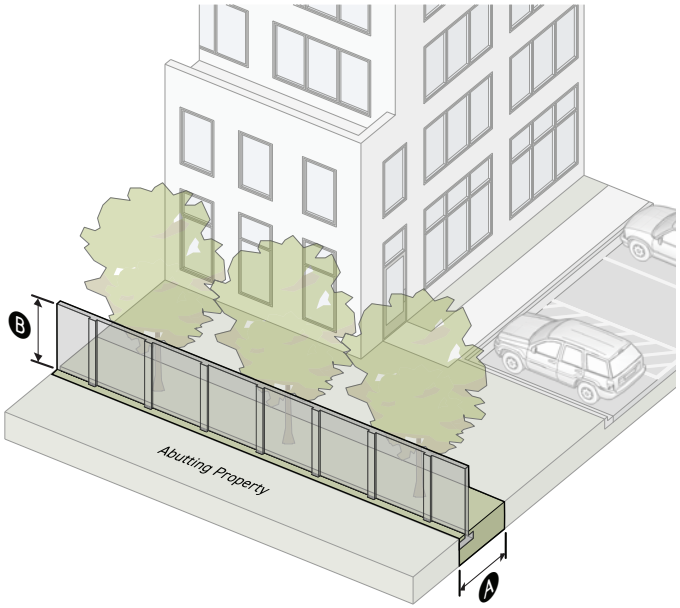
Narrow landscape buffer with a wall or fence.



BUFFER AREA	
A Depth (min)	7'
Large trees (min per 50')	3
WALL OR FENCE	
B Height (min)	6'
Opacity (min)	90%
Setback from property line (min)	0'
UPPER-STORY SETBACK	
Not required	

ii. Buffer Type II

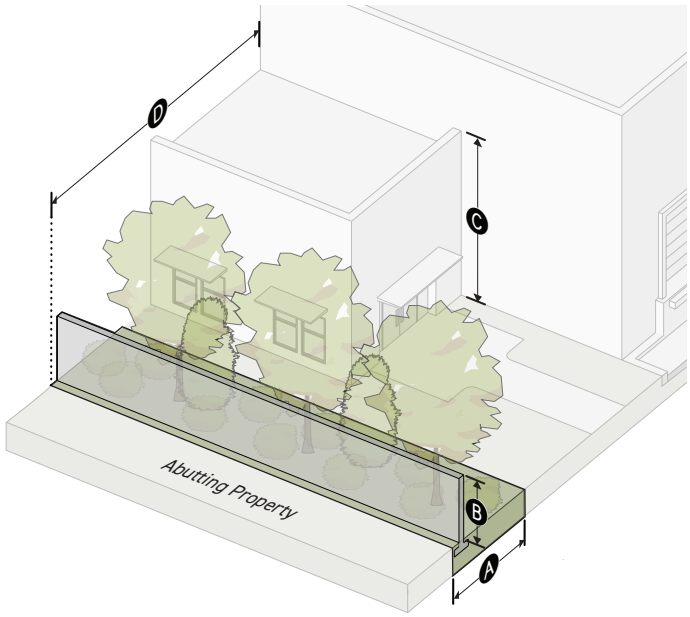
Narrow landscape buffer with a high wall or fence.



BUFFER AREA	
A Depth (min)	7'
Large trees (min per 50')	3
WALL OR FENCE	
B Height (min)	8'
Opacity (min)	90%
Setback from property line (min)	0'
UPPER-STORY SETBACK	
Not required	

iii. Buffer Type III

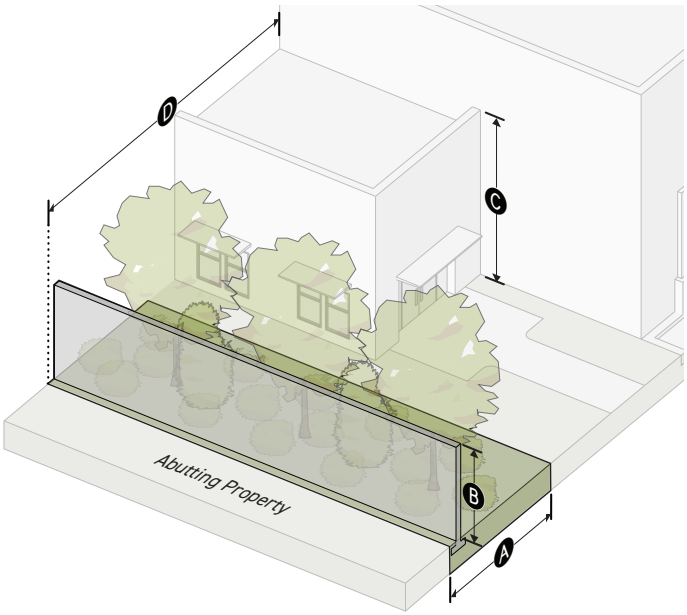
Narrow/medium width landscape buffer with a wall or fence.



BUFFER AREA	
A **Depth** (min)	10′
Large trees (min per 50')	3
Small trees (min per 50')	2
Shrubs (min per 50')	8
WALL OR FENCE	
B **Height** (min)	8'
Opacity (min)	90%
Setback from property line (min)	0'
UPPER-STORY SETBACK	
C **Height without additional setback** (max stories/feet)	2/24'
D **Depth of setback above 2nd story** (min)	25'

iv. Buffer Type IV

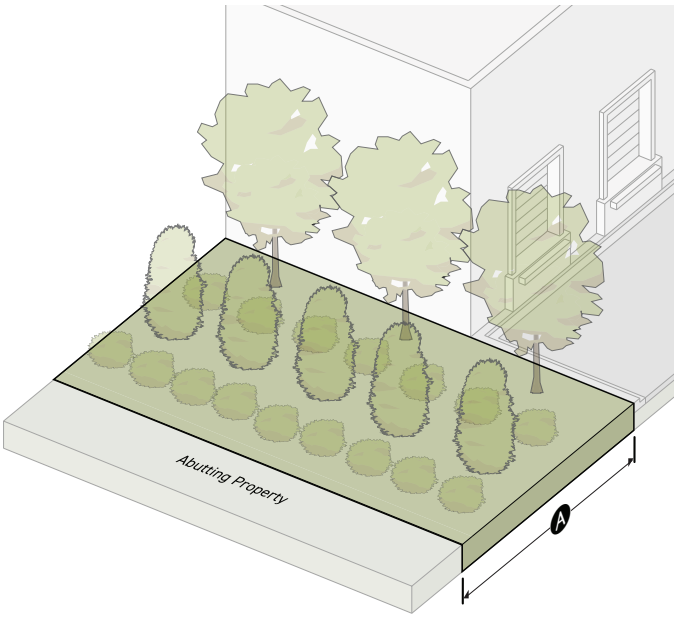
Medium width landscape buffer with a wall or fence.



BUFFER AREA	
A **Depth** (min)	15′
Large trees (min per 50')	3
Small trees (min per 50')	2
Shrubs (min per 50')	16
WALL OR FENCE	
B **Height** (min)	8'
Opacity (min)	90%
Setback from property line (min)	0'
UPPER-STORY SETBACK	
C **Height without additional setback** (max stories/feet)	2/24'
D **Depth of setback above 2nd story** (min)	25'

v. Buffer Type V

Wide landscape buffer with a no wall or fence.



BUFFER AREA	
A **Depth** (min)	30′
Large trees (min per 50')	3
Small trees (min per 50')	5
Shrubs (min per 50')	24
WALL OR FENCE	
Not required	
UPPER-STORY SETBACK	
Not required	

4. Measurement

a. Setbacks

1. Ground story setbacks are measured from the interior edge of buffer area.
2. Upper-story setbacks are measured from the common lot line. For measurement of setbacks see also *Sec. 370.C. Building Setbacks*.

b. Buffer Area Depth

Buffer area depth is measured as the narrowest horizontal dimension from one side of the buffer or screening area to the opposite side.

c. Planting Frequency

Trees, shrubs or plants per 50 feet is measured as the total number of trees, shrubs or plants within any 50-foot segment of buffer area. For measuring frequency, see *Sec. 1200.E. Frequency*.

d. Fence or Wall Height

For measurement of fence or wall height and opacity, see *Sec. 620.E. Fence and Wall Standards*.

620.C. Frontage Screens

A device or combination of elements, including fences, walls, and trees and plants, along a frontage lot line that conceals, obstructs or protects the public realm from adjacent uses, activities, or site elements.

1. Intent

a. To mitigate negative impacts from uses, activities, or site elements with significant impacts on the public realm.

b. To help reduce cumulative health impacts resulting from incompatible manufacturing and industrial uses that are in close proximity to homes, schools, day cares and other lower intensity uses.

2. Applicability

a. Screening is required along applicable street and alley lot lines for motor vehicle use and outdoor storage areas~~, see Sec. 620.C.3.a Motor Vehicle Use and Outdoor Storage Areas~~.

b. The applicable portion of the street or alley lot line is the portion of the street or alley lot line that abuts the activity required to be screened.

c. When a conflict occurs between a motor vehicle use area screen or outdoor storage area screen, the most stringent screen standard applies. In no case is more than one screen type required.

3. Standards

a. Motor Vehicle Use and Outdoor Storage Areas

The following areas must provide the applicable required screen along all applicable portions of the street lot line see *Sec. 620.C.3.b.2 Motor vehicle use areas:.* for screening type standards:

1. Outdoor storage areas: Screening Type III.
2. Motor vehicle use areas:
   i. Loading/service areas: Screening Type III screen.
   ii. Drive-through areas: Screening Type I or II.
   iii. Parking area: Screening Type I or II.
   iv. Vehicle sales area: Screening Type I or II.
3. Utility areas: Screening Type III.

b. Frontage Screen Types

1. General Provisions

i. To allow for appropriate screening from the street, the required trees and shrubs must be located on the outside of the wall or fence.

ii. Walls and fences including their sub-grade elements, such as footings or foundations, must be located entirely on site.

iii. Breaks for pedestrian, bicycle and vehicle access are allowed, provided the break in the screen is the minimum practical width. Driveways or walkways must cross at or near a perpendicular angle.

iv. No buildings or structures, except for walls or fences, are allowed in the screening area.

v. No vehicle use areas are allowed in the screening area, including fire apparatus access roads.

vi. All walls and fences provided must meet the wall and fence design and installation standards as specified in *Sec. 620.E.3.c. Design and Installation*.

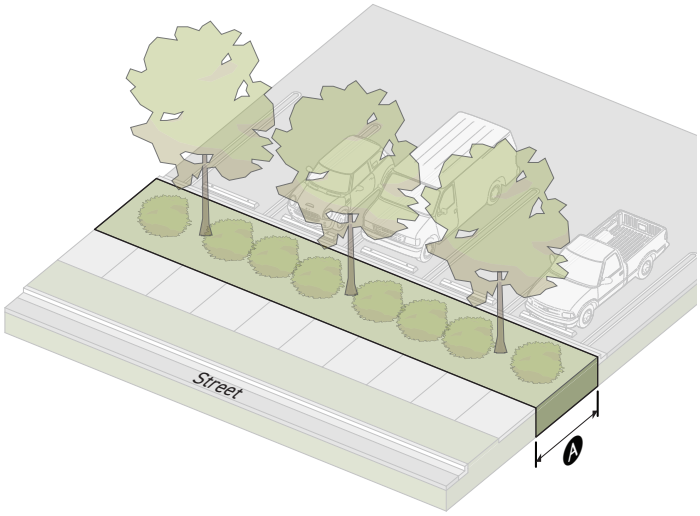
vii. All required trees and shrubs must meet the standards specified in *Sec. 620.F. Planting Standards*.

2. Screening Type Standards

A package of buffer standards required along a frontage lot line that conceals, obstructs or protects the public realm from adjacent uses, activities, or site elements.

i. Screening Type I

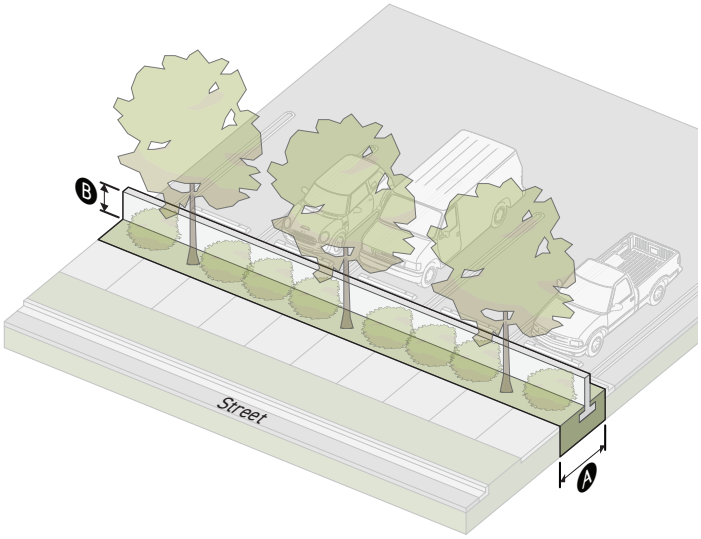
Narrow landscape screen with no wall or fence.



SCREENING AREA	
A **Depth** (min)	10'
Large trees (min per 50')	3
Shrubs (min per 50')	10
WALL OR FENCE	
Not required	

ii. Screening Type II

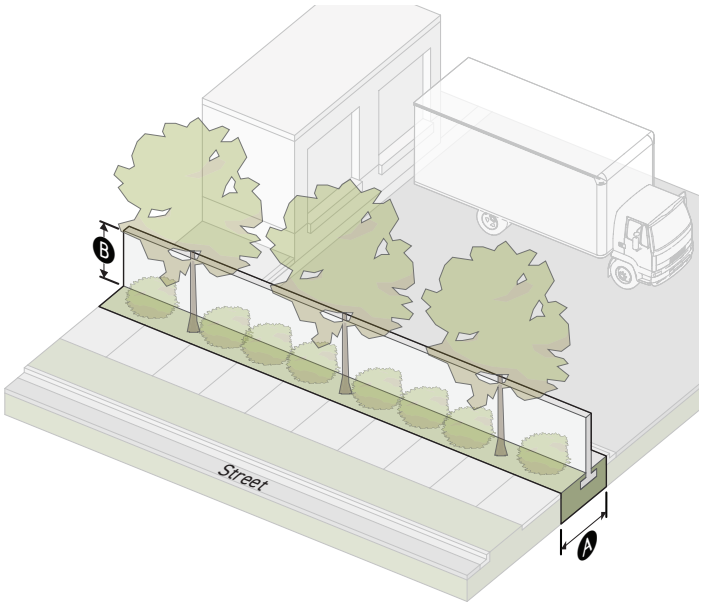
Narrow landscape screening with a low wall or fence.



SCREENING AREA	
A **Depth** (min)	7'
Large trees (min per 50')	3
Shrubs (min per 50')	10
WALL OR FENCE	
B **Height** (min)	~~30'~~4.5'
Opacity	3
Below 3.5' (min)	5
3.5' and above (max)	5
Setback from lot line (min)	4'

iii. Screening Type III

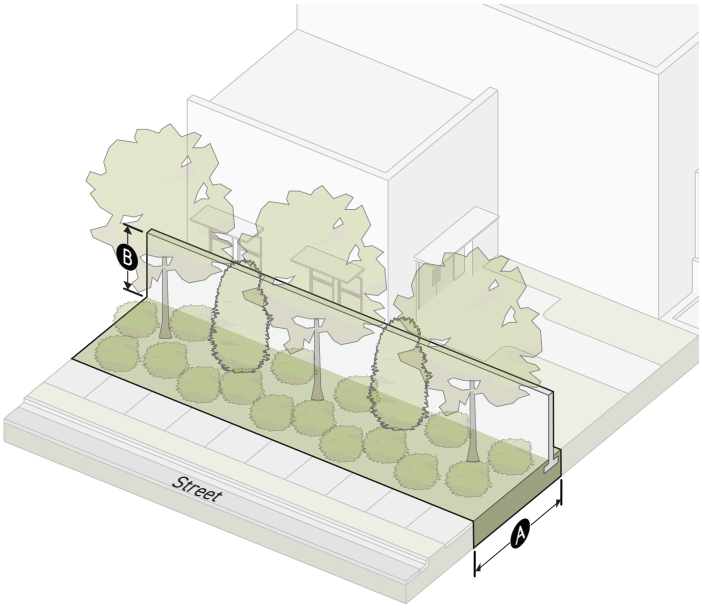
Narrow landscape screening with a wall or fence.



SCREENING AREA	
A **Depth** (min)	7'
Large trees (min per 50')	3
Shrubs (min per 50')	10
WALL OR FENCE	
B **Height** (min)	6'
Opacity (min)	90%
Setback from lot line (min)	4'

iv. Screening Type IV

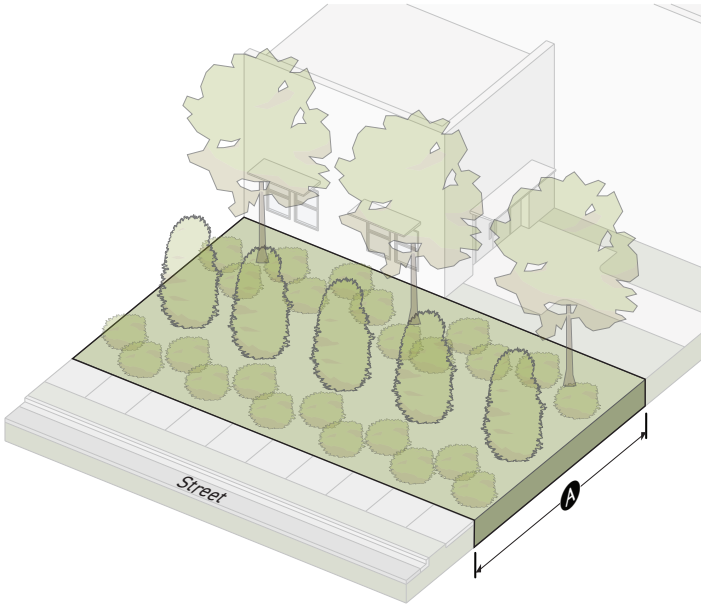
Medium width landscape screen with a high wall or fence.



BUFFER AREA	
A **Depth** (min)	15'
Large trees (min per 50')	3
Small trees (min per 50')	2
Shrubs (min per 50')	16
WALL OR FENCE	
B **Height** (min)	8'
Opacity (min)	90%
Setback from lot line (min)	4'

v. Screening Type V

Wide landscape screen with no wall or fence.



BUFFER AREA	
A **Depth** (min)	30'
Large trees (min per 50')	3
Small trees (min per 50')	5
Shrubs (min per 50')	24
WALL OR FENCE	
Not required	

4. Measurement

a. Screening Area Depth

Screening area depth is measured as the narrowest horizontal dimension from one side of the buffer or screening area to the opposite side.

b. Planting Frequency

Trees, shrubs or plants per 50 feet is measured as the total number of trees, shrubs or plants within any 50-foot segment of screening area. For measuring frequency, see *1200.E. Frequency*.

c. Fences and Walls

For measurement of fence or wall height and opacity see *620.E. Fence and Wall Standards*.

620.D. Structural Screens

Fences or walls surrounding service areas and equipment held outside of a building.

1. Recycling and Trash Receptacles

a. Intent

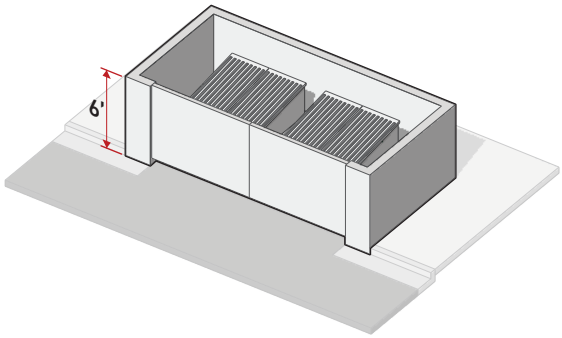
To help ensure recycling and trash receptacle service areas are designed in a manner that does not detract from the safety, comfort, or enjoyment of users of the lot, neighboring lots or the public realm.

b. Applicability

1. All outdoor recycling and trash enclosures provided for new construction or modified nonresidential development.
2. All outdoor recycling and trash enclosures provided for new construction or modified residential developments with 2 or more dwelling units.

c. Standards

1. Recycling and trash receptacles and their screening enclosures cannot be located in a front or side street yard. Recycling and trash receptacles must be located to the side and rear of buildings and must meet the encroachment requirements of *Sec. 370.C.5. Exceptions*.
2. Outdoor recycling and trash receptacles must be screened on three sides by a wall or fence a minimum height of 6 feet.
3. Access gates must be provided on the fourth side and must also be a minimum height of 6 feet.
4. The wall or fence and access gate screening must meet the standards of *Sec. 620.F.4 Measurement*.



2. Roof-Mounted Equipment

a. Intent

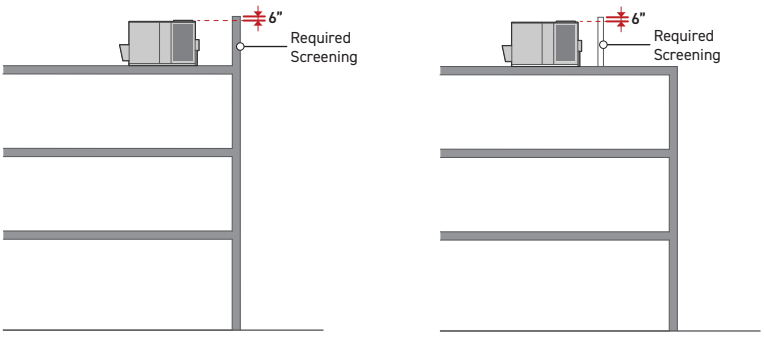
To help ensure roof mounted equipment is designed to minimize effects on surrounding properties and the public realm and to help ensure roof-mounted equipment is obscured from view on the city skyline.

b. Applicability

All outdoor mechanical, electrical or utility equipment located on a roof, with the exception of solar panels, wind turbines and equipment for wireless telecommunication uses.

c. Standards

1. Mechanical, electrical or utility equipment located on a roof must meet the encroachment requirements of *Sec. 3C.390.A.5 Exceptions*.
2. Mechanical, electrical or utility equipment must be screened on the roof edge by a parapet wall or other type of screen that is at least height 6 inches higher than the topmost point of the equipment being screened.
3. The screening must be a least 75% opaque.
4. Screening must meet the standards of *Sec. 620.E.3.c. Design and Installation*.



3. Ground-Mounted Equipment

a. Intent

To minimize visibility of ground-mounted equipment from the public realm.

b. Applicability

Mechanical, electrical or utility equipment having the following characteristics:

1. Located outdoors.
2. Publicly or privately owned.
3. Located at an elevation within 6 feet of finished grade.
4. Lot that serves more than 4 dwelling units or more than 6,000 square feet of floor area.
5. Does not include equipment for wireless telecommunication uses.

c. Standards

1. Ground-mounted mechanical, electrical or utility equipment cannot be located in a front or side street yard. Ground-mounted mechanical, electrical or utility equipment must be located to the side and rear of buildings and must meet the encroachment requirements of *Sec. 370.C.5. Exceptions*.
2. Ground-mounted mechanical, electrical or utility equipment visible from a public right-of-way (not including an alley) must be fully screened by an opaque wall or fence or other type of screen that is at least height 6 inches higher than the topmost point of the equipment being screened.
3. The screening must be a least 75% opaque.
4. Screening must meet the standards of *Sec. 620.E.3.c. Design and Installation*.

4. Wall-Mounted Equipment

a. Intent

To minimize visibility of wall-mounted equipment from the public realm.

b. Applicability

All mechanical, electrical or utility equipment attached to the exterior wall of a building or structure, with the exception of equipment for wireless telecommunication uses.

c. Standards

1. Wall-mounted mechanical, electrical or utility equipment cannot be attached to a street lot line-facing facade. Wall-mounted mechanical or electrical equipment can only be attached to side and rear-lot line facing building facades and must meet the encroachment requirements of *Sec. 370.C.5. Exceptions*.
2. Wall-mounted mechanical, electrical or utility equipment visible from a public right-of-way (not including an alley) must be fully screened by an opaque wall or fence or other type of screen that is at least height 6 inches higher than the topmost point of the equipment being screened.
3. The screening must be a least 75% opaque.
4. Screening must meet the standards of *Sec. 620.E.3.c. Design and Installation*.

d. Measurements

1. For measurement of opacity see *Sec. 1200.J. Opacity*.
2. Height from topmost point of the equipment is measured to the top of the screen and gate at their lowest height.

620.E. Fence and Wall Standards

A constructed vertical barrier of wood, masonry, wire, metal, or other manufactured material, or combination of materials erected to enclose, screen, or separate areas. A fence differs from a wall in not having a solid foundation along its entire length.

1. Intent

To balance the needs for natural surveillance and visual interest along the public realm and security and privacy for private ground story uses in a manner appropriate to context.

2. Applicability

a. The wall and fence height standards apply to all zoning lots.

b. Allowed wall and fences types are set in *Subpart 3B. Form Modules* and *Subpart 4B. Frontage Modules*.

c. Where a buffering or screening requirement requires a taller wall or fence, the buffer or screening requirements supersede.

d. All new fences and walls, including buffering and screening, must obtain a permit pursuant to the procedures described in *Sec. 1170.C. (Ministerial Permit)*.

e. A legally established fence or wall may be replaced with the same material at less than 50% of the established fence or wall length without a fence & wall permit from the Planning Division.

3. Standards

a. Front/Side Street Yard Fence and Wall Types

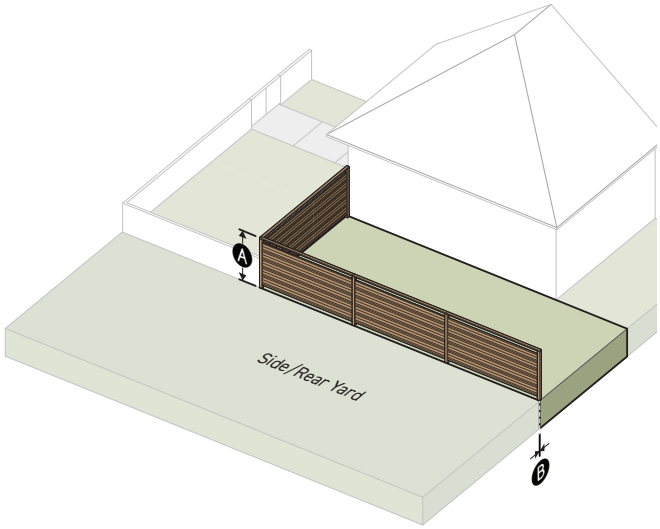
See *Sec. 490.B.3.b. Frontage Yard Fence and Wall Types.*

b. Side/Rear Yard Fence and Wall Types

Packages of design standards applied fences and walls along side and rear lot lines.

1. Fence Type VI

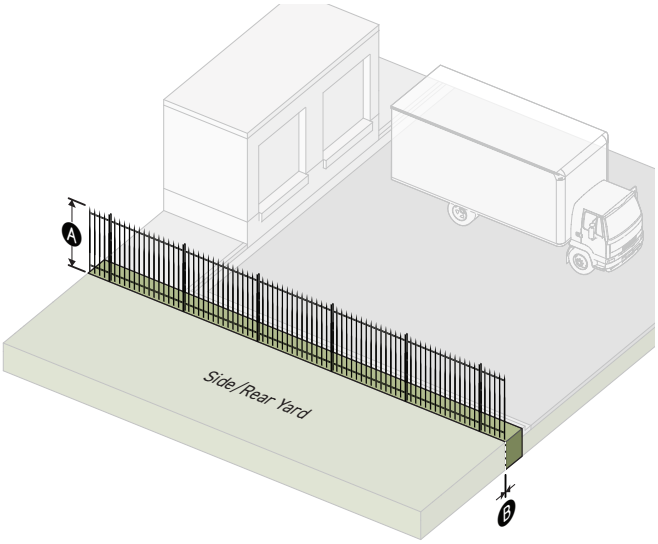
Intended for typical side and rear yards.



STANDARDS	
A Wall/fence height (max)	6'
B Setback from lot line (min)	0~~.5~~'

2. Fence Type VII

Intended for industrial side and rear yards where additional screening and security might be needed.



SCREENING AREA	
A Wall/fence height (max)	10'
B Setback from lot line (min)	0~~.5~~'

c. Design and Installation

All walls and fencing must be continuous and uniform in material and finish with exception to gates and transitions between the front yard and rear/side yard areas.

1. Material

All walls, fences and gates must be constructed of standard building materials that are customarily used for wall and fence construction.~~, such as brick, stone, concrete masonry, stucco, concrete, or wood. Scrap or "recycled" material must not be used. Tires, junk, recycled garage doors, sheet metal, or plywood must not be used as fencing material.~~

i. Permitted Material

a) Masonry material, including: brick, stone, and concrete. All masonry must include an architectural cap.

b) Sealed wood.

c) Wrought iron.

d) Vinyl.

e) Other material customarily used for wall and fence construction as determined by the Development Services Director.

ii. Prohibited Material

a) Scrap or "recycled" material, including but not limited to: tires; garage doors; sheet metal; plywood; windows; corrugated metal; inoperable motor vehicles and parts; construction material; household waste including discarded appliances; and yard debris.

b) Chain link.

c) Security fencing material, including but not limited to: barbed wire; concertina wire; razor wire; and electric fencing.

d) Sharp material, including: glass shards; spikes (other than decorative spikes that are part of an ornamental metal fence); nails; or other sharp material installed on the top of any fence or wall.

iii. ~~Chain-linked fences are not allowed in front or side yards.~~

iv. ~~Barbed wire and concertina wire are not allowed.~~

2. Location

i. The finished side of a wall or fence must be placed on the outside of the property.

ii. Walls, fences and gates must be set back from the lot line in accordance with *Sec. 620.B. Transition Buffers*, *Sec. 620.C. Frontage Screens*, *Sec. 490.B.3.b. Frontage Yard Fence and Wall Types* and *Sec. 620.E.3.b. Side/Rear Yard Fence and Wall Types*.

iii. No wall or fence is allowed within any required drainage or utility easement.

iv. ~~All walls, fences and gates including their sub-grade elements, such as footings or foundation, must be located on-site.~~

3. Maintenance

All walls, fences and gates must be maintained in good repair and must be kept vertical, structurally sound and protected from deterioration.

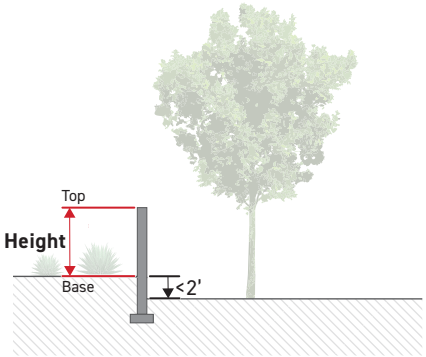
4. Temporary Fencing

Temporary chain link fencing may be permitted during active construction as determined by the Development Services Director.

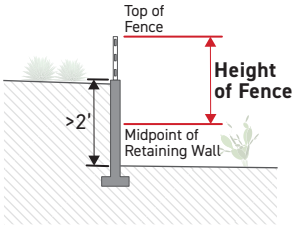
4. Measurement

a. Height: Side/Rear Yards

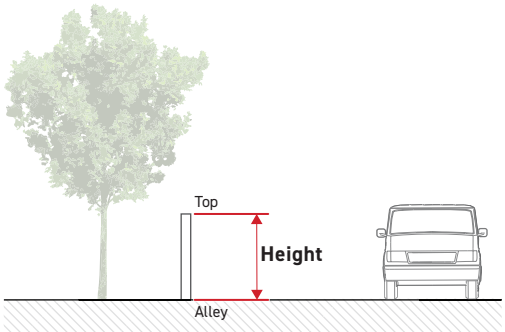
1. Where the difference in grade on either side of a wall or fence is less than 2 feet, height is measured from at the base of the wall or fence on the side with the highest grade.



2. When a wall or fence is located within 3 feet of the exterior face of a retaining wall and the retaining wall is 2 feet in height or greater, height is measured from the top of the wall or fence to the midpoint of the retaining wall.



3. Fences and walls located in a rear or side yard abutting an alley are measured from the surface of the adjacent alley, vertically to the topmost point of the wall or fence.



b. Opacity

See *Sec. 1200.J. Opacity*.

620.F. Planting Standards

1. Intent

To provide the necessary elements to support a healthy urban ecological system.

2. Applicability

All plants and landscaping used to meet a requirement of this Code.

3. Standards

a. General

1. Invasive species must not be planted. Any plant listed by the California Invasive Plant Inventory as an invasive or watch plant (including the ratings of "limited", "moderate", "high" or "watch") is considered an invasive species.
2. Plants must not interfere with visibility at intersections and driveways.
3. Artificial plants, trees, or other plants must not be installed as required planting.
4. Plants and landscaping must also meet the standards of *Sec. 1300. Landscape (Formerly Sec. 503-J)*. When a conflict occurs between standards in *Sec. 1300. Landscape (Formerly Sec. 503-J)* and *Sec. 620.F. Planting Standards*, the more stringent standard applies.

b. Irrigation

1. Plant materials must be able to survive on natural rainfall once established with no loss of health, or be supported by an irrigation system meeting the *California Model Water Efficient Landscape Ordinance (Ch. 2.7.)*
2. Irrigation systems must be continuously maintained in working order and be designed to prevent overlap of water zones and to prevent watering of impervious areas.

c. Planting Areas

1. General

i. Area that includes structures, foundation walls, footings or flatwork cannot count toward any planting area requirement with the following exceptions:

a) Planters located within 10 feet of a building can count toward required planting area.

b) Planters located on or above a structure (examples include: roofs, terraces, bridges, balconies, and above or below ground parking structures) can count toward required planting area.

ii. Planting areas must have no horizontal dimension less than 3 feet.

iii. Planting areas must have a minimum plant coverage of 75 percent.

iv. All plants required to meet the minimum plant coverage standard must meet the applicable plant type planting specification standards in *Sec. 620.F.3.d. (Plant Types)*.

When rooftop planting area standards *(Sec. 620.F.3.c.2. Planting Areas)* conflict with the plant type planting specifications, rooftop planting area standards supersede.

v. Planting areas must include 1 large species tree or 2 small species trees for each 500 square feet of total required on-site planting area.

2. Rooftop Planting Areas

Plants provided on or over a built structure, including but not limited to, a roof, a bridge, a balcony or a parking structure, must comply with the following standards:

i. Minimum soil depth or soil volume for required plants, is as follows:

TREES		
Height at Maturity	Soil Volume (min)	Soil Depth (min)
15' to 19'	220 ft^3	36"
20' to 24'	400 ft^3	36"
25' to 29'	620 ft^3	42"
30' to 34'	900 ft^3	42"
35' to 39'	1,200 ft^3	42"
40' or more	1,600 ft^3	48"

OTHER PLANTS	
Height at Maturity	Soil Depth (min)
<5.9"	12"
6" to 11"	18"
1' to 7'	24"
8' to 14'	30"
15' to 24'	36"
25' or more	42"

ii. All large species trees must be setback from the edge of the roof a minimum of two-thirds the mature height of the tree measured perpendicularly from the edge of the roof to the center of the tree trunk. The required setback may be reduced by an amount equivalent to the height of a guard rail or wall that is provided along the perimeter of the roof edge. The guard rail or wall height is measured vertically from the top of the rootflair to the topmost point of the wall or guardrail.

d. Plant Types

1. Trees

i. All trees must be in a minimum 24-inch box container size and be a minimum caliper of 1.5 inches at time of planting.

ii. Large trees must have a minimum canopy spread at maturity of least 30 feet.

iii. Small trees must have a minimum canopy spread at maturity between 15 feet and 30 feet.

iv. Where a required large tree cannot be provided due to existing spatial conflicts, 2 small trees may be provided as an alternative to meet the requirement.

2. Screening Plants

i. Screening plants must be perennial.

ii. Screening plants must be planted so as to form a continuous screen within the transition area except for breaks for required trees.

iii. Screening plants must be at least 18 inches in height at time of planting.

iv. Screening plants must be able to reach at least 3 feet in height at maturity.

v. Screening plants must be maintained at no less than their height at maturity.

3. Shrubs

i. A minimum of 75% of required shrubs installed must be evergreen.

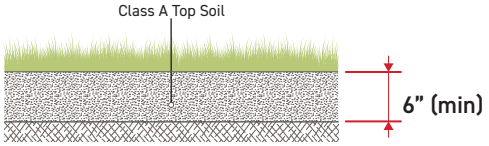
ii. All shrubs must be at least 2 feet in height at time of planting.

iii. All shrubs installed must be able to reach at least 4 feet in both height and spread at maturity.

4. Groundcover and Turf Plants

i. A minimum top soil depth of 6 inches.

ii. Top must be Class A top soil or native variety.



5. Living Walls

Living walls provided to meet a standard must meet the following standards:

i. Permanently attached to the exterior of a building or structure.

ii. Automatic irrigation system permanently integrated into the assembly.

iii. Growing medium must be permanently integrated into the assembly while retaining the ability to remove, replace and maintain the plants and growing medium.

iv. A minimum soil depth of 4 inches of Class A top soil or native variety.

v. A minimum of 75 percent plant coverage at maturity, measured vertically.

vi. For living walls adjacent to the public right-of-way, plants must be maintained so as not to obstruct the public right-of-way.

e. Maintenance

See *Article V. (Landscape Maintenance)*.

4. Measurement

a. Planting Area Width

Planting area width is measured as the narrowest horizontal dimension from one edge of an area complying with *Sec. 620.F.3.c. Planting Areas* to the opposite edge.

b. Plant Coverage

Plant coverage is measured as the cumulative area of a planting area covered by plants divided by the total planting area.

1. Trees count as plant coverage only for the portion of a planting area within 2 feet of a tree, measured as a circle, centered on the trunk of the tree, with a radius of 2 feet.
2. All other plants count as plant coverage for 70% of the plant's anticipated *Canopy Diameter, Spread, and Height at Maturity (Sec. 620.F.4.c.)*.

c. Canopy Diameter, Spread, and Height at Maturity

Canopy diameter at maturity, spread at maturity and height at maturity is specified in *Landscape Plants for California Gardens*, or other locally calibrated and professionally recognized source.

d. Soil Depth

Soil depth is measured as the shortest vertical dimension of growing medium provided, for all portions of a planting area.

e. Soil Volume

Soil volume is measured as the total volume of growing medium provided. Drainage layers and other elements located within a container or planter that are not growing medium are not included in the calculation of soil volume.

f. Rootball Depth

Depth of the rootball is measured from the root flare to the bottom of the root mass or bottom of the container.

g. Rootball Width

Width of the rootball is measured as the shortest horizontal dimension of the root mass or container from one end to the opposite end.

h. Height at Planting

1. Height at planting is measured from the root flare.
2. For evergreens, height at planting is measured vertically to the midpoint of the leader between the uppermost whorl (branch) and the top of the leader.
3. For deciduous shrubs, height at planting is measured vertically to the top of the shortest of all canes.
4. For all other plants, height at planting is measured vertically to the highest point of the plant.

i. Container Size

1. Container Size is measured in accordance with the American Standard for Nursery Stock (ASNS).
2. When a minimum container size is indicated by a standard, all equivalent or greater container sizes are also requested in accordance with ASNS Container class volume ranges.

j. Caliper

1. For fruit trees, small fruits, understock and seedling trees and shrubs, caliper measurement must be taken at the root collar or at the other points expressly described in the applicable Sections of the American Standard for Nursery Stock.
2. Caliper for trees with multiple stems is measured as one-half the sum of the calipers of the three largest trunks.
3. For all other plants, caliper measurement must be taken six inches above the root collar.

k. Height at Maturity

1. Height at maturity is measured from the root flare.
2. For evergreens, height at maturity is measured vertically to the midpoint of the leader between the uppermost whorl (branch) and the top of the leader.
3. For deciduous shrubs, height at maturity is measured vertically to the top of the shortest of all canes.
4. For all other plants, height at maturity is measured vertically to the highest point of the plant.

620.G. Retaining Walls

A freestanding continuous structure, as viewed from the top, intended to support earth, which is not attached to a building.

1. Intent

To ensure visually appealing, high quality retaining walls that do not tower over neighboring properties and public rights-of-ways.

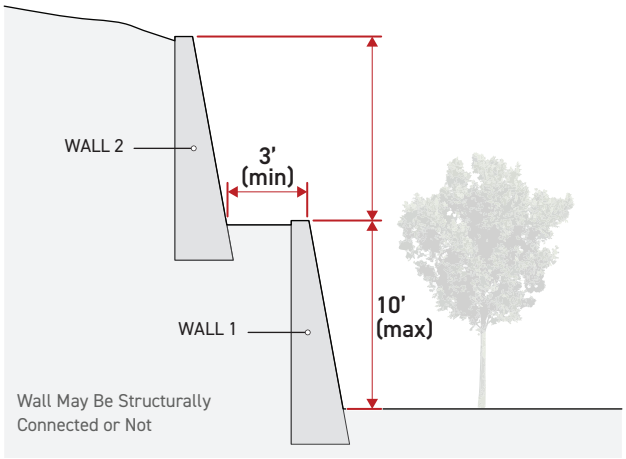
2. Applicability

All retaining walls.

3. Standards

a. General

1. No retaining wall can exceed 10 feet in height.
2. Where multiple retaining walls are located on one lot, they must meet the following standards:
   i. Retaining walls must be spaced at least three feet apart horizontally,
   ii. No retaining wall located in a frontage yard can exceed the frontage yard fence and wall type's maximum height, applied by the *Subpart 3B. Form Modules*, except as allowed in *Sec. 620.E.3.b. Side/Rear Yard Fence and Wall Types*.



b. Landscaping

Retaining walls that exceed 8 feet in height must be landscaped in accordance with any planting standard in *Sec. 620.F. Planting Standards* and fence and wall standard in *Sec. 620.E. Fence and Wall Standards*.

4. Measurement

Retaining wall height is measured from the top of the wall to the lowest adjacent ground elevation.

5. Exceptions

a. Exception for Public Agency Projects

This Section does not apply to projects undertaken by a public agency.

b. Exception for Retaining Walls Required by Building and Safety

This Section does not apply to retaining walls built to comply with an order issued by the Building and Safety Division to repair an unsafe or substandard condition.

Sec. 630. Signs

630.A. General

1. Purpose and Intent

The regulations set forth in this Section contain the primary tools for implementing the sign policies, standards, and regulations of the City pursuant to the provisions of the State Outdoor Advertising Act (BPC Section 5200 et seq.), and other applicable state and local requirements, and prescribe standards for the type, placement, size, number, height, and illumination of signs in order to achieve the following purposes:

a. To promote orderly display of signs to provide reasonable protection to the visual environment of the City;

b. To enhance the City's ability to attract economic development; and

c. To safeguard life, health, property and public welfare by regulating the design, quality of materials, construction, illumination, location, and maintenance of signs.

2. Applicability

All signs erected, installed, structurally altered, or otherwise modified after the effective date of this Code, except for signs within a specific plan, which are regulated by a specific plan. Nonconforming signs are subject to the provisions of *Sec. 11100.L.2. (Sign Exceptions)*.

3. Sign Permits

Unless specifically exempted in *Sec. 630.B. (Signs Not Requiring a Permit)*, a Sign Permit must be obtained prior to erection, installation, display, structural alteration, or change of any sign pursuant to *Sec. 1170.C. (Ministerial Permit)*. Building and electrical permits must also be obtained, where required by the Uniform Building Code and National Electrical Code.

630.B. Signs Not Requiring a Permit

Signs that do not require a permit are not considered in determining the allowable number or size of signs on a lot. A permit is not required for the following types of signs, provided all applicable provisions of this Section are met.

1. Official Notices

Any sign, posting, notice or other indication used exclusively to display official notices, notices of any court or public office, or posted by a public officer in the performance of a public duty, or required by a public entity in carrying out its responsibility to protect the public health, safety or welfare, or otherwise required by law.

2. Street and Traffic Control Signs

Official street or traffic signs erected by a governmental agency, including signs required by law, directional signs, informational signs, street name signs, traffic control signs, public utility signs, railroad crossing signs, or other emergency warning signs.

3. Signs Not Visible

Any sign internal to a site not visible from the public right-of-way or neighboring property. This does not include signs for drive-through facilities, as defined in Sec. 11100.K.1.b.

4. Flags

Any loose fabric or membrane secured to a pole or rod, which flutters and moves with air or wind movement. Freestanding flag poles are not regulated under this Section, and require a building permit.

Flags must meet the following standards:

a. A maximum of 3 flags are permitted per lot; and

b. The flag area cannot exceed 1.5 times the height of the pole, or at least a 15 square foot flag, whichever is greater. For example, a 40-foot tall flag pole yields a maximum 60 square foot flag.

5. Sidewalk Signs

Any sign placed on a sidewalk that is movable, wholly independent of a building for support, and not permanently secured or attached to the ground. Includes a-frame signs, sandwich board signs, and signs on wheels.

Sidewalk signs must meet the following standards:

a. The sign cannot exceed 6 square feet in area, 3 feet in height and 2 feet width;

b. The sign must be placed along a building facade with an entrance to a tenant space;

c. The sign cannot be placed more than 12 feet from the building facade;

d. One sidewalk sign is permitted for each street facing entrance, and no more than one may be placed per business on the same street face;

e. The sign cannot be illuminated;

f. The sign must be removed and placed indoors at the close of each business day; and

g. The sign must not impair the ability of pedestrians to use the sidewalk, with a minimum of 6 feet of clear distance of sidewalk at all times.

6. Small Signs

Any sign with a sign area of 6 square feet or less.

Small signs must meet the following standards in order to be considered exempt:

a. Maximum individual sign area of 6 square feet.

b. Maximum number of small signs on a lot is unrestricted.

c. Cannot be internally or externally illuminated.

7. Historic Building Plaque

A commemorative or identification plaque to identify designated historic properties (local, state, or national level) which are constructed of bronze or other nonflammable material.

8. Search Lights and Laser Displays

a. Special Frontage Modules

In a zoning district with a Special Frontage Module, search lights and laser displays are allowed and must meet the following standards.

1. Such devices must be focused away from ground level areas, residential areas, pedestrian areas, and vehicular traffic areas.
2. The level of illumination must not cause any unnecessary direct or reflected glare onto surrounding neighborhoods.

b. All Other Frontage Modules

In a zoning district without a Special Frontage Module, search lights and laser displays are not allowed.

630.C. Prohibited Signs

The following signs and devices are prohibited. Any sign type not listed in this *Sec. 630. (Signs)* is considered prohibited.

1. Abandoned Signs

Any sign remaining in place or not maintained for a period of 90 days which no longer advertises or identifies an ongoing business, product or service available on the business premise where the sign is located.

2. Aerial Roof Signs

Any sign that is mounted, attached, affixed, or painted on the surface of a roof that is visible from the air or an elevation vantage point higher than the roof.

3. Aerial Signs

Any sign or device that is either floating or flying in the air but is secured to a building or to the ground by strings or cables. A blimp is considered an aerial sign.

4. Animated Signs

Any sign which uses movement or changes of lighting to depict action or create a special effect or scene.

5. Balloons

Any inflatable airtight bag that, when in multiple numbers can be strung together and displayed to attract attention to a business location. A balloon is not considered an inflatable sign.

6. Bunting

Any decoration made out of fabric, synthetic material, sheet metal, or any thin pliable material that is securely attached to at least two ends of a rigid frame attached to a pole or projecting from a building.

7. Can Signs (Box Signs)

Any sign on the outside face of a metal box with or without internal illumination.

8. Digital Signs

Any electronic sign that displays video or multimedia content or text.

9. Fence Signs

Any sign attached to or painted onto a freestanding fence.

A sign attached to or painted onto a freestanding wall is considered a monument sign and is subject to the standards of *Sec. 630.F.10. (Monument Sign)*.

10. Inflatable Signs

Any form of inflatable device that is displayed, printed or painted on the surface of an inflatable background. A balloon is not considered an inflatable sign.

11. Mobile Signs

Any sign mounted, attached, affixed, or painted upon any surface of a motor vehicle, trailer, or similar conveyance parked on public or private property. This includes mobile signs that are digital or animated.

12. Off-Site Advertising Signs (Billboards)

Any sign structure or billboard, whether freestanding or mounted on an existing building, built for the purpose of advertising an establishment, product or service which is not available on the property upon which the sign is located at the time the sign structure was erected.

a. Proposition "L"

As approved in a special municipal election held on November 2, 1993 (Proposition "L"), and which cannot be modified without a vote of the people:

1. No new or structurally altered off-site billboards will be permitted within the City of Pomona. In technical words conveying the same meaning, off-site advertising signs must not be constructed, relocated, or structurally altered in any zoning district.

2. Noncommercial advertising by the property owner or by another with their consent is permitted on any advertising sign for on-site advertising, whether the message concerns activity at the property or not.

13. Pennants

Any device made of flexible materials, such as cloth, paper or plastic, which may or may not contain copy, and designed to be attached securely to a pole or post.

14. Pole Signs

Any freestanding sign that is wholly independent of a building for support, permanently affixed to the ground using one or more poles or posts.

15. Unofficial Traffic Signs

Any sign which simulates in color, size or design, any traffic control sign or signal, or which make use of words, symbols or characters in such a manner as to interfere with, mislead, or confuse pedestrian or vehicular traffic.

16. Snipe Signs

Any sign or poster that is installed within public or private property on structures such as lampposts, traffic signs, street signs, building walls, fences, and similar structures.

630.D. General Signs Requirements

1. Building and Electrical Code Compliance

The structural components of a sign (including, without limitation, lighting fixtures) must be constructed, installed and maintained in accordance with the requirements of the current Uniform Building Code and National Electrical Code.

2. Setbacks and Encroachments

a. Building setback requirements, as defined in *Sec. 370.C. (Building Setbacks)*, do not apply to signs.

b. Any awning, canopy, marquee, and projecting signs may encroach (subject to an encroachment permit) up to 42 inches over a public right-of-way provided that:

   1. The sign does not encroach within a vertical plane measured 2 feet from the back of the curb; and

   2. The bottom edge of the sign maintains a clearance of at least 8 feet from the finish grade level below the sign.

3. Illumination

a. Where exposed lamps are used to illuminate signs, gooseneck reflectors and lights must be provided with proper lenses and guards to concentrate illumination on the area of the sign to prevent glare on the street or adjacent property.

b. Neon lighting must not exceed 30 milliamps. All other types of sign illumination are subject to the standards of *Sec. 640.A. (Outdoor Lighting)*.

4. Display of Noncommercial Message

Any sign authorized in this Section may display a noncommercial message in lieu of other text.

5. Sign Installation and Maintenance

All signs must be installed and maintained in proper working order at all times and meet the following provisions for maintenance.

a. The display surfaces of all signs must be kept clean and legible at all times.

b. All non-functioning bulbs or damaged sign faces or panels must be replaced or repaired within 30 days.

c. All sign copy must be maintained securely on the sign face or panel and all missing copy must be replaced within 30 days.

d. Sign structures, frameworks, and poles must be structurally sound.

e. The rear of any sign face or cabinet visible to the public must be provided with a flat-surfaced cover to obscure structural elements from public view.

f. Following the removal of any signage and/or prior to the installation of any signage, all visual trace of the previous sign must be removed, including any residue. Where discoloration occurs upon removal or exists prior to installation, all surfaces must be painted to match the existing color of the structure.

6. Sign Removal

a. The following signs will be removed immediately by the property owner:

1. Nonconforming signs changed or altered in any way beyond maintenance and repair other than change of copy as defined in *Sec. 11100.X. (Nonconforming Signs)*.

2. Prohibited signs as defined in *Sec. 630.C. (Prohibited Signs)*.

b. Where a sign is removed, all visual trace of the previous sign must be removed, including any residue. Where discoloration occurs upon removal all surfaces must be painted to match the existing color of the structure.

630.E. Large Temporary Signs

Any sign with an area greater than 10 square feet which is not designed or intended to be placed permanently.

Large temporary signs must meet the following standards.

1. Large temporary signs must be rectangular in shape.
2. Large temporary signs are not permitted in zoning districts with a Neighborhood Yard frontage module, except for an assembly use or with a RX1 use module.
3. Large temporary signs must not exceed 45 square feet.
4. One large temporary sign is permitted per building and/or tenant street frontage at any time.
5. Large temporary signs may be used for a period not exceeding 30 consecutive days, up to 2 times per any 12-month period. Additional posting time may be allowed by the Zoning Administrator, provided a temporary activity on the site is continuing or an emergency circumstance warrants the additional sign duration for a public purpose.
6. Materials used for temporary signs must be durable and capable of withstanding the weather.
7. Temporary signs must be attached to a building or structure.

630.F. Permanent Signs

1. Frontage Module Permissions

The following signs are allowed by frontage module.

Sign Type	Frontage Module: Neighborhood Yard	Multi-Unit	General	Shopfront	Special	Standards
Building Signs						
Awning	--	■	■	■	■	*Sec. 630.F.2.a. Awning Sign*
Canopy	--	■	■	■	■	*Sec. 630.F.2.b. Canopy Sign*
Painted	--	■	■	■	■	*Sec. 630.F.2.c. Painted Sign*
Projecting	--	■	■	■	■	*Sec. 630.F.2.d. Projecting Sign*
Roof	--	■	■	■	■	*Sec. 630.F.2.e. Roof Sign*
Wall	--	■	■	■	■	*Sec. 630.F.2.f. Wall Sign*
Window	--	■	■	■	■	*Sec. 630.F.2.g. Window Sign*
Freestanding Signs						
Monument	--	■	■	■	■	*Sec. 630.F.3.a. Monument Sign*
Suspended	■	■	■	■	■	*Sec. 630.F.3.b. Suspended Sign*
Special Signs						
Crown	--	■	■	■	■	*Sec. 630.F.4.a. Crown Sign*
Marquee	--	--	■	■	■	*Sec. 630.F.4.b. Marquee Sign*

■ = Sign type allowed -- = Sign type not allowed

2. Building Signs

Any permanent on-site sign attached to or painted on a primary or accessory building or structure. Building signs include awning, canopy, painted, projecting, roof, wall, and window sign types.

For the purposes of this Code, crown and marquee signs are considered special signs as defined in *Sec. 630.F.2.C. (Special Signs)*.

a. Awning Sign

1. DEFINITION

A building sign where graphics or symbols are painted, printed, sewn, or otherwise adhered to the material of an awning as an integrated part of the awning itself.

2. GENERAL STANDARDS

i. Any awning containing a sign must be located over ground-story doors or windows.

ii. Any awning containing a sign must not extend above the height of the bottom sill of any second story window of the building facade to which it is attached.

iii. Any awning containing a sign must not be internally illuminated.

iv. Any awning containing a sign may be externally illuminated pursuant to *Sec. 630.D.3. (Illumination)*.

3. NUMBER OF SIGNS

Maximum of 1 per awning.

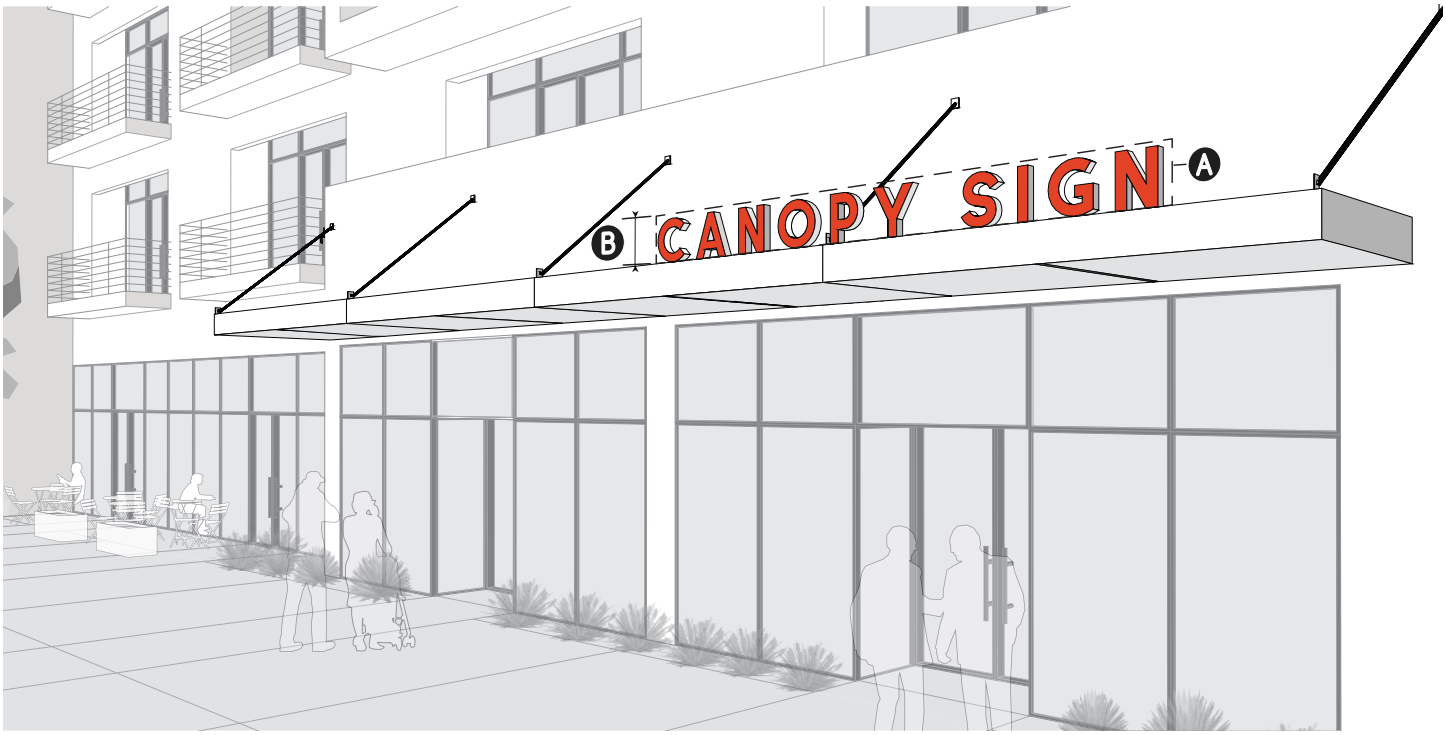
4. TOTAL SIGN AREA

Combined area of all building signs (max)	1.5 SF per linear foot of building frontage or at least 32 SF, whichever is greater

5. INDIVIDUAL SIGN DIMENSIONS

A Area (max)	20 SF
B Sign display height (max)	1'
C Width (max)	60% of the awning

b. Canopy Sign



1. DEFINITION

A building sign attached to a canopy with a display surface parallel to the plane of the building facade.

2. GENERAL STANDARDS

i. Any canopy containing a sign must be located over ground-story doors or windows.

ii. Any canopy containing a sign must not extend above the height of the bottom sill of any second story window of the building facade to which it is attached.

iii. Any canopy sign may be externally or internally illuminated in accordance with *Sec. 630.D.3. (Illumination)*.

3. NUMBER OF SIGNS

Maximum of 1 per canopy.

4. TOTAL SIGN AREA

Combined area of all building signs (max)	1 SF per linear foot of building frontage or at least 32 SF, whichever is greater

5. INDIVIDUAL SIGN DIMENSIONS

A Area (max)	1 SF per linear foot of canopy, or at least 20 SF, whichever is greater
B Height (max)	3'
Clear height above parking area or driveway (min)	14'

C. Painted Sign

1. DEFINITION

A building sign painted on the exterior wall of a building or structure.

2. GENERAL STANDARDS

i. Any painted sign must be professionally executed by a licensed commercial sign painter.

ii. Any painted signs located within a mural that is located on public property, within a public easement, or which received funding from the City must be approved by the Cultural Arts Commission.

iii. If a painted sign is located within a mural, only areas including text count toward the sign area.

iv. Any painted sign may be externally illuminated in accordance with *Sec. 630.D.3. (Illumination)*.

3. NUMBER OF SIGNS

Maximum of 1 per lot or 30' of building frontage, whichever is greater.

4. TOTAL SIGN AREA

Combined area of all building signs (max)	1.5 SF per linear foot of building frontage or at least 32 SF, whichever is greater

5. INDIVIDUAL SIGN DIMENSIONS

A Area (max)	
Ground story	50 SF
Upper story	100 SF

d. Projecting Sign

1. DEFINITION

A building sign attached approximately perpendicular to the exterior wall of a building or structure, typically extending 12 inches or more from the wall.

2. GENERAL STANDARDS

i. A projecting sign must be at least 15 feet from any other projecting sign.

ii. A projecting sign must not extend above the top of the building roof line or parapet.

iii. Any projecting sign may be externally or internally illuminated in accordance with *Sec. 630.D.3. (Illumination)*.

3. NUMBER OF SIGNS

Maximum of 1 per building entrance.

4. TOTAL SIGN AREA

Combined area of all building signs (max)	1.5 SF per linear foot of building frontage or at least 32 SF, whichever is greater

5. INDIVIDUAL SIGN DIMENSIONS

A Area (max)	30 SF
B Projection width (max)	3.5
C Clear height above parking area or driveway	14'

e. Roof Sign

1. DEFINITION
A building sign erected on a roof of a building consisting of channel letters, graphic segments, open lighting elements, or other open forms affixed to a non-solid panel sign support structure.

2. GENERAL STANDARDS

i. Any roof sign must be located on the roof of a building.

ii. Any roof sign must be at least 15 feet from any other roof sign.

iii. The plane of the roof sign face must be approximately parallel to the face of the building.

iv. The roof sign must consist of open channel lettering or graphic segments. Box and cabinet signs are not allowed.

v. Any roof sign may be externally illuminated in accordance with *Sec. 630.D.3. (Illumination)*.

3. TOTAL SIGN AREA	
Combined area of all building signs (max)	1.5 SF per linear foot of building frontage or at least 32 SF, whichever is greater

4. INDIVIDUAL SIGN DIMENSIONS	
A Area (max)	80 SF
B Height (max)	3'

f. Wall Sign

1. DEFINITION

A building sign attached flat and parallel to the exterior wall of a building or structure, extending no more than 12 inches from the wall.

2. GENERAL STANDARDS

i. Any wall sign must not extend above the top of the building roof line or parapet.

ii. Any wall sign must be located below the window sills of the second story on a multi-story building.

iii. Any wall sign must only be located on facades that include a customer entrance or display window.

iv. Any wall sign must not cover, cross, or hide any building balcony, column, belt course, or other decorative architectural feature.

v. Any wall sign may be externally or internally illuminated in accordance with *Sec. 630.D.3. (Illumination)*.

3. NUMBER OF SIGNS

Maximum of 1 per lot or 30' of building frontage, whichever is greater.

4. TOTAL SIGN AREA

Combined area of all building signs (max)	1.5 SF per linear foot of building frontage or at least 32 SF, whichever is greater

5. INDIVIDUAL SIGN DIMENSIONS

A Area (max)	50 SF
B Projection width (max)	1'

g. Window Sign

1. DEFINITION

A building sign which is painted on, applied to, attached to, or projected upon the glass area of a building facade, including doors, or located within 12 inches of the interior of a window.

2. GENERAL STANDARDS

i. Any window sign must only be displayed in ground floor windows.

ii. No combination of temporary and permanent window signs may cover more than 50% of any window panel.

3. NUMBER OF SIGNS

Maximum of 2 per lot or per 30' of building frontage, whichever is greater.

4. TOTAL SIGN AREA

Combined area of all building signs (max)	1.5 SF per linear foot of building frontage or at least 32 SF, whichever is greater

5. INDIVIDUAL SIGN DIMENSIONS

A	Area per sign with an opaque background (max)	10 SF
	Area per sign with no background (max)	None
	Area per internally illuminated or exposed neon sign (max)	4 SF

3. Freestanding Signs

Any permanent on-site sign placed on a site but is not attached to or painted onto a primary or accessory building or structure. Freestanding signs include monument and suspended sign types.

a. Monument Sign

1. DEFINITION

A freestanding sign which has a solid base and is attached to the ground along its entire length.

2. GENERAL STANDARDS

i. Any monument sign structure must be incidental to the size of the monument sign itself.

ii. Any monument sign must not encroach upon any public right-of-way or sidewalk.

iii. Any monument sign must be set back a minimum of 3 feet from the public right-of-way.

iv. Any monument sign must be set back a minimum of 10 feet from a driveway entrance.

v. Any monument sign must not be placed within 10 feet of a common lot line.

vi. Any monument sign must be at least 100 feet from any other monument sign.

vii. All letters included in any monument sign must have a minimum height of 9 inches.

viii. Any monument sign may be illuminated with a shielded spotlight located at the base of the sign in accordance with *Sec. 630.D.3. (Illumination)*.

3. NUMBER OF SIGNS

Number of monument signs (max)	1 per lot
Combined number of freestanding signs (max)	1 per street frontage

4. INDIVIDUAL SIGN DIMENSIONS

A Area (max)	32 SF
B Width (max)	6'

b. Suspended Sign

1. DEFINITION
A freestanding sign comprised of a vertical pole, a horizontal decorative sign support, and a suspended sign face.

2. GENERAL STANDARDS

i. Any suspended sign must not encroach upon any public right-of-way or sidewalk.

ii. Any suspended sign may be illuminated with a shielded spotlight located at the base of the sign in accordance with *Sec. 630.D.3. (Illumination)*.

3. NUMBER OF SIGNS	
Combined number of freestanding signs (max)	1 per street frontage

4. INDIVIDUAL SIGN DIMENSIONS	
A Area (max)	12 SF
B Height (max)	8'

4. Special Signs

Special signs include crown and marquee sign types.

a. Crown Sign

1. DEFINITION

A building sign painted on, or attached flat and parallel to, the exterior wall of a building or structure that is located at the top of a building facade. The display surface of which does not extend more than 2 feet from the outside wall of the building or structure.

2. GENERAL STANDARDS

i. Any crown sign must be located on the upper-most story of a building with at least 3 stories.

ii. Any crown sign must be hand-painted, consist of channel letters, or have lettering and details which extend no more than 2 inches from the surface of the building facade.

iii. Any crown sign may be externally or internally illuminated in accordance with *Sec. 630.D.3. (Illumination)*.

3. NUMBER OF SIGNS

Maximum of 2 per lot and 1 per building facade

4. INDIVIDUAL SIGN DIMENSIONS

A Area (max)	
3-4 stories	200 SF
5+ stories	350 SF

b. Marquee Sign

1. DEFINITION
A building sign attached to a marquee, including a reader-board.

2. GENERAL STANDARDS
i. Any marquee sign must not extend above or below the marquee.
ii. Any marquee sign must not be attached to any portion of the marquee except on the periphery.
iii. Any marquee sign may be internally illuminated in accordance with *Sec. 630.D.3. (Illumination)*.

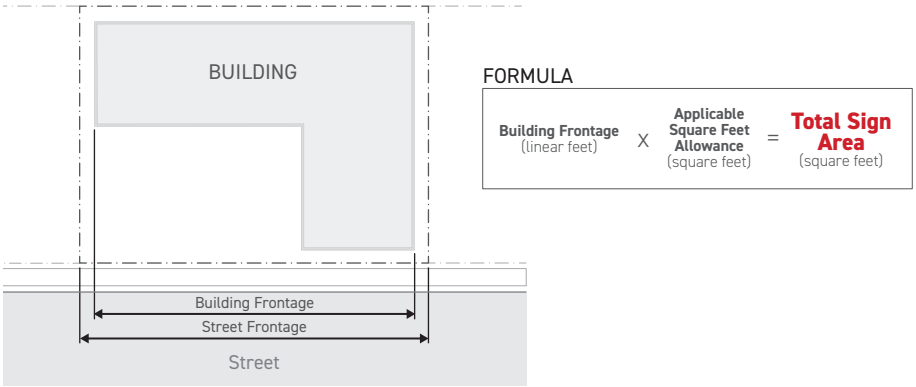
3. TOTAL SIGN AREA	
Combined area of all special signs (max)	1.5 SF per linear foot of building frontage or at least 32 SF, whichever is greater

4. INDIVIDUAL SIGN DIMENSIONS	
A Area, all faces (max)	60 SF
B Height above bottom of marquee (max)	5'

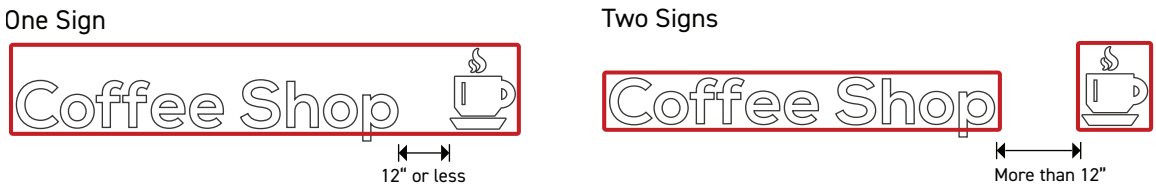
630.G. Measurement

1. Sign Area

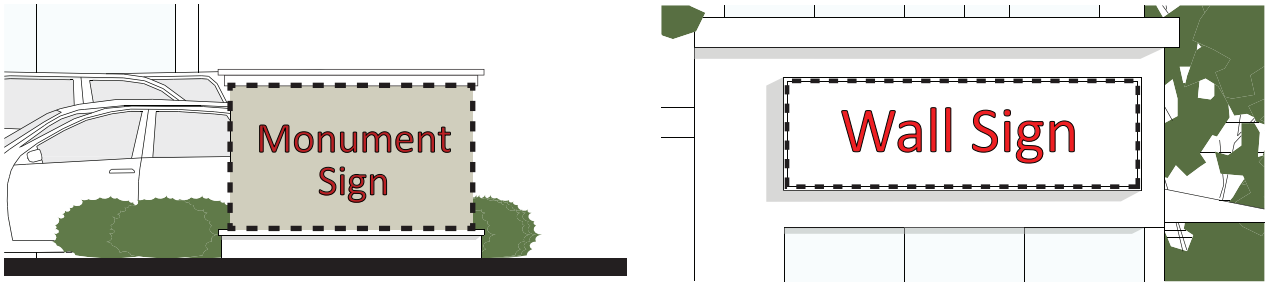
a. Per linear foot of building frontage is calculated by measuring the total linear feet of all street-facing building facades. For the measurement of street-facing building facade, see *Sec. 1200.D.2. (Street Lot Line-Facing Facades)*.



b. For building signs consisting of freestanding letters or logos, sign area is calculated as the total area of the rectangle, circle or square that fully encloses the letters or images as shown below. Images, logos or text greater than 12 inches apart are calculated as separate signs for the purposes of calculating individual sign area.



c. For signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign face and the background used to differentiate the sign from the structure on which it is mounted. Includes the face of the structure that the message is affixed to, not including any supports, bracing or street number.



d. For a sign that is 2-sided, back-to-back or V-type, only the area of the largest sign face is calculated as part of the sign area. If the sign face angle on a V-type sign is more than a 60 degrees, sign area is calculated by adding together the area of all sign faces.

2. Sign Height

The height of a freestanding sign is measured from the highest point of the sign or supporting structure to the top of the nearest sidewalk or crown of the road when no sidewalk exists.

630.H. Relief

A deviation from a sign standard may be allowed as a variance in accordance with *Sec. 1160.E. Variance.*

Sec. 640. Environmental Protection

640.A. Outdoor Lighting

1. Intent

To provide exterior lighting standards to support a variety of environments and to minimize the negative impacts of lighting on adjacent uses and users of the public realm.

2. Applicability

a. New Fixtures

All lighting fixtures installed after the effective date of this Code.

b. Existing Fixtures

1. Routine maintenance, including changing the lamp, ballast, starter, photo control, fixture housing, lens and other required components, is allowed for all existing fixtures.
2. The installation of site lighting, replacement of site lighting and changes to existing light fixture wattage, type of fixture, mounting or fixture location must be made in compliance with this Section.

c. Photometric Plan Required

Any project including the installation of parking and pedestrian area lighting requires the submission of a photometric plan that demonstrates compliance with outdoor lighting standards.

3. Standards

a. Lighting Sources Not Permitted

The following light fixtures and sources cannot be used:

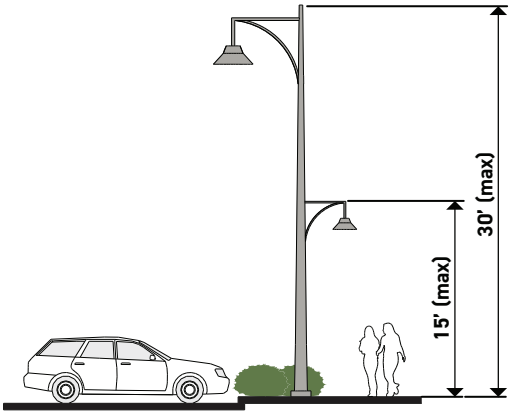
1. Cobra-head-type fixtures having dished or drop lenses or refractors, which contain sources that are not incandescent.
2. Temporary searchlights and other high-intensity narrow-beam, moving fixtures that shine light directly up to the sky.

b. Lighting Sources Permitted

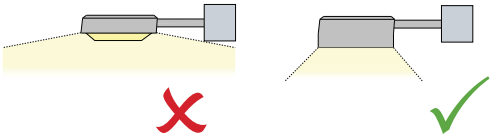
1. The maximum light level of any light fixture measured at the right-of-way line of a street cannot exceed an average of 2.5 footcandles. The uniformity ratio should be no more than 4:1.
2. Light sources must have a Color Rendering Index (CRI) value of 80 or higher.
3. Lighting cannot be oriented onto adjacent properties, streets or sidewalks.
4. Service connections for all freestanding lighting fixtures must be installed underground.

c. Parking and Pedestrian Area Lighting

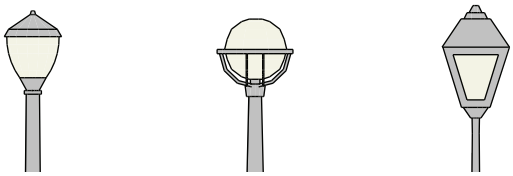
1. Light fixtures within parking lots and motor vehicle use areas can be no higher than 30 feet.
2. Light fixtures within pedestrian areas mounted on poles must not be higher than 15 feet.



3. All light fixtures must be full cutoff (shielded), except as listed below.

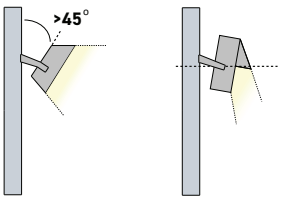


4. Non-cutoff (unshielded) fixtures can be used when the maximum initial lumens generated by each fixture is less than 9,500. These fixtures generally feature globes or vertical glass planes and must be coated with an internal white frosting to diffuse light.

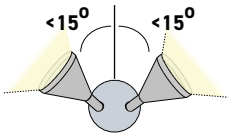


d. Flood Lights and Flood Lamps

1. Flood light fixtures must either be aimed down at least 45 degrees from vertical or the front of the fixture shielded so that no portion of the light bulb extends below the bottom edge of the shield.

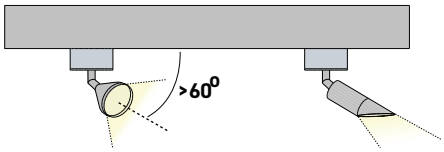


2. Any flood light fixture located within 50 feet of a street right-of-way must be mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed 15 degrees.



Overhead View

3. All flood lamps emitting 1,000 or more lumens must be aimed at least 60 degrees down from horizontal or shielded so that the main beam is not visible from adjacent properties or the street right-of-way.

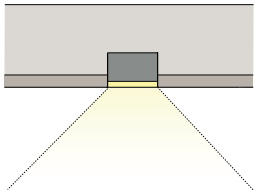


e. Canopies

Lighting under canopies must be less than 24 maintained footcandles and be designed to prevent glare off-site. Acceptable lighting designs include the following:

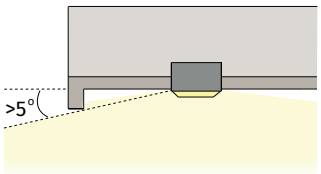
1. Recessed

Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface of the canopy.



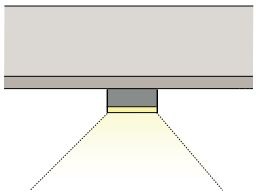
2. Shielded

Light fixture incorporating shields or is shielded by the edge of the canopy itself, so that light is restrained to 5 degrees or more below the horizontal plane.



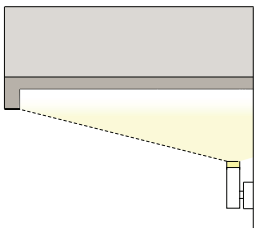
3. Surface Mounted

Surface mounted fixture incorporating a flat glass that provides a cutoff design or shielded light distribution.



4. Indirect

Indirect lighting where light is beamed upward and then reflected down from the underside of the canopy, provided the fixture is shielded so that direct illumination is focused exclusively on the underside of the canopy.



f. Building Lighting

1. Lighting fixtures must be selected, located, aimed and shielded so that direct illumination is focused exclusively on the building facade, plantings and other intended site features and away from adjoining properties and the street right-of-way.

2. All wall pack fixtures must be full cutoff fixtures.

3. Only lighting used to accent architectural features, landscape or art may be directed upward, provided that the fixture is located, aimed or shielded to minimize light spill into the night sky.

4. Measurement

a. Light levels are specified, calculated and measured in footcandles. All footcandles values are maintained footcandles.

b. Measurements are to be made at ground level, with the light-registering portion of the meter held parallel to the ground pointing up.

640.B. Recycling and Solid Waste Disposal

1. Intent

a. To increase the recycling of reusable materials consistent with statewide goals to reduce solid waste disposal;

b. Decrease the impact of the consumption of renewable and nonrenewable resources on the environment; and

c. Reduce litter.

2. Applicability

a. All new construction or modified nonresidential development.

b. All new construction or modified residential developments with 2 or more dwelling units.

3. Standards

a. General

1. Design and Location

i. Outdoor recycling and trash enclosures must meet the standards of *Sec. 620.D.1. Recycling and Trash Receptacles*.

ii. Dimensions of the storage area must accommodate containers consistent with current methods of collection.

iii. The storage area must be accessible to all occupants and haulers.

iv. Where a development is served by an alley, all outdoor storage areas must be directly accessible from the alley.

2. Instructional Signs

i. Signs must be conspicuously posted on each recycling and trash enclosure, adjacent to the access point, giving instructions on the use of the recycling bins and containers.

ii. Each sign must not exceed four 4 square feet in area.

3. Landscaping

The perimeter of the recycling and trash enclosure must be landscaped in accordance with any planting standard in *Sec. 620.F. Planting Standards*.

4. Lighting

All trash collection areas must be well lit in accordance with any planting standard in *Sec. 640.A. Outdoor Lighting*.

5. Use of Parking Spaces

Recycling and trash enclosures must not be located in any required parking space.

6. Existing Trash Enclosures

For a modified development with an existing trash enclosure, the existing enclosure must be improved as needed to meet standards of this Section.

b. Nonresidential Developments

Nonresidential projects must provide at least 1 trash and recycling facility for each commercial or industrial lot. Additional trash facilities may be required at the Administrator's discretion.

c. Residential Developments

Multi-unit residential projects must provide trash and recycling storage areas that meet the following requirements:

1. A minimum of 1 recycling, 1 solid waste, and 1 organics disposal container must be provided for every 15 dwelling units.
2. Trash and recycling storage areas must be located within 150 feet from the dwelling units that they serve.
3. Projects with less than 4 dwelling units are not required to provide a trash enclosure but must provide trash containers for both recyclable and solid waste disposal, subject to the approval of the Public Works Department.

4. Exceptions

A Recycling and Solid Waste Disposal standard may be waived at the discretion of the Development Services Director if the project applicant supplies a will-serve letter from the recycling and solid waste collector.

640.C. Floodplains

See *Article XI. (Flood Plain Management).*

640.D. Operational Performance Standards

See *Article VII. (Noise and Vibration Control).*

PART 7.

ALTERNATE TYPOLOGIES

Subpart 7A. Alternate Typologies Introduction 7-3
Sec. 700. General Provisions 7-4
Subpart 7B. Alternate Typologies 7-7
Sec. 710. Open Lot 7-8
Sec. 720. Manufactured Housing Park 7-14
Subpart 7C. Alternate Typology Rules 7-19
Sec. 730. Alternate Typology Rules 7-20

SUBPART 7A.

ALTERNATE TYPOLOGIES INTRODUCTION

Sec. 700. General Provisions.....7-4
700.A. Alternate Typologies Intent 7-4
700.B. Alternate Typologies Applicability. 7-4
700.C. Relationship to Zoning Districts and Modules. 7-5
700.D. Relationship to Specific Plans and Overlay Districts 7-5

Sec. 700. General Provisions

700.A. Alternate Typologies Intent

Alternate Typologies provide an option to override specific standards in the underlying zoning that may otherwise prohibit a desired development configuration. In exchange for providing greater flexibility on particular standards, Alternate Typologies require other higher standards to allow the desired development configuration while ensuring projects are contextually appropriate.

700.B. Alternate Typologies Applicability

1. General

All projects approved using an Alternate Typology and filed after the effective date of this Zoning and Development Code must comply with the applicable Alternate Typology standards in Part 7, as further specified below.

2. Eligibility

Alternate Typologies are only allowed in eligible districts. Each Alternate Typology lists all zoning districts where the Alternate Typology is allowed. Any lot within one of the eligible zone districts may use the Alternate Typology.

3. Project Activities

a. Alternate Typology standards apply to project activities as shown in the applicability tables in *Subpart 3A. Form Introduction*, *Subpart 4A. Frontage Introduction*, *Subpart 5A. Use Introduction*, and *Subpart 6A. Site Introduction*. More than one project activity may apply to a project (for example, an addition may also include the expansion of a use).

b. Where a rule is listed as generally applicable in the applicability tables, the project activity must meet the applicable Alternate Typology rules within the section. This general applicability may be further specified for each standard in the applicability provisions in *Subpart 3C. Form Rules*, *Subpart 4C. Frontage Rules*, *Subpart 5C. Use Rules*, and *Subpart 6B. Site Rules*. Project applicability may also be modified by *Sec. 11100. Nonconformities*. Where a section of the Alternate Typology rules is listed as not applicable in the applicability tables, the standards within the section do not apply to the project activity.

c. Project activities are defined in *Sec. 1200.K. Project Activities*.

4. Applicable Components of Lots, Buildings, and Structures

a. Alternate Typology regulations apply to all portions of a lot.

b. Alternate Typology regulations apply to all portions of buildings and structures on a lot.

c. Specific Alternate Typology regulations may further limit which components of buildings and lots are required to comply with the rules in *Subpart 7C. Alternate Typology Rules*.

5. Nonconformity

a. Where an existing lot, site, building, or structure is nonconforming as to the standards specified by the underlying applied first zoning district bracket, a project is eligible to use Alternate Typology for proposed project activities, provided that the uses on the lot will conform to the use standards of the proposed Alternate Typology once the proposed project is complete. Once any project activity is approved under the rules of an Alternate Typology, a future project activity on that lot must not decrease the conformance with any Alternate Typology standard in *Part 7. Alternate Typologies*, except as specified by the following provision.

b. *Sec. 11100. Nonconformities* provides exceptions from the requirements of *Part 7. Alternate Typologies*, for existing lots, site improvements, buildings, structures, and uses that conformed to the zoning regulations, if any, at the time they were established, but do not conform to current district standards or use permissions. A proposed project activity using an Alternate Typology must not decrease the conformance with any Form, Frontage, Use, or Site standard in *Part 7. Alternate Typologies*, unless otherwise specified in *Sec. 11100.I. Form Exceptions*, *Sec. 11100.J. Frontage Exceptions*, *Sec. 11100.K. Use Exceptions*, or *Sec. 11100.L. Site Exceptions*.

700.C. Relationship to Zoning Districts and Modules

a. Where a standard is listed in an Alternate Typology, the specification listed for the standard in the Alternate Typology supersedes the specification listed in the underlying zoning district for the same standard.

b. The underlying zoning module standard applies where an Alternate Typology:

1. Defers to the underlying module (for example, "Set by Form Module");
2. Provides no specification for a standard listed by the underlying module; or
3. Does not list a standard that is listed by the underlying module.

700.D. Relationship to Specific Plans and Overlay Districts

a. Alternate Typologies do not supersede the requirements of Specific Plans.

b. Alternate Typologies are eligible in Overlay Districts.

SUBPART 7B.

ALTERNATE TYPOLOGIES

Sec. 710. Open Lot **7-8**
710.A. Open Lot 7-9
Sec. 720. Manufactured Housing Park **7-14**
720.A. Manufactured Housing Park. 7-15

Sec. 710. **Open Lot**

710.A. Open Lot

1. Intent

The Open Lot Alternate Typology is intended for parks, open space and utility uses as well as land based project uses such as urban agriculture, gardening, beautification and other productive uses.

2. Eligible Districts

The Open Lot Alternate Typology is allowed in any district.

3. Eligible Lots

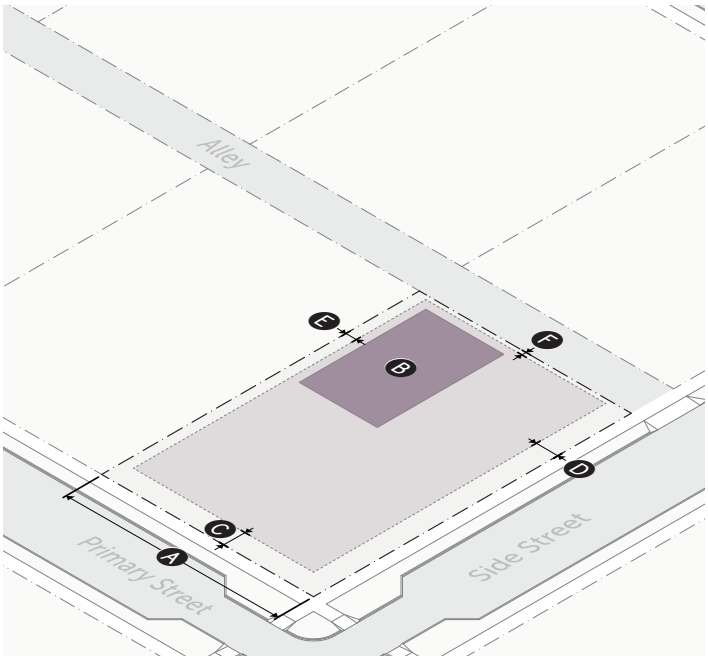
The Open Lot Alternate Typology is only allowed on vacant lots.

4. Review

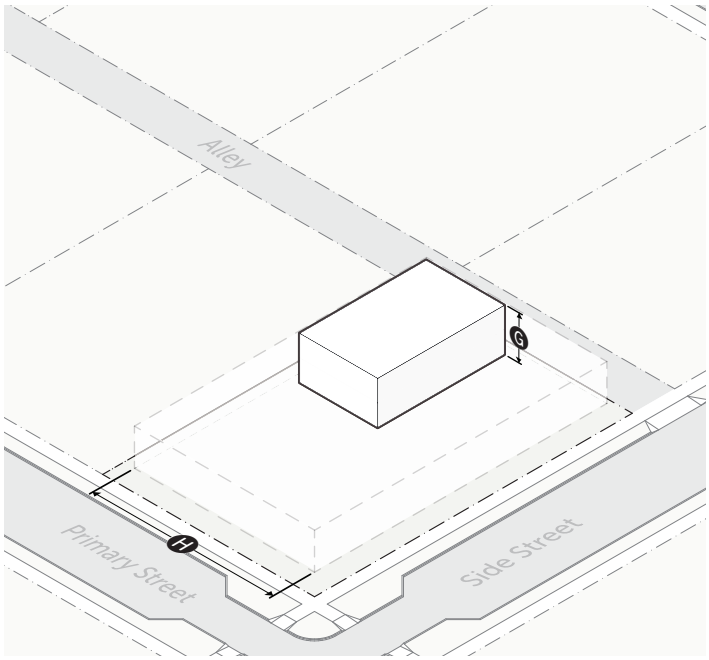
Administrative review is required. See *Sec. 1170. Administrative Review*.

5. FORM

a. Building Placement



b. Building Form

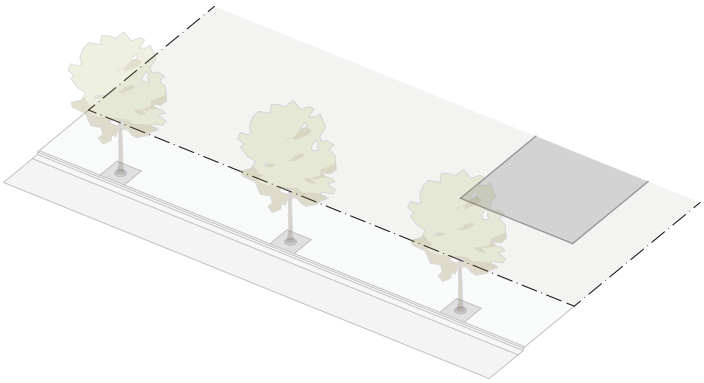


LOT SIZE	Sec. 360.
Lot Area (min)	n/a
A Lot Width	
Front access (min)	n/a
Side/alley access (min)	n/a
COVERAGE	*Sec. 370.*
Impervious coverage (max)	25%
B Building coverage (max)	15%
Building setbacks	
C Primary street lot line (min)	10'
D Side street lot line (min)	10'
E Side lot line (min)	0' or 5'
Rear lot line (min)	0' or 5'
Alley setbacks	
F Alley lot line (min)	3' or 20'
Alley centerline (min)	13' or 30'
AMENITY	*Sec. 380.*
Outdoor amenity space (min)	n/a

BUILDING	Sec. 390.
G Building height (max stories/feet)	2.5/32'
H Building width (max)	80'
Building break (min)	n/a
I Building depth (max)	80'
FENCES AND WALLS	*Sec. 620.E.*
Front yard type	See Landscaping
Side/rear yard type	Type VI

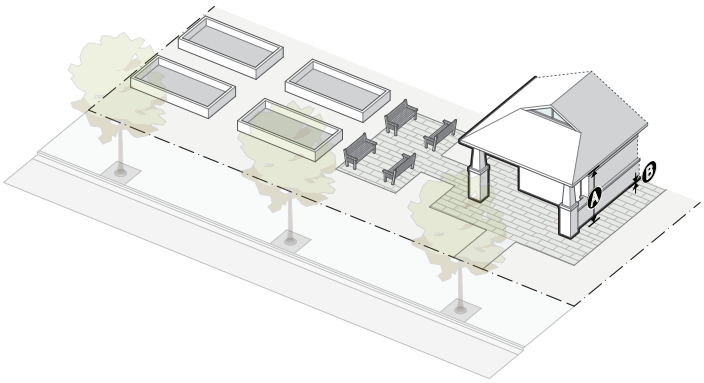
6. FRONTAGE

a. Street Orientation



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

b. Street-Facing Facade



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

7. USE

a. Use Standards

1. No less than 90% of the total site area on the lot must be used for one or more of the following uses:
   i. Nature reserve;
   ii. Open space - public;
   iii. General public utility infrastructure; and
   iv. Any urban agricultural use
2. For projects approved using the Open Lot Alternate Typology only the uses listed above are allowed on the lot for a period of 2 years after the project receives its certificate of occupancy.
3. Once 2 years have elapsed, any use allowed in the applied *Use Modules* is permitted.
4. For additional Use Module standards, see the applied *Use Modules*.

Sec. 720. Manufactured Housing Park

720.A. Manufactured Housing Park

1. Intent

The Manufactured Housing Park Alternate Typology is intended to accommodate manufactured housing parks where residential uses are permitted.

2. Eligible Districts

The Manufactured Housing Park Alternate Typology is only permitted in zoning districts with the R1 Use Module.

3. Eligible Lots

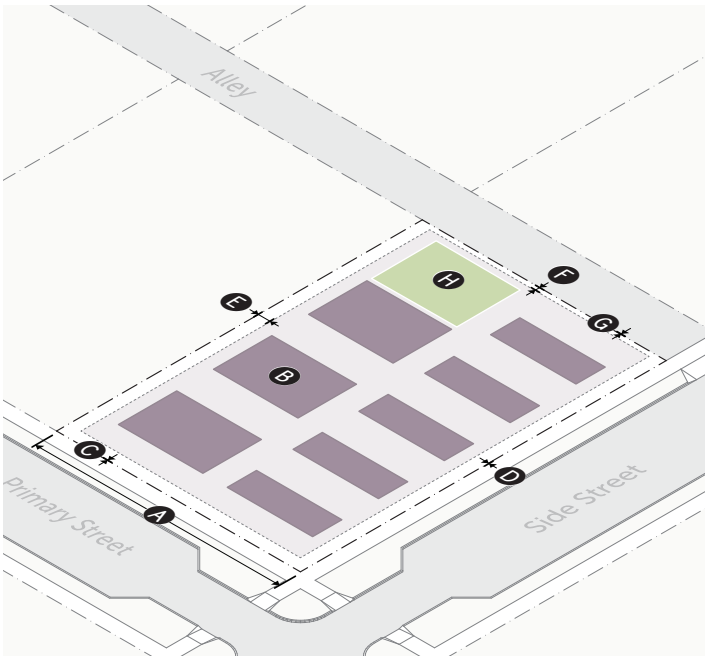
The Manufactured Housing Park Alternate Typology is only permitted on lots larger than 5 acres.

4. Review

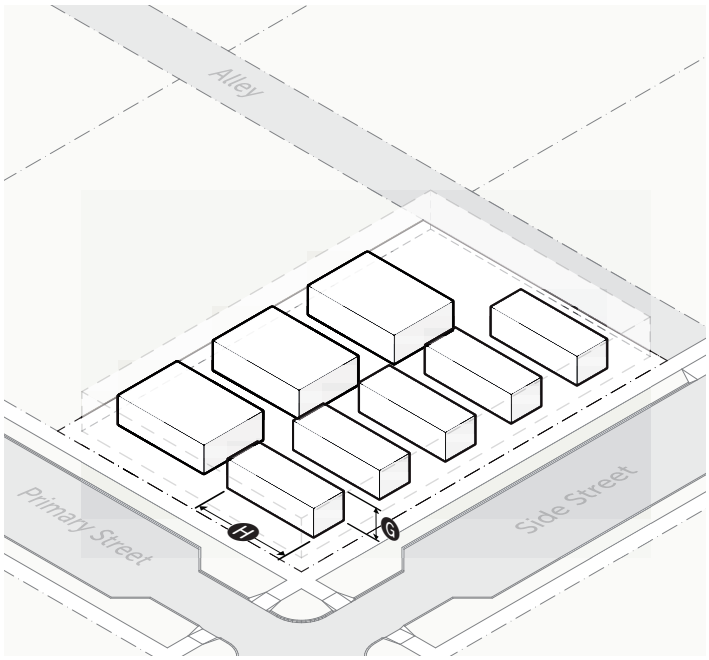
Administrative review is required. See *Sec. 1170. Administrative Review*.

5. FORM

a. Building Placement



b. Building Form

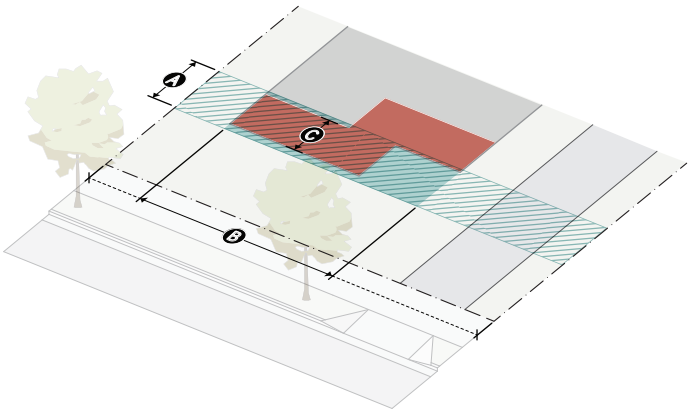


	LOT SIZE	*Sec. 360.*
	Lot Area (min)	217,800 SF
A	Lot Width	
	Front access (min)	100'
	Side/alley access (min)	80'
	COVERAGE	*Sec. 370.*
	Impervious coverage (max)	60%
B	Building coverage (max)	45%
	Building setbacks	
C	Primary street lot line (min)	10'
D	Side street lot line (min)	10'
E	Side lot line (min)	0' or 5'
	Rear lot line (min)	0' or 5'
	Alley setbacks	
F	Alley lot line (min)	3' or 20'
	Alley centerline (min)	13' or 30'
	AMENITY	*Sec. 380.*
	Outdoor amenity space (min)	15%

	BUILDING	*Sec. 390.*
G	Building height (max stories/feet)	1/16'
H	Building width (max)	80'
	Building break (min)	n/a
I	Building depth (max)	80'
	FENCES AND WALLS	*Sec. 620.E.*
	Front yard type	See Landscaping
	Side/rear yard type	Type VI

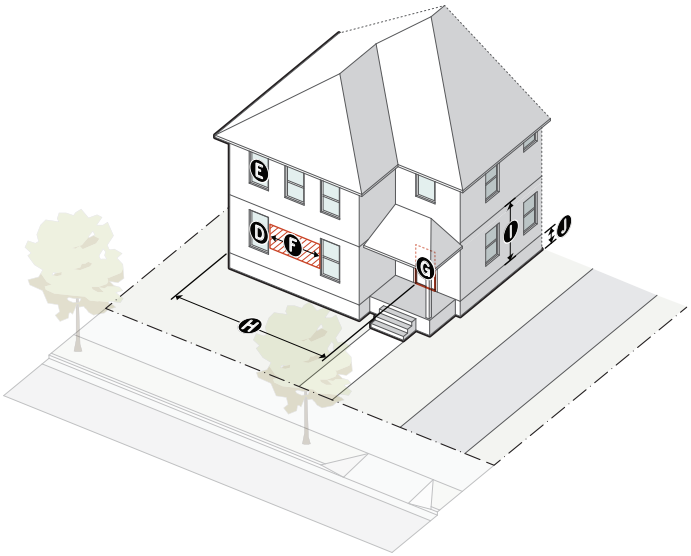
6. FRONTAGE

a. Street Orientation



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

b. Street-Facing Facade



	Primary Street	Side Street
TRANSPARENCY	*Sec. 4100.*	
D Ground story transparency	20%	10%
E Upper story transparency	15%	10%
F Active wall spacing (max)	30'	40'
ENTRANCES	*Sec. 4110.*	
G Street-facing entrance	Required	n/a
H Entrance spacing (max)	30'	n/a
Required Entry feature	Required	No
Options	• Porch • Stoop • Forecourt	
GROUND STORY	*Sec. 4120.*	
I Ground story-height		
Residential (min)	9'	9'
Non-residential (min)	10'	10'
J Ground-story elevation		
Residential (min/max)	0'/5'	0'/5'
Non-residential (min/max)	0'/2'	0'/2'

7. USE

a. Use Standards

See the use standards for *Sec. 540.A.1.b. Manufactured Housing Park*.

SUBPART 7C.

ALTERNATE TYPOLOGY RULES

Sec. 730. Alternate Typology Rules 7-20
730.A. Form Rules 7-20
730.B. Frontage Rules 7-20
730.C. Use Rules 7-20
730.D. Site Rules 7-20

Sec. 730. Alternate Typology Rules

730.A. Form Rules

1. For form standards set by the Form Module, see the applied Form Module in *Subpart 3B. Form Modules.*
2. For form rules set by the Form Module, see the applied form rules in *Subpart 3C. Form Rules.*

730.B. Frontage Rules

1. For frontage standards set by the Frontage Module, see the applied Frontage Module in *Subpart 3B. Form Modules.*
2. For frontage rules set by the Frontage Module, see the applied frontage rules in *Subpart 4C. Frontage Rules.*

730.C. Use Rules

1. For use standards set by the Use Module, see the applied Use Module in *Subpart 5B. Use Modules*.
2. For use rules set by the Use Module, see the applied use rules in *Subpart 5C. Use Rules*.

730.D. Site Rules

1. For site rules, see *Subpart 6B. Site Rules.*

PART 8.

HISTORIC AND OTHER SUPPLEMENTAL PROVISIONS

Sec. 800. Historic Preservation 8-2
800.A. Purpose and Intent 8-2
800.B. Applicability 8-2
800.C. Standards 8-2
800.D. Established Historic Districts and Landmarks 8-29
800.E. Definitions 8-30
Sec. 810. Specific Plans 8-36
810.A. General 8-36
810.B. Standards 8-37
810.C. Procedures 8-37
Sec. 820. Overlay Districts 8-38
820.A. General 8-38
820.B. Standards 8-40
820.C. Procedures 8-43
Sec. 830. Special Provisions 8-44
830.A. Accessory Dwelling Units 8-44
830.B. SB 330 Overlay District 8-55
830.C. AB 2097 Overlay District 8-57

Sec. 800. **Historic Preservation**

800.A. **Purpose and Intent**

The purpose of this section is to preserve the city of Pomona's cultural, historical, and architectural heritage and resources as living parts of community life, which will benefit and enrich the lives of its present and future residents. To these ends, this section is intended to accomplish the following:

1. Preserve the diverse architectural styles reflecting phases of the city of Pomona's history and encourage complementary contemporary development to inspire a more livable urban environment;
2. Build civic pride by promoting the understanding, appreciation, and enjoyment of the city's rich heritage and cultural resources;
3. Enhance property values and increase economic and financial benefits to the city;
4. Enhance the city of Pomona for residents, tourists and visitors thereby stimulating business and industry; and
5. Conserve valuable material and energy resources by fostering ongoing use and maintenance of the existing built environment.

800.B. **Applicability**

This Section applies to all designated local historic landmarks, designated local historic districts, and properties listed on the National Register of Historic Places and the California Register of Historic Resources.

800.C. **Standards**

1. **Determination of Historic Eligibility**

Any request for a determination of Historic Eligibility must follow the requirements of *Sec. 1190.B. Designation of Local Historic Landmarks, Districts and Points of Historical Interest*.

2. **Designations**

The City may develop, from time to time, historic context(s) and historic resource survey(s). Historic contexts and historical resource surveys can serve many purposes, including providing the basis to identify and evaluate properties that have the potential to be considered Eligible Historical Resources.

a. **Historic Landmark Designation Criteria**

Any Eligible Historical Resource may be designated an Historic Landmark by the City Council pursuant to *Sec. 800. Historic Preservation.* if it meets the criteria for listing in the National Register of Historic Places, the California Register of Historical Resources, or it meets one of the following:

1. **Architecture / Physical Features**

   i. It embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship *(Criterion 3 in previous ordinance)*;

   ii. It is the work of a notable builder, designer, landscape designer or architect *(Criterion 5 in previous ordinance)*;

   iii. It embodies elements of architectural design, detail, materials, or craftsmanship that represent a significant structural or architectural achievement or innovation *(Criterion 7 in previous ordinance)*;

   iv. It is similar to other distinctive properties, sites, areas, or objects based on an historic, cultural, or architectural motif *(Criterion 8 in previous ordinance)*;

   v. It has a unique location or singular physical characteristics or is a view or vista representing an established and familiar visual feature of a neighborhood, community, or the city of Pomona *(Criterion 6 in previous ordinance)*;

   vi. It reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of park or community planning *(Criterion 9 in previous ordinance)*;

   vii. It is one of the few remaining examples in the city of Pomona, region, state, or nation possessing distinguishing characteristics of an architectural or historical type or specimen *(Criterion 10 in previous ordinance)*.

2. **Person(s) and Events Important in Our History**

   i. It is identified with persons or events significant in local, state, or national history (Criterion 2 in previous ordinance);

   ii. It exemplifies or reflects special elements of the city of Pomona's cultural, social, economic, political, aesthetic, engineering, architectural, or natural history (Criterion 1 in previous ordinance);

3. **Archaeology**

   Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

b. Historic District Designation Criteria

Any Eligible Historic District may be designated as an Historic District by the City Council pursuant to *Sec. 800. Historic Preservation* if the neighborhood meets the criteria for listing in the National Register of Historic Places, the California Register of Historical Resources, or the neighborhood meets the following:

1. It is a contiguous area possessing a concentration of eligible historic resources or thematically related grouping of structures which contribute to each other and are unified by plan, style, or physical development; and (b) embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of a master; or possesses high artistic values *(Criterion 4 in previous ordinance)*;

2. It reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of a park landscape, site design, or community planning *(Criterion 9 in previous ordinance)*; and

3. Meets at least one of the following:

   i. Architecture / Physical Features

   a) It embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship *(Criterion 3 in previous ordinance)*;

   b) It is the work of a notable builder, designer, landscape designer or architect *(Criterion 5 in previous ordinance)*;

   c) It embodies elements of architectural design, detail, materials, or craftsmanship that represent a significant structural or architectural achievement or innovation *(Criterion 7 in previous ordinance)*;

   d) It is similar to other distinctive properties, sites, areas, or objects based on an historic, cultural, or architectural motif *(Criterion 8 in previous ordinance)*;

   ii. Person(s) and Events Important in Our History

   a) It is identified with persons or events significant in local, state, or national history *(Criterion 2 in previous ordinance)*;

   b) It exemplifies or reflects special elements of the city of Pomona's cultural, social, economic, political, aesthetic, engineering, architectural, or natural history *(Criterion 1 in previous ordinance)*;

c. Considerations in Evaluating Properties (Integrity)

In addition to having significance, a resource must have integrity for the time period in which it is significant. The period of significance is the date or span of time within which significant events transpired, or significant individuals made their important contributions. Integrity is the authenticity of a Historical Resource's physical identity as evidenced by the survival of characteristics or historic fabric that existed during the resource's period of significance. Only after significance has been established, should the issue of integrity be addressed. The following should be considered when evaluating properties for integrity:

1. Design

Any alterations to the property should not have adversely affected the character-defining features of the property. Alterations to a resource or changes in its use over time may have historical, cultural, or architectural significance.

2. Setting

Changes in the immediate surroundings of the property (buildings, land use, topography, etc.) should not have adversely affected the character of the property.

3. **Materials and Workmanship**

   Any original materials should be retained, or if they have been removed or altered, the replacements have been made that are compatible with the original materials.

4. **Location**

   The relationship is between the property and its location is an important part of integrity. The place where the property was built and where historic events occurred is often important to understanding why the property was created or why something happened. The location of a historic property, complemented by its setting, is particularly important in recapturing the sense of historic events and persons. Except in a few cases, the relationship between a structure and its historic associations is destroyed if the structure is moved.

5. **Feeling**

   Feeling is a property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character.

6. **Association**

   Association is the direct link between an important historic event or person and a historic property. A property retains association if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer. Like feeling, association requires the presence of physical features that convey a property's historic character. For example, a Revolutionary War battlefield the natural and manmade elements of which have remained intact since the 18th century retains its quality of association with the battle.

7. Because feeling and association are subjective criteria, their retention alone is never sufficient to support eligibility. Historical Resources must retain enough of their historic character or appearance to be recognizable as Historical Resources and to convey the reasons for their significance.

d. Designation Procedures

The designation of a local historic landmark or district must follow the designation procedures in *Sec. 1190.B. Designation of Local Historic Landmarks, Districts and Points of Historical Interest*.

3. Removal from Pomona Register of Historic Places

The Historic Preservation Commission must not recommend that a resource be removed from the Local Register unless it is discovered that the information relied on by the Historic Preservation Commission and the City Council in making the original designation was erroneous or false, or that circumstances wholly beyond the owner's control have rendered the resources ineligible for designation based on the criteria listed in *Sec. 1190. Historic Preservation Review.* and it would be infeasible to restore the resource. A resource cannot be removed from the Local Register merely because the value of the resource has been degraded by neglect.

4. Non-Contributing Resource Status Change

a. The City Council may change a non-contributing resource's designation status under the following circumstances:

1. A non-contributing resource has been restored so that it would be considered contributing to an historic district the City Council may; or
2. A non-contributing resource that will be restored through a Mills Act contract.

b. The process for changing the status of a non-contributing resource must be the same as the designation process.

5. Points of Historical Interest

The Point of Historical Interest program is a program designed to recognize those locations where significant historical resources once existed, but either no longer exist or have been so heavily altered that they are no longer eligible for designation.

a. Any property may be designated by City Council as a Point of Historical Interest pursuant to *Sec. 800. Historic Preservation.* if the property meets the following:

1. The location was associated with significant events, the lives of significant people, or businesses, or an architecturally significant building;
2. The location no longer has any architectural or historical integrity; and
3. The location is not eligible for Designation.

b. Points of Historical Interest are recognized, but not designated historic. They are not considered historic and they do not qualify as an eligible historic resource.

c. The purpose of the Points of Historical Interest program is to recognize otherwise-intangible historic facts about a place in the City. Points of Historical Interest are strictly informational in nature.

d. Relationship with other laws. Points of Historical Interest are not historic under the *California Environmental Quality Act ("CEQA") (Public Resources Code section 21000 et seq.)* or the *State CEQA Guidelines (14 Cal. Code Regs. Section 15000 et seq.), the National Environmental Protection Act*, or any other environmental law, statute, or regulation.

6. Historic Compliance

When alterations, restorations, rehabilitations, remodeling and additions to Historical Resources are accomplished in substantial accord with the Guidelines set forth in this section, as determined by the Director, a Certificate of Appropriateness from the Historic Preservation Commission is not required prior to issuance of a building permit in the following cases:

a. Minor Work

The Director may deem that certain work to Historical Resources are “minor”. “Minor” work is intended for those projects that do not change the design, character-defining features, or materials of the resource. This may include, but is not limited to, like-for-like re-roofs, foundation repairs / seismic retrofit, chimney repairs, solar panel installation, construction, demolition or alteration of fences not visible from the public right-of-way, replacement, or addition of mechanical, electrical, or plumbing equipment; and wall or monument signs, provided that no change in appearance occurs or the proposed change restores period feature(s)

b. Appeals

Minor work is ministerial in nature and there is no appeal of staff's determination.

7. Certificate of Appropriateness

A Certificate of Appropriateness process is established to ensure that any alteration to an Historical Resource is in keeping with the historic character of the resource.

a. General Requirements

1. Minor Certificates of Appropriateness (Alterations)

Projects that alter, or have the potential to alter character-defining features and/or the historic character of historic resources require approval of the Planning Division. Review of these projects is to determine if a proposed project meets the applicable design standards and guidelines, as adopted by the Historic Preservation Commission. Projects that do not meet the applicable design standards and guidelines require a Major Certificate of Appropriateness. Additions to historic resources, construction of accessory structures, and infill development, are not considered alterations and require a Major Certificate of Appropriateness.

2. Major Certificates of Appropriateness

Projects that alter, or have the potential to alter character-defining features and/or the historic character of historic resources and fit into one of the categories below require approval of the Historic Preservation Commission. Projects requiring approval of the Historic Preservation Commission include, but are not limited to, the following:

i. Alterations that do not meet applicable design standards and guidelines

ii. Additions to historic resources

iii. Construction of accessory structures, and

iv. New Construction / infill development.

v. Development projects that may impact archaeological resources.

3. No permit must be issued for work on a Historical Resource until a Certificate of Appropriateness or Certificate of Historic Compliance has been issued in accordance with this section.

4. Once a Certificate of Appropriateness has been issued, the Director, may inspect the work to ensure that the work complies with the approved Certificate of Appropriateness.

b. Procedures

Applications for a Certificate of Appropriateness must be processed in accordance with the procedures listed in *Sec. 1190.D. Certificates of Appropriateness* of this code.

c. Secretary of the Interior's Standards for the Treatment of Historic Properties

Any proposed work on an Historical Resource should follow the intent of the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving,

Rehabilitating, Restoring and Reconstructing Historic Buildings. These standards were developed by the federal government to set up very broad, general philosophical principles regarding work done to historic properties. Any proposed work should follow these general principles along with any standards and guidelines adopted by the Historic Preservation Commission.

d. Environmental Review

The City of Pomona must conduct an environmental review of all Certificates of Appropriateness pursuant to *CEQA (PRC Section 21000 through Section 21178)* and the *CEQA Guidelines (CCR Section 15000 through Section 15387)*. Any required Negative Declaration, Mitigated Negative Declaration (MND), or Environmental Impact Report (EIR), must be adopted by the Historic Preservation Commission before approving the project.

e. Infill Development

1. New structures constructed within a Historic District must be designed to be compatible with the architectural style, features and historic character of the district.
2. New buildings must be compatible with the original style of the contributing buildings within an Historic District. The design of the new building must incorporate the following considerations:
   i. The design must incorporate the design features and details of contributing structures.
   ii. The height, width, and length of the new building must be consistent with the original characteristic of the contributing structures.
   iii. The exterior materials and treatment must be similar to the contributing structures.

f. Hardship

The Historic Preservation Commission may, in cases of hardship, defer requirements and/or Conditions of Approval in order to remedy a hardship on a property owner.

1. In order to be eligible for hardship, the following conditions must exist:
   i. The property must be a single-family, owner occupied, and non-income producing property.
   ii. The work proposed is required to be completed in order to comply with codes, and/or to meet life/safety requirements of the Building Code(s).
   iii. The conditions that exist and require the proposed work were created through no fault of the property owner.
2. In making a determination for hardship, the Historic Preservation Commission must take into account whether all means involving City-sponsored incentives, such a transfer of development rights, tax abatements, financial assistance, building code modifications, changes in the zoning ordinance, loans, grants, and reimbursements, have been explored to relieve the asserted economic hardship.

8. Certificate of Economic Hardship

The Historic Preservation Commission may issue a Certificate of Economic Hardship to allow alteration or demolition of a historic landmark or contributing resource where denial of a Certificate of Appropriateness would create an undue hardship upon the owner.

a. Procedures

Applications for a Certificate of Appropriateness must be processed in accordance with the procedures listed in *Sec. 1190.E. Certificate of Economic Hardship*.

b. Approval

1. Upon approval, copies of the Economic Hardship Exception must be forwarded to the applicant, the Building Official, the Director, and any other department or agency that requests one.

2. Decisions of the Historic Preservation Commission regarding a Certificate of Economic Hardship are subject to appeal in accordance with *Sec. 1190.E. Certificate of Economic Hardship* and must become effective until the time to appeal its approval has expired.

9. Demolition Review of Structures 50+ Years Old

The Historic Preservation Commission must review any property 50 years old, as of the date of the demolition permit application or older to determine the eligibility for historic designation prior to the issuance of a demolition permit. This a 2-step process:

a. Step 1: Determination of Historic Eligibility

Any property 50 years old or older proposed for Deconstruction must be evaluated to determine if the property is eligible for historic designation as required in *Sec. 1190.F. Certificate of Deconstruction*. Properties determined eligible will proceed to step two (2) below. For properties determined not eligible for historic designation, they are no longer in the purview of the Historic Preservation Commission. Any determination by the Historic Preservation Commission is subject to appeal per *Sec. 1190. Historic Preservation Review*.

b. Step 2: Certificate of Deconstruction

Any property determined by the Historic Preservation Commission to be eligible for historic designation must follow the Certificate of Deconstruction requirements in *Sec. 1190.F. Certificate of Deconstruction*.

10. Certificate of Deconstruction

A Certificate of Deconstruction process is established for deconstructions to ensure that any deconstruction of an eligible or designated Historic Resource complies with the requirements of this chapter to mitigate the impacts of deconstruction.

a. General Requirements

1. A Certificate of Deconstruction is required for any demolition, in whole or in part, of an Historic Resource.

2. No permit must be issued for demolition of an Historic Resource until a Certificate of Deconstruction has been issued in accordance with the provisions of this section.

b. Procedures

Applications for a Certificate of Deconstruction must be processed in accordance with the procedures listed in *Sec. 1190.F. Certificate of Deconstruction* of this Code.

c. Environmental Review

The deconstruction of an Historic Resource is an adverse impact under CEQA and a Draft Environmental Impact Report (EIR) is required prior to a project being deemed complete. As part of that review, any mitigation fee required under *Sec. 1190.F. Certificate of Deconstruction* will be included the Draft EIR as a mitigation measure.

11. Demolition Mitigation Fee

a. Purpose

The City has declared that vacant, abandoned and distressed properties, especially when the owner of the property fails to maintain the property, is a major cause and source of blight in the City. In addition, the owners of historic properties have a duty to keep their properties in good repair. The purpose of this Section is to establish the Demolition Impact Fee whereby the impacts resulting from the demolition (either in part or whole) of historic resources and buildings 50 years old or older; that may be lessened by the collection of fees that will provide a source of funds for the conservation, preservation, restoration, and rehabilitation of historic resources within the City.

b. Applicability

1. A mitigation fee, in an amount established by this Section, must be paid prior to the issuance of any permit for demolition, whether in whole or in part, of any historic resource, including accessory buildings and structures that do not contain living space, such as garages and workshops, which contribute to the historic significance of a property; or any building 50 years old or older. The mitigation fee must be deposited in the Historic Preservation Trust Fund established pursuant to *Sec. 800.B.13 Historic Preservation Trust Fund*.

2. The City Council may reduce the amount of mitigation fee to be paid if it can be clearly established that the amount of fee to be paid would amount to a regulatory taking of property.

3. Additions and accessory buildings and structures determined not to be contributing to the significance of the property must not be assessed a mitigation fee.

c. Mitigation Fee Formula

1. The Mitigation Fee must be calculated as follows: Square footage x Building Valuation x Historic Significance Percentage

   i. The square footage is based on County Assessor information or building permit information. If there is a discrepancy between the County Assessor and building permit information, the Director must determine which data to use.

ii. The building valuation is based on the most current International Code Council (ICC) Building Valuation Data (current valuation at time of application) for the applicable type of construction for the building.

iii. The historic significance percentage based on the percentages identified in subparagraph F below and on the Grading System established in *Sec. 820. Overlay Districts*.

d. Process

The Mitigation Fee must be included as part of the EIR process, as required by CEQA. This process will determine potential adverse impacts to historic resources and provide mitigation measures.

e. Historic Significance Percentage

The Historic Significance Percentage for each grade must be as follows:

1. Grade I: 30 percent
2. Grade II: 20 percent
3. Grade III: 10 percent
4. Grade IV: 5 percent

12. Deconstruction Grading System

The Historic Preservation Commission must be responsible for the adoption of the Historic Resource Grade List, which must be maintained by the Director. A historic resource may be designated "Grade I, Grade II, Grade III, or Grade IV", as defined in subparagraph A below by the Historic Preservation Commission based on the criteria listed below to establish a ranking of historic resources within the City, based upon the determined significance of each resource, as specified below. For the purpose of this Section, upon determining the appropriate Grade for a historic district, the Historic Preservation Commission may rank all contributing structures within that district into the same Grade designation. Grade I, II and III historic resources must be judged based upon their determined degree of significance, pursuant to the criteria contained in *Sec. 820. Overlay Districts*.

a. Preservation Categories

1. Grade I

Grade I resources consists of historic resources that should not be demolished or significantly altered under any circumstances, regardless of their designation status. Resources within this grade are determined to be the City's most significant historical or cultural resources. Grade I resources must meet one or more of the following:

i. A resource listed on the Pomona Register that meets at least one of the criteria within the Architecture category, and 3 criteria within the History category; or

ii. A contributing resource within a district that meets at least one of the criteria within the Architecture Category and 3 criteria within the History Category.

2. **Grade II**

   Grade II consists of historic resources wherein demolition of these properties should be avoided. Grade II resources must meet one or more of the following:

   i. Any historic resource listed or determined eligible for listing in the National Register of Historic Places;

   ii. Any historic resource listed or determined eligible for listing in the California Register of Historic Resources;

   iii. A historic resource listed on the Pomona Register and meets at least 2 criteria within the Architecture or History categories; or

   iv. A contributing resource within an eligible historic district wherein the district meets at least 2 of the criteria in either the Architecture or History categories.

3. **Grade III**

   Grade III consists of historic resources that are Designated Local Historic Landmarks, are contributing properties within Designated Local Historic Districts, or are eligible historic resources. Demolition of these resources should be avoided where possible but may be appropriate under certain circumstances.

4. **Grade IV**

   Grade IV consists of properties over 50 years old that are not determined to be historic.

b. **Grade Criteria**

The following listing contains criteria to be used in determining the Tier designation of a historic resource:

1. **Landmark Architecture Criteria**

   i. The resource is prototypical, or one of the finest examples, of a period, style, architectural movement, or construction in the City of a particular style of architecture, building type, or historical or archaeological object. Only preeminent examples should be considered. Good representative examples of a style, period or method of construction are not appropriate; or

   ii. The resource is the first, last, only, or one of the finest examples, notable works, or the best surviving work by an architect or designer of major importance to the City, State or Nation.

2. **District Architecture Criteria**

   i. The district contains resources that are a prototype of, or one of the finest examples of, or the first, last, only, or few remaining groupings of a period, style, architectural movement, or construction in the City of a particular style of architecture, building type, or historical or archeological object. Only preeminent examples should be considered. Good representative examples of a style, period or method of construction are not appropriate; or

ii. The district contains resources that are the first, last, only, or the finest examples, notable works, or the best surviving work by an architect or designer of major importance to the City, State or Nation.

3. Landmark and District History Criteria

i. The resource is the location of a historic event(s) that has significantly contributed to the history of the City, State, or Nation;

ii. The resource is associated with a business, company, or individual that has made a significant cultural, social, or scientific contribution to the City, State, or Nation;

iii. The resource is identified with a person(s) who has exerted a major influence on the heritage or history of the City, State, or Nation;

iv. The resource has a direct relationship to one of the principal historic contexts in the City's history; or

v. The resource is related to the archaeological past of the region.

13. Historic Preservation Trust Fund

a. Purpose

The purpose of the Historic Preservation Trust Fund is to provide funding, under direction of the City Council, for the conservation, preservation, restoration, and rehabilitation of historic resources within the City.

b. Applicability

The Historic Preservation Trust Fund is hereby established as means to receive, recycle, and replenish monies to assist the funding of historic preservation projects within the City. All funds deposited in the Historic Preservation Trust Fund must be used solely for the conservation, preservation, restoration, and rehabilitation of historic resources, as provided in this Section.

c. Trust Fund Administration

1. The City Council must have authority for establishing policy for Historic Preservation Trust Fund expenditures.

2. The Historic Preservation Commission must have authority to make recommendations to the City Council regarding grant and loan applications, acquisition of property, contracts and lease agreements, and any other action or activity necessary or appropriate to implement its powers or duties to fulfill the objectives of the Historic Preservation Trust Fund.

3. The City Manager, or designee of the City Manager, must serve as financial administrator of the Historic Preservation Trust Fund and must be responsible for management of its finances, which must be carried-out pursuant to all applicable federal, State and local laws.

4. The Director, or his/her designee, must serve as program administrator of the Historic Preservation Trust Fund and must be responsible for its day-to-day management and operations.

d. Historic Preservation Trust Fund Proceeds

1. Deposits

All funds received by the City for historic preservation purposes must be deposited in the Historic Preservation Trust Fund. The City's Finance Department may establish separate accounts within the Trust Fund for the purpose of separating deposits according to their origin or intended purpose.

2. Grants, Gifts, and Donations

In addition to any public funds appropriated expressly for the purpose of this Subsection, the program administrator may apply for grants, gifts, donations, subventions, rents, royalties, and other financial support, or real or personal property, from private sources, pursuant to City policies. All money received from private sources must be deposited in a separate account established pursuant to *Sec. 800.C.13.d.1 Deposits*, above, and must be appropriated to the program administrator for expenditures for historic preservation projects pursuant to this Section.

3. Deposit of Proceeds from Any Lease, Rental, Sale, Exchange, or Transfer of Real Property

All proceeds from any lease, rental, sale, exchange, or transfer of real property, or any interest therein or option thereon, must be deposited in the Historic Preservation Trust Fund, together with any other reimbursements, repayments, and income received by the program administrator.

e. Historic Preservation Trust Fund Program Activities

1. Properties

i. Acquisition

Pursuant to State Property Acquisition Law *(GC Section 15850 et seq.)*, the City may acquire, fee title, or any lesser interest, in any real property whose preservation is required to meet the policies and objectives of the City's historic preservation program. The City may accept gifts or dedications of real property and may enter into an option to purchase real property in order to meet the purposes of this provision.

ii. Agreements for Preservation and Management

In order to carry out historic preservation projects, the financial administrator may initiate, negotiate, and participate in agreements with public agencies, nonprofit organizations, private entities, or individuals for the preservation and management of historic resources under their control, and enter into any other agreements authorized by state law, as approved by the City Council.

iii. Real Property Transactions; Authorization

Notwithstanding any other provision of federal, State or local law, the financial administrator may lease, rent, sell, exchange, or otherwise transfer any real property acquired under this section, or interest therein or option to purchase, provided that the City Council first determines that the action is in the best interests of the City.

iv. Acquisition, Conservation, Return, and Transfer of Title

a) The City Council may acquire any interest in real property pursuant to *Sec. 800.C.13.e.1 Properties*, with historic (including archaeological) significance, or necessary for the preservation or management of a property, in order to prevent the loss of historic integrity, prevent imminent destruction, or to otherwise secure the preservation of the historical resource.

b) The program administrator may undertake conservation or preservation activities for historic resources acquired Pursuant to this Section.

c) The program administrator must encourage, to the greatest extent feasible, the acquisition of historic resources by other qualified purchasers.

d) The City Council must take all feasible action to return or transfer title to historic resources, to a nonprofit organization, another public agency, private entity, or individual, for all properties acquired for historic resource preservation pursuant to this Section.

2. Loans and Grants

Money in the Historic Preservation Trust Fund must be available, upon recommendation of the Historic Preservation Commission and appropriation by the City Council, for all loans and grants to public agencies, nonprofit organizations and private entities, to carry out the purposes of this Section.

i. Qualifying Properties

The City Council may award a grant or loan for properties that are designated a local historic landmark or a contributing structure in a designated local historic district, or are listed on the California Register of Historic Resources or the National Register of Historic Places, excepting those projects that are "interpretative," as described in *Sec. 800.C.13.e.3.iii Interpretative Projects*.

ii. Agreements

No loan or grant must be made except pursuant to an agreement with the City, and subject to terms and conditions approved by the City Council, upon recommendation of the Historic Preservation Commission, which must ensure that each requested loan or grant carries out the purposes of this Section.

iii. Authorization to Contract and Issue Grants or Loans

The financial administrator may, upon City Council approval, enter into contracts and make grants or loans with public agencies, nonprofit organizations, or private entities, to further the purposes of City's historic preservation program, and to carry out activities for this purpose.

iv. Matching Funds

All grants and loans should include a cash match for the historic preservation project. Guidelines for determining the amount of required matching funds, if any, must be adopted by resolution of the City Council. Donated materials and services, staff salaries

and organizational overhead costs may be eligible sources of match. The City Council may waive the matching funds requirement.

v. Excess Funds

After completion of a historic preservation project, a grant or loan recipient must return to the Historic Preservation Trust Fund, the amount of the grant or loan that exceeds the eligible project's costs.

3. Qualifying Projects for Competitive Grants and Loans

Competitive Grants and loans are hereby established for the following project types:

i. Construction Projects

Construction projects include the preservation, restoration, exterior rehabilitation, or rehabilitation of the foundation, structural, electrical, or plumbing systems of a historic resource. Qualifying construction projects do not include new additions, routine maintenance such as simple, small-scale activities requiring only minimal skills or training associated with regular (daily, weekly, monthly, etc.) and general upkeep of a property against normal wear and tear), reconstruction, demolition, or relocation.

ii. Planning Projects

Planning projects identify, document, and record historic resources according to applicable local, state, and federal standards, and/or contribute to the development of the City's historic context, and/or contribute to the development of a Historic Structures Report, Building Conditions Assessment, conservation plan or preservation plan.

iii. Interpretative Projects

Interpretative projects consist of the creation of interpretative media to educate the public on the City's history and/or historic resources.

4. Project Selection Criteria

The award of a grant or loan for a historic preservation project must be based upon consideration of the following criteria:

i. Level of historic significance of the resource, based upon the Grade;

ii. Level of urgency for the project to avoid the loss of a historic resource;

iii. Value of improvement to ensure preservation of the historic resource;

iv. Overall benefit to the community through the public's ability to observe and experience the historic resource;

v. Ability to match funds, if required; and

vi. Level of professional qualifications for administrating project to demonstrate the ability to successfully complete the project.

5. **Qualifying Projects for Emergency Non-Competitive Grants and Loans**

   In the event that a historic resource is in need of immediate and unanticipated work to prevent its demolition resulting from an unforeseen disaster, such as fire, flood, wind, earthquake or other calamity, the public enemy, or other cause that is beyond the control of the property owner and could not otherwise have been prevented by reasonable care and maintenance of the structure, the City Council may establish a non-competitive emergency grant and/or loan for the following emergency project types, which are not otherwise covered by property owner insurance:

   i. Securing, shoring and/or stabilizing a historic resource;

   ii. Abatement of hazardous health materials and sources which lead to structural deterioration; and

   iii. Preparing a historic Structure Report and/or Preservation Plan approved by Director.

14. Time Extensions for Certificates of Appropriateness

a. A Minor Certificate of Appropriateness must lapse and become void 12 months after the date of approval, unless a building permit (if required) has been issued and work authorized by the Certificate of Appropriateness has commenced prior to such expiration date and is diligently pursued to completion.

b. A Major Certificate of Appropriateness must lapse and become void 24 months after the date of approval, unless a building permit (if required) has been issued and work authorized by the Certificate of Appropriateness has commenced prior to such expiration date and is diligently pursued to completion.

c. Upon request of the property owner 30 day prior to the expiration of the application, and a showing of delays due to no fault of the applicant or reasonable diligence by the applicant, the Director may extend a Certificate of Appropriateness for an additional 2 periods of 12 months each. The Director may approve, approve with conditions, or deny any request for extension.

15. Revocation of Certificates

a. A Certificate of Appropriateness or Economic Hardship may be revoked or modified following notice to the applicant and property owner and a hearing pursuant to Sec. 800.C.15 (this section) of this Code upon a finding by the Historic Preservation Commission that the applicant or property owner is responsible for:

   1. Noncompliance with any terms or conditions of the Certificate,

   2. Noncompliance with any provision in this article, or

   3. Fraud or misrepresentation in the obtaining of the Certificate.

b. Procedures

   1. Revocation proceedings may be initiated by a dated writing signed by the Secretary who must give notice of the potential revocation to the applicant and the property owner by certified mail. Upon receipt of such a notice, the applicant and property owner, and their agents and contractors, must cease all work pursuant to the Certificate until a final determination by the Historic Preservation Commission can be made unless the Secretary

provides written authorization for specified work to secure the project site and protect historic resources pending a Historic Preservation Commission decision.

2. A proposal to revoke a certificate must be scheduled for the next Historic Preservation Commission meeting, allowing for public noticing pursuant to *Sec. 1190. Historic Preservation Review*.

3. The Historic Preservation Commission must determine whether or not to revoke the certificate within 60 days of initiation of the proceedings.

4. The applicant will be notified of the Historic Preservation Commission's decision by mail within 10 days.

16. Tree Preservation

Tree on historic properties and in historic districts are important character-defining features. This section provides for the protection of mature trees.

a. Coordination with Southern California Edison on Line Clearing Activities

1. Annual Line Clearing Schedule Notification

Annually, Southern California Edison must submit to the Public Works Department a schedule of anticipated tree trimming in all City historic districts and historic sites. The schedule must identify contractors and locations.

2. Palm Tree Identification

Annual notification must include identification of all palm trees in City historic districts and historic sites that have the potential to encroach on power lines.

3. Line Clearing Standards

All line clearance work on mature significant trees, specimen (heritage) trees, or City street trees must be in compliance with the utility pruning standards established by the International Society of Arboriculture and the Utility Arborists Association, A summary of the standards is presented in *Sec. 800.C.16.c. Pruning and Trimming*.

4. Historic Preservation Commission Notification

All notifications provided to the Public Works Department must be sent to the Historic Preservation Commission within 10 days of a scheduled tree trimming within all City historic districts and historic sites.

b. Removal of Character-Defining Landscaping

1. Application Process

All requests to remove Character-Defining Landscaping must be accepted and processed by the Planning Division through a Minor Certificate of Appropriateness application.

2. Permitted Removals

Removal of Character-Defining Landscaping must be permitted if one of the following criteria is met, subject to approval of a Minor Certificate of Appropriateness.

i. Danger to Public Welfare

A Minor Certificate of Appropriateness must be obtained prior to removal of any and all character-defining landscaping within historic districts and historic sites throughout the City that is clearly a danger to the public welfare, including trees that are in danger of toppling, blocking traffic visibility and cannot be trimmed to allow a clear line of sight, damaging structures that threaten lives, and/or damaging infrastructure that provide essential services such as electrical power or communications that could threaten lives or the provision of essential services such as electrical power or communications. The City Building Official, City Engineer, and/or City Arborist must assess all potential dangers to the public welfare, determine the severity of the situation and provide a recommendation to the Planning Manager. This does not include damage to sewer and water lines that disrupt service to private property unless a danger to the public welfare is present. A Minor Certificate of Appropriateness may be approved after removal of any character-defining landscaping in situations where there is a verified imminent danger to the public welfare so as not to delay removal of the imminent danger.

ii. Dead or Diseased Trees

A Minor Certificate of Appropriateness must be obtained prior to removal of any dead or diseased trees within historic districts and historic sites throughout the City that are not likely to recover and/or have the potential to infect other nearby trees. The City Arborist must assess all dead or diseased trees and provide a recommendation to the Planning Manager.

3. Unpermitted Removal

A retroactive Minor Certificate of Appropriateness be obtained for all unpermitted removal of any and all character-defining landscaping within historic districts and historic sites throughout the City.

4. Major Certificates of Appropriateness

A request to remove a tree that does not meet the criteria in *Sec. 800.C.16.b.2. Permitted Removals* above, or the requirements in the design guidelines must require the approval of a Major Certificate of Appropriateness by the Historic Preservation Commission.

c. Pruning and Trimming

All trees, except Oak Trees, located within historic districts and historic sites throughout the City pruned or trimmed in conformance with the most current guidelines of International Society of Arboriculture and the American National Standards Institute (ANSI) A300-Pruning Standards must not require a permit. Pruning or trimming that deviates from these guidelines must require a Minor Certificate of Appropriateness. Trimming of Oak trees require a Minor Certificate of Appropriateness.

d. Replacement

The removals of any and all character-defining landscaping within historic districts and historic sites throughout the City must be subject to replacement as defined below.

1. **Permitted Removals**

   Permitted removal of any and all character-defining landscaping subject to a Minor Certificate of Appropriateness must be replaced based on a ratio that replaces the benefit loss of the removed tree(s) using an objective methodology acceptable to the City Arborist. The replacement trees must be planted with suitable species selected from the City's recommended tree palette and with the approval from the City Arborist. If any trees cannot be planted on the subject property, or the immediate public right-of-way, an in-lieu fee may be paid into the City's tree mitigation and planting fund, which must be used to plant trees within the historic district where the tree(s) were removed. The tree replacement requirements must be satisfied within one year of the granting of a Minor Certificate of Appropriateness for tree removals.

2. **Unpermitted Removals**

   Unpermitted removal of any and all character-defining landscaping subject to a retroactive Minor Certificate of Appropriateness must be replaced based on a ratio that replaces the benefit loss of the removed tree(s) multiplied by 2 using an objective methodology acceptable to the City Arborist. The replacement trees be planted with suitable species selected from the City's recommended tree palette and with the approval from the City Arborist. If any trees cannot be planted on the subject property, or the immediate public right-of-way, an in-lieu fee may be paid into the City's tree mitigation and planting fund, which be used to plant trees within the historic district where the tree(s) were removed. The tree replacement requirements must be satisfied within one year of the granting of a Minor Certificate of Appropriateness for tree removals. This section must not apply to the removal of character-defining landscaping that is an imminent danger to the public welfare.

3. **Unpermitted Removals during Construction Activities**

   If a tree removal occurs in the course of any construction activities authorized pursuant to a conditional use permit, variance, design review, tentative map or other discretionary land use approval or any city-issued grading permit, building permit, excavation permit or temporary certificate of occupancy, the City, in addition to all other remedies available to it under this chapter, may issue a stop-work order suspending and prohibiting further activity on the property until a mitigation plan has been filed with and approved by the Planning Manager, agreed to in writing by the property owner(s) and either implemented or guaranteed by the posting of adequate security. The mitigation plan include measures for the protection of any remaining Protected Trees.

17. Appeals

Appeals related to historic resources will be processed in accordance with *Sec. 1190. Historic Preservation Review* of this code.

18. Archaeological Resources

a. Requirements for Archaeological Resources

The following studies are required for any project that has the potential to affect archaeological resources. All reports will be prepared in accordance with federal and state guidelines and by persons that meet the Secretary of the Interior's Professional Qualification Standards.

1. **Phase I Archaeological Assessment**

   A Phase I Archaeological Assessment is required for any property listed or located within a potentially eligible historic merit or thematic districts or any other historical resources identified in the General Plan.

2. **Exceptions to a Phase I Study**

   Exceptions to the Phase I study requirement can be made by the Director in cases where:

   i. Prior archaeological or historic studies have been performed and no significant deposits have been found;

   ii. Building additions and modifications will not exceed five percent (5%) of the existing building footprint square footage;

   iii. Interior remodeling or exterior facade renovation is proposed; or

   iv. Other circumstances that, in the Development Services Director's judgment, warrant an exemption from the Phase I study requirement. Exemption decisions should be coordinated as part of Planning staff review of a project. Exemptions must not be permitted for Phase I, II, or III studies on any parcel where archaeological deposits or historic structures meeting CEQA definitions of significance are met.

3. **Phase II Study**

   i. Archaeological Significance Evaluations. A Phase II study is required if archival or physical evidence on the surface of a location proposed for development indicates that historic or prehistoric archaeological resources or important Historical Resources may be present. Any Phase II (subsurface) archaeological test excavations be designed and implemented by trained historic and/or prehistoric archaeologists. The Phase II requirements are mandatory where any significant cultural resource is identified as a result of Phase I evaluation.

   ii. A Phase II study also determine the probable area and vertical extent of archaeological remains and determine whether the deposits are intact and meet CEQA eligibility requirements pursuant to *CEQA Guidelines*. In the cases of historic structures, the Phase II study identify the significance of the structure and any potential mitigation plan which may reduce impacts to the structure. The Phase II report include a plan for mitigation complying with *Appendix K of the CEQA Guidelines* if significant deposits or historic buildings or sites are encountered.

4. **Phase III Data Recovery and Mitigation Program**

   A Phase III Data Recovery and Mitigation Program must be required when any archaeological resources are determined to be eligible Historical Resources under this ordinance or the *CEQA Guidelines*. Any impacts to a significant historic or prehistoric archaeological site or standing structure must be mitigated through a Phase III (subsurface testing or architectural documentation) data recovery program. Financial limitations on Phase III programs must conform to A*ppendix K of the CEQA Guidelines*, unless construction is undertaken with Federal funds in which case mitigation funding must comply with and be limited by Federal standards and guidelines. If feasible, construction impacts to significant archaeological deposits must be minimized through the use of less destructive footing construction

technology (post-tensioned slabs, pier footings, etc). All studies must include mitigation measures to reduce the impact of the proposed project on the archaeological resources. These studies must be completed as part of a Certificate of Appropriateness Application.

5. Public Records Act

The City of Pomona will treat all archeological site information, including reports with specific site locations, as confidential information. However, since many non-sensitive properties (such as rock walls, ditches, Victorian buildings, etc.) have been recorded on archeological site records, a review of the individual site record should be accomplished to determine whether this property's location and information should be withheld in any given circumstance. This information will be kept on file with the City of Pomona Planning Division. The Development Services Director, in consultation with the Historic Preservation Commission will develop a policy regarding access to such records. Any policy should be consistent with state or federal regulations.

19. The Mills Act

A Mills Act contract process is established to provide economic incentives for the preservation of a Designated Historic Landmark or contributing structure within a Designated Historic District.

a. General Requirements

All Designated Historic Landmarks, contributing structures in Designated Historic Districts and properties listed on the National Register of Historic Places or the California Register of Historical Resources are eligible for Mills Act Contracts, pursuant to the California Government Code *(Sec. 50280 through 50289)*.

b. Consideration of Non-Contributing Resources

A non-contributing resource to a designated historic district may be considered for a Mills Act Contract if it will be restored to a point that is would qualify for redesignation as a contributing structure by the completion of the projects approved under the contract. The resource must be re-designated as a contributing resource prior to the approval of the Mills Act Contract.

c. Required Provisions of a Mills Act Contract

All Mills Act contracts must comply with the California Government Code *(Sec. 50281.)*, which include, but are not limited to:

1. The term of the contract will be for a minimum of 10 years.
2. The applicant and property owners are required to comply during the term of the contract with the U.S. Secretary of the Interior's Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings and the State Historic Building Code.
3. The City must be authorized to conduct periodic inspections to determine the applicant's and property owner's compliance with the contract.
4. The contract must be binding upon, and inure to the benefit of, all successors in interest of the owner and the applicant.

5. The contract must require written notice to the State Office of Historic Preservation within six months of execution of the contract

d. Qualifying Projects

The Historic Preservation Commission must develop and regularly update a list of priority projects and a list of non-qualifying projects for Mills Act contracts.

e. Applications

All applications must be filed with the Department. The applicant is encouraged to confer with the Department before submittal of the application. All Applications must include:

1. A copy of the latest grant deed for the property
2. A rehabilitation plan/maintenance list of the work to be completed within the 10 year contract period, including cost estimates and the year in which the work will be completed.
3. A financial analysis form showing current property taxes and estimated taxes for the property under a Mills Act contract.
4. Required Fee(s).

f. Procedures

Applications for a Mills Act Contract must be processed in accordance with *Sec. 1190.G. Mills Act Contract*.

g. Findings

To grant approval of a Mills Act contract, the City Council must make the following findings:

1. That based on information contained in the program application including, but not limited to the Restoration, Rehabilitation and Preservation Plan, cost estimates, estimated tax savings to the property owner and other related information, the approval of the Mills Act contract will serve to compensate the City for the reduction in property taxes received.
2. That the Restoration, Rehabilitation and Preservation Plan will extend the life of the structure(s), protect the historic and aesthetic value of the property, and comply with the rules and regulations of the State Office of Historic Preservation of the Department of Parks and Recreation; the United States Secretary of the Interior's Standards for Rehabilitation; the State Historic Building Code; and the City of Pomona Municipal Code, Historic Preservation Ordinance and Design Guidelines.

h. Recordation

The approved contract must be recorded with the County Recorder within 20 days of approval.

i. Non-renewal

A Mills Act contract must be a perpetual, 10-year contract that automatically renews annually unless and until either party gives written notice to the other that the contract will not be renewed upon the expiration of its current term.

j. Cancellation

A Mills Act contract may be canceled or modified if the Historic Preservation Commission finds after written notice to the applicant and the property owner and a hearing pursuant to *Sec. 1190.G. Mills Act Contract* that:

1. The owner or applicant is responsible for:
   i. Noncompliance with any terms or conditions of the contract,
   ii. Noncompliance with any provision in this article, or
   iii. Misrepresentation or fraud used in the process of obtaining the contract.
2. The historic resource has been:
   i. Destroyed by fire, flood, wind, earthquake or other calamity, or the public enemy,
   ii. Taken by eminent domain.

k. Cancellation Procedures

Cancellation proceedings may be initiated by any member of the Historic Preservation Commission.

1. Once notice of possible cancellation has been given under *Sec. 1190. Historic Preservation Review*, the proposed cancellation must be scheduled for the next Historic Preservation Commission meeting, allowing for public noticing requirements in conformance with *Sec. 1190. Historic Preservation Review*.
2. The Commission will make a recommendation to the City Council which the secretary will transmit to the City Council and to applicant and the property owner(s) by certified mail.
3. City Council, within 60 days of initiation of the proceedings, must cancel or continue the contract.
4. The secretary must notify the applicant and the property owner of the Council's decision by certified mail within 10 days.

l. Cancellation Fee

If a Mills Act contract is canceled pursuant to subparagraph 1. of paragraph G. of this section above, the property owner must be liable to the City for a cancellation fee equal to 12½ percent of the current fair market value of the property.

20. Historic Rehabilitation Financing Program

The Marks Historic Rehabilitation Act of 1976 was established by the State of California to allow cities and counties to provide long-term, low-interest loans to finance the preservation, restoration, and rehabilitation of Historical Resources. The City of Pomona hereby establishes a Historic Rehabilitation Financing Program in accordance with and subject to, the provisions of the Marks Historic Rehabilitation Act of 1976.

a. Rehabilitation Area

This area must consist of all properties within the City.

b. Eligible Structures

Any property eligible for funding under this program must be within a rehabilitation area as defined in *Sec. 1190. Historic Preservation Review*, and must be a designated a Local Historic Landmark or Landscape, a contributing structure to a designated Local Historic District, or listed or determined eligible for listing, on the California Register of Historical Resources or the National Register of Historic Places.

c. Rehabilitation Requirements

Any property rehabilitated with funding from this program must meet the following requirements:

1. Rehabilitation Standards

Any rehabilitation must use the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating Restoring Reconstructing Historic Buildings and any local preservation and design guidelines adopted by the City.

2. Maintenance

Any property rehabilitated with funding from this program must be maintained in good condition for a period of at least ten (10) years from the completion of the rehabilitation.

d. Advisory Board

The City Council will establish an Advisory Board pursuant to and in accord with State Law, if and when an application for funding under this section is received by the City.

21. Incentives for Historic Preservation

The following section is provided to allow for incentives to be used to support the preservation, maintenance and appropriate rehabilitation of the City's designated Historical Resources.

a. Eligible Properties

Preservation incentives must be made available to owners of any property subject to this ordinance.

b. Eligible Projects

The following types of projects are eligible for preservation incentives. Any project listed below must comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties and be approved by the Historic Preservation Commission.

1. Restoration or Exterior Rehabilitation that includes the restoration, repair or replacement, in kind, of significant architectural features; or
2. Relocation to another site if relocation would prevent demolition; or
3. Restoration of designated interior spaces; or
4. Seismic reinforcement or structural rehabilitation; or
5. Replacement of building systems that will further the preservation of the historical resource.

6. Additions must be eligible for development incentives only.

c. Incentives

The following incentives may be used for eligible projects as listed above:

1. Economic and Financial Incentives

i. Approval of a Mills Act contract pursuant to *Sec. 1190.G. Mills Act Contract.*

ii. Approval of funding through the Historic Rehabilitation Financing Program, as prescribed in *Sec. 800.C.20. Historic Rehabilitation Financing Program.*

iii. Approval of funds through the Historic Preservation Trust Fund, as prescribed in *Sec. 800.C.13. Historic Preservation Trust Fund.*

iv. Grants or loans through other City Funding Sources, including but not limited to Housing funds

v. Preservation Easements

vi. Reduction or elimination of building plan-check or permit fees

vii. Reduction or elimination of development-impact fees

viii. Reduction or elimination of any other applicable City fees

ix. Federal Rehabilitation Tax Credits (applied through the California Office of Historic Preservation)

2. Development Incentives

i. State Historic Building Code.

ii. Setback Reductions

Reductions in required setbacks or changes in height requirements may be granted when a reduction allows for the restoration of a character-defining feature, or allows for character-defining features to be replicated in additions to historic structures. In no case must a reduction in a setback be granted when the reduction will cause an adverse affect to the property or cause an adverse affect to the character of the neighborhood or district.

22. Preservation Easement

Preservation easements on the facades of buildings designated as an Historical Resources may be acquired by the City, or on the City's behalf, by a nonprofit group designated by the City through purchase, donation, or condemnation pursuant to the California Civil Code *(Sec. 815)*.

23. California State Historic Building Code

The *California State Historic Building Code (SHBC)* provides alternative building regulations for the rehabilitation, preservation, restoration, or relocation of structures surveyed and identified as Historical Resources. The SHBC must be used in evaluating any building permit for work affecting an Historical Resource.

24. Duty to Keep in Good Repair

In addition to any duty of maintenance established by another provision of this code or other applicable law, the owner, or other person in possession of an Historical Resource has a duty to keep in good repair all of the exterior features of such Resource, and all interior features thereof which, if not maintained, may cause or tend to cause the exterior features of such resource to deteriorate, decay become damaged or fall into a state of disrepair.

a. All Historical Resources must be preserved against such decay and be kept free from structural defects through the prompt repair of any of the following:

   1. Facades which may fall and injure a member of the public or property,
   2. Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports,
   3. Members of ceilings, roofs and roof supports or other horizontal members which age, split or buckle,
   4. Deteriorated or insufficient waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors,
   5. Defective or insufficient weather protection for exterior walls, including lack of paint or weathering due to lack of paint or other protective covering,
   6. Any fault or defect in the building, which renders it not watertight or structurally unsafe.

b. A Certificate of Appropriateness must not be issued for the demolition of an Historical Resource because of the failure of the owner to comply with this section.

c. It must be the duty of the Building Official and Code Compliance Officers to enforce this section.

25. Normal Maintenance and Repair

Nothing in this section must be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this chapter that does not involve a change in design, material, or external appearance thereof.

26. Unsafe and Dangerous Conditions

a. Nothing contained in this section must prohibit the construction, alteration, restoration, demolition, or relocation of any Historical Resource when such action is required for public safety due to an unsafe or dangerous condition, which cannot be rectified through the use of the California State Historic Building Code.

b. The Department must, upon an assessment and recommendation of the Building Official, certify that such a condition exists and inform the Historic Preservation Commission of that determination. Upon such a certification, a Certificate of Appropriateness must not be required for work within the scope of this section.

27. Enforcement and Penalties

a. Any person who violates a requirement of this ordinance or fails to obey an order issued by the Historic Preservation Commission or comply with a condition of approval of any certificate or

permit issued under this section must be guilty of a misdemeanor punishable pursuant to *Sec. 11110. Violations and Enforcement*.

b. Any alteration or demolition of an Historical Resource in violation of *Sec. 800. Historic Preservation* is expressly declared to be a nuisance and must be abated by restoring or reconstructing the property to its original condition prior to the violation. Any person or entity who demolishes or substantially alters or causes substantial alteration or demolition of a structure, in violation of the provisions of *Sec. 800. Historic Preservation*, must be liable for a civil penalty pursuant to *Sec. 800.AC.4. Non-Contributing Resource Status Change* and/or *Sec. 11110. Violations and Enforcement*, as well as any other criminal or civil remedy authorized by this Zoning and Development Code or other law.

c. Alteration or demolition of an Historical Resource in Violation of this chapter must authorize the City to issue a temporary moratorium for the development of the subject property for a period not to exceed 24 months from the date the City becomes aware of the alteration or demolition in violation of this article. The purpose of the moratorium is to provide the City an opportunity to study and determine appropriate mitigation measures for the alteration or removal of the historic structure, and to ensure measures are incorporated into any future development plans and approvals for the subject property. Mitigation measures as determined by the director must be imposed as a condition of any subsequent permit for development of the subject property.

d. In the case of demolition, the civil penalty authorized by *Sec. 800.C.10 Certificate of Deconstruction* must be equal to half of the assessed value of the Historical Resource prior to the demolition. In the case of alteration, the civil penalty authorized by paragraph B. of this section must be equal to half of the cost of restoration of the altered portion of the Historical Resource. Building and construction permits and/or a Certificate of Occupancy may not be issued for additional work on the property (other than work pursuant to *Sec. 11110. Violations and Enforcement* until the penalty has been paid in full to the City.

e. In addition to any other remedies available at law or in equity, the City Attorney may maintain an action for injunctive relief to restrain a violation or cause, where possible, the complete or partial restoration, reconstruction or replacement of any structure demolished, partially demolished, altered or partially altered in violation of *Sec. 800. Historic Preservation*.

28. Design Standards and Guidelines

In order to ensure that Pomona's historic buildings are preserved for future generations, the Historic Preservation Commission will develop guidelines and standards to assist owners in the preservation, rehabilitation, protection and maintenance of historic buildings. Any guidelines must be consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.

800.D. Established Historic Districts and Landmarks

1. Intent

a. Pomona's Historic Districts include:

1. Hacienda Park Historic District
2. Lincoln park Historic District
3. Wilton Heights Historic District
4. Edison Historic District
5. Civic Center Historic District; and
6. Landmark Quarter Historic District

2. Zoning District

a. Each historic district uses an abbreviation for inclusion into the zoning map by adding an (-H) to the zoning district name where the overlay district applies. An example of this would be 'NE2-H'.

b. Historic landmarks located outside an historic district also uses an (-H) abbreviation for inclusion into the zoning map.

3. Zoning District Brackets

a. Each historic district is also represented within the second bracket of a zoning district as defined in *Sec. 110.A.2. Zoning Modules* An example of this would be 'NE2-H = [LM2-G1-CX2] [WHHD]'. All historic districts are abbreviated within the second zoning district bracket as follows:

1. **HPHD**: Hacienda Park Historic District
2. **LPHD**: Lincoln Park Historic District
3. **WHHD**: Wilton Heights Historic District
4. **CCHD**: Civic Center Historic District
5. **LQHD**: Landmark Quarter Historic District
6. **EDHD**: Edison Historic District

b. Historic landmarks located outside an historic district is represented within the second bracket of the zoning district and uses an (-HL) abbrevation within the second zoning district bracket.

800.E. **Definitions**

The following definitions apply to *Sec. 800. Historic Preservation*:

Alteration. Any exterior change or modification, through public or private action, to the character-defining or significant physical features of properties affected by this section. Such changes or modifications may be made to structures, architectural details, or visual characteristics, grading or surface paving. Also, changes or modifications may include the addition of new structures; cutting or removal of trees, landscaping, or other natural features; disturbance of archaeological sites or areas; and the placement or removal of visually or architecturally significant signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings, or landscape accessories.

ANSI A300 Pruning Standards. Industry-developed, national consensus standards for the practice of tree care such as reasons to prune a tree may include, but are not limited to, reducing risk, managing tree health and structure, improve aesthetics, or achieving other specific objectives. Intended for use by federal, state, municipal, private entities including arborists, property owners, property managers, and utilities.

Applicant. An individual or an organization (private or public) submitting an application for a certificate of appropriateness for any proposed work on any designated historic landmark, or on any building, structure, or improvement on private or public property within a designated historic district.

Certificate of Appropriateness. A certificate issued by the Historic Preservation Commission approving such plans, specifications, statements of work, and any other information which is reasonably required by the Historic Preservation Commission to make a decision on any proposed exterior alteration, restoration, rehabilitation, construction, removal, relocation or demolition, in whole or in part, of or to a designated resource, designated site, or to a building or structure within a historic district.

Certificate of Deconstruction. A certificate issued by the Historic Preservation Commission approving the demolition and salvage, in whole or in part of an individual historic resource, a contributor to an historic district, or any other primary structure legally constructed that is 50 years old or older.

Certificate of Economic Hardship. A certificate issued by the Historic Preservation Commission to an applicant for a Certificate of Appropriateness for a project that due to an economic hardship does not comply with the Pomona's historic preservation design standards and guidelines, and the Secretary of the Interior's Standards. The approval may include provisions to maintain as much as possible of the historic integrity of the property.

Character-Defining Landscaping. Landscaping that includes all the trees currently designated on the City's "Protected Species List" and located in the historic districts and historic sites throughout the City. This definition also includes trees not on the "Protected Species List" and located outside historic districts but on historic sites.

Circumference Measured at Breast Height. The measurement around the tree trunk that is measured at 4½ feet above ground level. Trees that split into multi-trunks below 4½ feet must use the sum of each individual trunk measured at 4½ feet above ground level to determine the circumferences.

Commission. The Historic Preservation Commission of the City of Pomona.

Conservation Zone. An area within the City of Pomona, whether commercial, residential or institutional, including streets, sidewalks, public parks, public streetscape, public buildings and public structures

with a majority of buildings and structures fifty years old or older, which the City of Pomona wishes to maintain and revitalize so as to emphasize such buildings' and structures' importance to the past, present, and future of the City of Pomona.

Construction. The act of constructing an addition to an existing building or structure or the erection of a new principal or accessory structure or building on a lot or property.

Contributing Resource or Structure. Any property which contains an improvement or natural feature included in the application for an historic district which provides substance to the district's character. A contributor must be considered an historic landmark in all respects.

Demolition. Any act or process that destroys in part or whole an individual historic resource, a contributor to an historic district, or any other primary structure legally constructed that is 50 years old or older.

Design Guidelines. The principles contained in a document which illustrate appropriate and inappropriate methods of rehabilitation and construction. The purpose of using a set of design guidelines is to aide design and decision-making with regard to retaining the integrity of scale, design intent, materials, feeling, patterns of development, and historical character of a landmark building or historic district. These principles are listed in the Secretary of Interior's *Standards for Rehabilitation*, set forth by the United States Department of the Interior.

Designated Historic Landmark. Any improvement or natural feature that has special historical, cultural, aesthetic, or architectural character, archaeological importance, interest, or value as part of the development, heritage or history of the city of Pomona, the state of California, or the nation, that has been designated a historic landmark of the city of Pomona and placed on the Pomona historic register.

Development Standards. As set forth in *Section .5809-12-G-4 F-5*, are standards or regulations for new construction in historic districts or in areas where several historic landmarks exist in close proximity.

Diameter at Breast Height (DBH). A form of measurement of an existing tree trunk. Diameter is measured at 4½ feet above ground level. Trees that split into multi trunks below 4½ feet must use the sum of each individual trunk measured 4½ feet above the natural grade to determine the diameter.

Drip Line. A line which may be drawn on the ground around a tree directly under its outermost branch tips and which identifies that location where rainwater tends to drip from the tree.

Eligible Historic District. Any group of properties surveyed at the intensive level in accordance with the standards set forth by the California Office of Historic Preservation, and determined by the Historic Preservation Commission to meet the applicable designation criteria set forth in this section is considered an Eligible Historical Resource.

Eligible Historic Resources. Any property or properties surveyed at the intensive level in accordance with the standards set forth by the California Office of Historic Preservation, and determined by the Historic Preservation Commission to meet the applicable designation criteria.

Exempted Properties. Properties which are specifically exempted by the City Council during consideration of a historic district designation. For purposes of determining district boundaries, such properties must be considered part of the subject historic district. Property owners at the time of exemption must be exempt from the provisions of the historic preservation ordinance so long as they retain ownership of the property. Transfer of ownership between relatives must constitute a change of ownership.

Hazard or Hazardous Condition. Any condition in a tree that poses a significant and imminent threat of serious injury or harm to the public or catastrophic damage to real property.

Historic Contexts. An Historic Context Statement provides the background and the basis for evaluating properties to determine their historical significance. An historic context statement is an organizational framework for historic preservation. The historic context organizes information based on an historical theme and its geographical and chronological limits. Contexts describe the significant broad patterns of development in an area that may be represented by historic properties. The development of historic contexts is the foundation for decisions about identification, evaluation, registration and treatment of historic properties. An historic context provides an understanding of the relationship of individual properties to other similar properties, which allows decisions about the identification, evaluation, registration and treatment of historic properties to be made reliably. Information about historic properties representing aspects of history, architecture, archeology, engineering and culture must be collected and organized to define these relationships.

Historical Resource. Improvements, buildings, structures, signs, features, sites, scenic areas, views and vistas, places, areas, landscapes, trees, or other objects of scientific, aesthetic, educational, cultural, architectural, archaeological objects, or historical significance to the citizens of the city of Pomona, the state of California, the Southern California region, or the nation which may be eligible for landmark status, and therefore, appropriate for historic preservation by the Historic Preservation Commission and the City Council.

Historical Resource Surveys. Surveys are performed to identify properties that have the potential to become eligible Historical Resources as well as areas and neighborhoods that, due to the concentration of potential Historical Resources, have the potential to be historic districts. Surveys are conducted at two different levels, Reconnaissance and Intensive. Properties surveyed at the reconnaissance level in accordance with the standards set forth by the California Office of Historic Preservation are identified but not evaluated for historic significance. Intensive-level surveys identify and evaluate properties for historic significance. Intensive-level surveys must identify the applicable theme (in an adopted historic context statement), the designation criteria met and how the property meets historic integrity standards.

Historic District. Any area containing a concentration of improvements that has a special character, archeological importance, historical interest, or aesthetic value, which possesses integrity of location, design, setting, materials, workmanship, feeling, and association or which represents one or more architectural periods or styles typical to the history of the city of Pomona, and that has been designated an historic district pursuant to this section or has been placed on the National Register of Historic Places.

Historic Landscape. A geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person, or exhibiting other cultural or aesthetic values. These include historic sites, historic designed landscapes, historic vernacular landscapes and ethnographic landscapes as defined by the National Park Service in *Preservation Brief 36*.

Historic Sites. Historic landmarks and contributing and non-contributing structures within historic districts and historic sites outside historic districts throughout the City. Structures legally exempted from the historic district must not be subject to the private property restrictions of this program. Landscaping within the public right-of-way adjacent to an exempted structure must be subject to this program.

Improvement. Any fixture or emblements affixed to public or private real property such as a building, structure, fence, gate, landscaping, tree, wall, parking facility, streetscape, sidewalk, paving, street light, street sign, bollard, park furniture, work of art, or other object constituting a physical feature of real property or any part of such feature.

International Society of Arboriculture (ISA). A professional association of arborists and tree workers that is recognized internally as one of the leading agencies in the research and establishment of high standards for all aspects of tree care.

Integrity. The ability of a property to convey its historical significance. A property would typically possess several of the following seven aspects of integrity, as defined in National Register Bulletin 15, to convey its significance: Location, Design, Setting, Materials, Workmanship, Feeling and Association.

Landmark Tree. A tree designated as a landmark of historic or cultural significance and of importance to the community due to any of the following factors: It is one of the largest or oldest trees of the species located in the city; it has historical significance due to an association with a historic building, site, street, person or event; or it is a defining landmark or significant outstanding feature of a neighborhood.

Landmark-Eligible Tree. A tree which meets the criteria for designation as a landmark tree, as determined by the review authority.

Maintain or Maintenance. The act of routinely pruning, trimming, spraying, fertilizing, watering, treating for disease or injury or any other similar act which promotes growth, health, beauty, and life of trees.

Multi-Trunk. Any tree with multiple trunks attributed to a single tree. Each trunk is measured at a height of four and one-half (4½) feet above ground level, and the combined circumference of the trunks is used to determine the tree's size for purposes of this chapter.

Natural Feature. Any tree, plant life, or geographical or geological site or feature subject to the provisions of this section.

Noncontributing Resource or Structure. Any building or structure which is located within a designated historic district but does not contribute nor add to the district's historic character.

Ordinary Maintenance and Repair. Any work for which a building permit is not required by law, in which the purpose and effect of such work is to correct any deterioration of or damage to a structure or any part thereof and to restore the same to its condition prior to the occurrence of such deterioration or damage.

Period of Significance. The span of time during which a historic resource has attained significance relating to the criteria for designation (e.g., the era when the historic resource was substantially developed or the end of a certain historical period).

Pomona Register of Historic Places. The City of Pomona resolutions designating Historic Landmarks and Districts, as well as properties listed in the National Register of Historic Places and the California Register of Historical Resources comprise the Pomona Register of Historical Places. The Development Services Director or their designee maintains the Register.

Potential Historic Landmark or Historic District. Any historical resource which is listed on the Pomona historic resources survey as having the potential for achieving landmark status, but which has not been officially placed on the Pomona historic register. It may also mean a building or district that could be placed on the register when: (1) more research becomes available regarding its eligibility; or

(2) the resource is restored to its original condition and integrity; or (3) the resource becomes one of the few remaining examples of its type in the city.

Preservation. The identification, study, protection, restoration, rehabilitation, or acquisition of historic landmarks.

Protected Species List. The City's comprehensive list of all protected trees, including specimen (heritage) trees as defined by City Council Resolutions No. 62-65 and No. 73-68, and trees located on public and private property within historic districts and historic sites throughout the City. The list includes Pomona-area native species and other species based on the diameter at breast height (dbh) and overall height.

Pruning. Pruning, trimming, or thinning means to reduce the size of a tree using industry accepted standards, as established by the International Society of Arboriculture and/or the American National Standards Institute (ANSI) A300 Standards-Pruning, to control the height and spread of the tree, preserve its health and natural appearance, produce fuller branching and shaping, or make adjustments which will increase its longevity in an urban environment.

Qualified Professional. A person whose profession or occupation meets or exceeds the Secretary of the Interior's Professional Qualifications as defined by the National Park Service *(36 CFR 61)*.

Removal/Remove. The uprooting, cutting or severing of the main trunk, or major branches of a tree or any act which causes, or maybe reasonably expected to cause a tree to die, including but not limited to: inflicting damage upon the root system of a tree by machinery, storage of materials, or soil compaction; substantially changing the grade above the root system or trunk of the tree; and excessively or severely pruning or root pruning.

Secretary of Interior's Standards for the Treatment of Historic Properties including Guidelines for the Rehabilitation. The guidelines prepared by the National Park Service of the United States Department of the Interior for rehabilitating historic buildings.

Section 106. The regulations of U.S. Code of Federal Regulations at *36 CFR Part 800*.

Serious Harm. With regard to any tree, any act or activity that causes damage to a tree thereby leaving the tree in a physical state that, in the judgment of the City Arborist or any other Certified Arborist retained by the city, (i) makes the death of the tree reasonably eminent; (ii) significantly shortens the normal life expectancy of the tree; or (iii) makes it impossible or reasonably unlikely that the tree can be fully restored to a condition of good health and/or normal appearance within thirty (30) calendar days of such harm having been inflicted.

Severely Prune. Pruning the tree that deviates from industry standards by "topping," "lion's tailing," removal of more than twenty-five (25) percent of the foliage or leaving stubs.

Significant feature. The natural or man-made elements which are indicative or representative of an historic landmark's exterior style, type, design, or general arrangement including, but not limited to, the kind, and texture of the building materials, and the type and style of all windows, doors, lights, signs, and other fixtures which are a part of such improvement.

Sponsor. An individual or an organization (private or public) submitting an application for designation of an historic landmark or an historic district to the City's Planning Division.

State Historical Building Code. Part 8 of Title 24 (California Building Standards Code) of the California Code of Regulations.

Street Trees. Any tree planted by the City on a City easement, parkway and or dedicated land. Trees or landscaping planted in the public right-of-way by adjacent property owners are not considered street trees, unless such tree is required as a condition of approval from the Historic Preservation Commission, Planning Commission or City Council.

Topping. Also known as "heading back", "stubbing", and or "pollarding" means a severe type of trimming which results in the indiscriminate cutting back of large diameter branches to stubs. Such severe practices disfigures the tree and is generally hazardous to the overall health and stability of a tree.

Sec. 810. **Specific Plans**

810.A. **General**

1. Intent

A Specific Plan provides regulatory controls in-lieu of those provided in the zoning districts established in *Part 2. Summary of Zoning Districts* for the systematic implementation of the General Plan.

2. Applicability

Any property located within one of the following Specific Plans:

a. Downtown Pomona Specific Plan (2020)

b. Pomona Corridors Specific Plan (2020)

c. Phillips Ranch Specific Plan (2016)

d. Mountain Meadows Specific Plan (2020)

e. Mission 71 - Business Park Specific Plan (2005)

f. Pomona Valley Hospital Medical Center Specific Plan (2010)

3. Zoning District Brackets

a. Similar to the zoning district names established in *Sec. 110.A.3. Zoning Districts*, each Specific Plan uses an abbreviation for inclusion into the zoning map. All Specific Plans are abbreviated as follows:

1. **DTSP**: Downtown Pomona Specific Plan (2020)
2. **COSP**: Pomona Corridors Specific Plan (2020)
3. **PRSP**: Phillips Ranch Specific Plan (2016)
4. **MMSP**: Mountain Meadows Specific Plan (2020)
5. **71SP**: Mission 71 - Business Park Specific Plan (2005)
6. **MCSP**: Pomona Valley Hospital Medical Center Specific Plan (2010)

b. For more details about Specific Plans within zoning district brackets, see *Sec. 110.A.2. Zoning Modules*.

810.B. **Standards**

1. Standards and permitted uses are established by the adopted Specific Plan covering the subject area.
2. Where the Specific Plan is silent regarding certain development standards, the Administrator will determine the applicability of similar development standards established in this Zoning and Development Code.
3. When a use is not listed in the permitted uses section of the Specific Plan covering the subject area, the use is not permitted unless a determination of similarity is approved *(Sec. 530.A.2 Determination of Similarity)*.

810.C. **Procedures**

See *Sec. 1110. Application Filing and Processing*.

Sec. 820. **Overlay Districts**

820.A. **General**

1. Intent

An overlay district provides regulatory controls in addition to those provided in the zoning districts established in *Part 2. Summary of Zoning Districts* for the systematic implementation of the General Plan.

2. Applicability

Any property located within one of the following overlay districts:

a. Commercial Cannabis Permit Program Overlay District Sub-Areas:

1. SA1 - Retail Only
2. SA2 - Retail Only
3. SA3 - Cultivation, Distribution, Manufacturing, Mirobusiness, Testing
4. SA4 - Cultivation, Distribution, Manufacturing, Testing

b. Fairplex Overlay District

c. SB330 Overlay District

3. Zoning District

Each overlay district uses an abbreviation for inclusion into the zoning map by adding an additional letter to the zoning district name where the overlay district applies. An example of this would be 'NE1-C'. All overlay districts are abbreviated as follows:

a. **-C**: Commercial Cannabis Permit Program Overlay District

b. **-F**: Fairplex Overlay District

c. **-S**: SB330 Overlay District

4. Zoning District Brackets

Each overlay district is also represented within the second bracket of a zoning district as defined in *Sec. 110.A.2.d Zoning Modules.* An example of this would be 'NE1-C = [LM2-G1-CX1] [SA1]'. All overlay districts are abbreviated within the second zoning bracket as follows:

a. Commercial Cannabis Permit Program Overlay Districts Sub-Areas:

   1. **SA1**: SA1 - Retail Only
   2. **SA2**: SA2 - Retail Only
   3. **SA3**: SA3 - Cultivation, Distribution, Manufacturing, Mirobusiness, Testing
   4. **SA4**: SA4 - Cultivation, Distribution, Manufacturing, Testing

b. **F**: Fairplex Overlay District

c. **S**: SB330 Overlay District

820.B. **Standards**

1. Commercial Cannabis Permit Program Overlay District (-C)

The Commerical Cannabis Permit Program Overlay District regulates commercial cannabis locations and activities by sub-area. See the City Code *(Ch. 68)* for any standards related to the Commerical Cannabis Permit Program Overlay District.

2. Fairplex Overlay District (-F)

The Fairplex overlay district regulates any properties affiliated with the Fairplex as public fairgrounds in a manner that does not create smoke, gas, odor, dust, sound, vibration, soot, lighting, or other nuisance to persons residing in or near the Fairplex.

The Fairplex overlay district permits a range of public entertainment, exhibition, commercial, conference, equine, and other events and uses on a year-round basis as previously permitted by *Ord. 2450*.

a. Uses Permitted

1. The following fair related uses are permitted within this overlay district without any permit except for building and grading permits as applicable:

    i. Child Care

    ii. Commercial uses related to other permitted uses in structures less than 30,000 square feet

    iii. Consumer Shows

    iv. Drag Racing

    v. Exhibitions

    vi. Fairs and Festivals

    vii. Filming and photographic shoots

    viii. Financial Services

    ix. Fireworks Displays

    x. Food Service including Banquets, Catering, and Concessions

    xi. Horse Exhibition, Sales, Racing, Wagering including Satellite Wagering

    xii. Live Entertainment

    xiii. Livestock

    xiv. Pet and Other Animal Exhibitions, Training, and Sales

    xv. Meetings and Conferences

    xvi. Outdoor Recreation including but not limited to Camping, Picnics, Rallies, Social Events, and Sporting events

xvii. Religious, educational, charitable, community and political activities

xviii. Testing and Demonstration of Mechanical Equipment and Devices to the Extent that such Uses Do Not Violate the City's Noise Ordinance

xix. Trade Shows

xx. Business Support services for permitted uses

xxi. Facility and Vehicle Maintenance for Permitted Uses

2. The following fair related structures may be maintained, altered, expanded or erected within this overlay district without any permits except for building and grading permits as applicable:

i. Auditoriums and Meeting Halls

ii. Banks and ATMs

iii. Bars and Drinking Facilities

iv. Campgrounds

v. Caretaker and/or Employee Residential Quarters

vi. Child Care Centers

vii. Community and Cultural Centers

viii. Concert and Performing Art Theaters, both Indoor and Outdoor

ix. Drag Racing Facility

x. Equestrian Facilities including Horse Race Tracks, Equine Hospitals, Off-Track Wagering Facilities

xi. Paddocks, Sales Pavilions, Show Rings, Trails and Water Quality Systems

xii. Exhibit Buildings

xiii. Governmental Buildings and Sponsored Uses

xiv. Grandstand/Suite Complex

xv. Libraries and Museums

xvi. Livestock Stables

xvii. Offices for Administrative Purposes

xviii. Off-Street Parking

xix. Outdoor Public Address Systems except as restricted by Sec. 820.B.3.b.1.i. (within *Uses Permitted by Conditional Use Permit)*

xx. Parking Structures

xxi. Pipeline and Utility Lines

xxii. Public Safety Facilities

xxiii. Recreational Vehicle (RV) Parks

xxiv. Restaurants

xxv. Signs and Signage, On-site Only

xxvi. Trade and Conference Centers

xxvii. Tents and Temporary Structures

xxviii. Warehouses

b. Uses Permitted by Conditional Use Permit

1. The following uses are permitted only upon the granting of a conditional use permit:

   i. Use of Outdoor Public Address Systems between 10PM to 9AM at Times Other Than During the Regular Fair Season

   ii. Convention Centers

   iii. Sports Arenas

   iv. Wireless Communication Facilities, Subject to *Sec. 540.C.2. Wireless Telecommunications Facility*

   v. Hotels and Motels

   vi. Heliports

   vii. Amateur/Ham Radio Antenna Greater Than 35 feet in Height

   viii. Commercial/Retail Developments in Excess of 30,000 Square Feet

   ix. Residential Developments Except for Caretaker/Employee Quarters

   x. Other Uses Not Specifically Listed

2. Before approving any such conditional use permit, the Planning Commission must make the findings required in *Sec. 1160.D. Conditional Use Permit*.

3. The fairgrounds delineated for conditional use permit applications must include all buildings and parking areas used by the subject use and the amount of permit fee to be determined by this area.

4. The conditionally permitted use listed above must also comply with the requirements of the provisions of the *California Environmental Quality Act (CEQA) guidelines*, as applicable.

c. Uses Expressly Prohibited

Medical Marijuana Dispensaries

820.C. **Procedures**

1. Cannabis Overlay Districts (-C)

See *Sec. 1110. Application Filing and Processing* and the City Code *(Ch. 68)*.

2. Fairplex Overlay District (-F)

a. Design Review Compliance

For all conditionally permitted uses listed in *Sec. 820.B.3.b. Fairplex Overlay District* that involve the physical development of permanent structures, said structures are subject to site design and architectural review and approval by the Development Services Director prior to the issuance of any building permit for said structure or use.

b. See *SSec. 1110. Application Filing and Processing*.

3. SB330 Overlay District (-S)

See *Sec. 830.B.3.c SB330 Overlay District*.

Sec. 830. **Special Provisions**

830.A. **Accessory Dwelling Units**

1. Purpose and Intent

The purpose of this section is to regulate Accessory Dwelling Units in accordance with the California Government Code *(Sec. 65852.2 and 65852.22)* while:

a. Providing affordable housing to meet the needs of the citizens of Pomona;

b. Ensuring that the development of ADUs is compatible with existing development;

c. Preserving the City of Pomona's cultural, historical, and architectural heritage; and

d. Implementing and promoting the goals and policies of the *General Plan*.

2. Effect of Conforming

An ADU or JADU that conforms to the standards in this section must not be:

a. Deemed to be inconsistent with the *General Plan* and zoning designation for the lot on which the ADU or JADU is located.

b. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.

c. Considered in the application of any local ordinance, policy, or program to limit residential growth.

d. Required to correct a nonconforming zoning condition, as defined in *Sec. 830.A.3. Definitions*, below. This does not prevent the City from enforcing compliance with applicable building standards in accordance with the California Health and Safety Code *(Sec. 17980.12.)*.

3. Definitions

The following definitions apply to *830.A. Accessory Dwelling Units*:

Accessory Dwelling Unit. An attached or a detached residential dwelling unit that provides complete independent living facilities (permanent provisions for living, sleeping, eating, cooking, and sanitation) for one or more persons and is located on a lot with a proposed or existing primary residence. An ADU also includes the following:

a. An efficiency unit, as defined the California Health and Safety Code *(Sec. 17958.1)*; and

b. A manufactured home, as defined the California Health and Safety Code *(Sec. 18007)*.

Accessory Dwelling Unit, Attached. An ADU that is newly constructed and attached to the Primary Dwelling Unit. An Attached ADU may be located, in part, within the existing floor area of the Primary Dwelling Unit.

Accessory Dwelling Unit, Detached. An ADU that is newly constructed and not attached to the Primary Dwelling Unit or multi-unit dwelling. A Detached ADU may be attached to an Accessory Structure (e.g. garage).

Accessory Dwelling Unit, Interior. An ADU that is located entirely within the existing space of a Primary Dwelling Unit, multiunit dwelling, or Accessory Structure.

Accessory Structure. A structure that is accessory to and incidental to that of the Primary Dwelling Unit and that is located on the same lot.

Crawl Space. An underfloor space that is not a basement as defined in the *2019 California Residential Code*. Any crawl space taller than 36 inches must be included in the calculation of the total floor area for an ADU.

Efficiency Kitchen. A kitchen that includes all of the following:

a. A cooking facility with appliances.

b. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.

Junior Accessory Dwelling Unit. A residential unit that satisfies all of the following:

a. It is no more than 500 square feet in size.

b. It is contained entirely within an existing or proposed single-family structure. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure.

c. It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure.

d. If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling.

e. It includes an efficiency kitchen.

Multifamily Dwelling. Any structure with two or more attached primary dwelling units (e.g., apartments, attached townhomes, row houses).

Nonconforming Zoning Condition. A physical improvement on a property that does not conform with current zoning standards.

Passageway. A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU as defined in the California Government Code *(Sec. 65852.2)*.

Primary Dwelling Unit. Any legally established, single-unit dwelling, existing or proposed, located on the same lot as an ADU or JADU.

Proposed Dwelling. A dwelling that is the subject of a permit application and that meets the requirements for permitting.

Public Transportation. A location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

Tandem Parking. Two or more automobiles parked on a driveway or in any other location on a lot, lined up behind one another as defined in the California Government Code *(Sec. 65852.2)*.

4. Ministerial Approvals

The following approvals apply to ADUs and JADUs under this section.

a. Type 1 – Building Permit Only

If an ADU or JADU complies with each of the general requirements in *Sec. 830.A.5. General ADU and JADU Requirements*, below, it is allowed with only a building permit in the following scenarios:

1. Interior ADU on a Single-Unit Lot

One Interior ADU and one JADU on a lot with a proposed or existing single-unit dwelling on it, where the ADU or JADU:

i. Is either within the space of a proposed Primary Dwelling Unit;

ii. Within the existing space of a Primary Dwelling Unit; or

iii. In the case of an ADU only, within the existing space of an Accessory Structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress.

a) An existing, Accessory Structure of any size may be converted to an Interior ADU.

b) Any proposed expansions greater than the 150 additional square feet limited to accommodating ingress and egress are not permitted.

iv. Has exterior access that is independent of that for the Primary Dwelling Unit.

v. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

vi. In the case of a JADU, it must comply with the requirements of the California Government Code *(Sec. 65852.22.)*.

2. Limited Detached ADU on Single-Unit Lot

One detached, new construction ADU on a lot with a proposed or existing Primary Dwelling Unit (in addition to any JADU that might otherwise be established on the lot under *Sec. 830.A.4.a.1. Interior ADU on a Single-Unit Lot*, above, if the Detached ADU satisfies the following limitations:

i. The side- and rear-yard setbacks are at least 4 feet.

ii. The total floor area is 800 square feet or smaller.

iii. The peak height above grade does not exceed the applicable height limit in *Sec. 830.A.5.b. Height*, below.

3. Interior ADU on Multi-unit Lot

One or more ADUs within portions of existing multi-unit dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each Interior ADU complies with State building standards for

dwellings. At least one Interior ADU is allowed within an existing multi-unit dwelling, up to a quantity equal to 25 percent of the existing multi-unit dwelling units.

4. Limited Detached ADU on Multi-unit Lot

No more than two Detached ADUs on a lot that has an existing or proposed multi-unit dwelling if each Detached ADU satisfies the following limitations:

i. The side- and rear-yard setbacks are at least 4 feet. If the existing multifamily dwelling has a rear or side yard setback of less than 4 feet, the City will not require any modification to the multifamily dwelling as a condition of approving the ADU.

ii. The peak height above grade does not exceed the applicable height limit in *Sec. 830.A.5.b. (Height)*.

b. Type 2 - Building Permit Only

Except as allowed under *Sec. 830.A.4.a. Type 1 – Building Permit Only*, above, no ADU may be created without a building permit in compliance with the standards set forth in *Sec. 830.A.5. General ADU and JADU Requirements* and *Sec. 830.A.6. Specific ADU Requirements*, below.

c. Process and Timing

1. An application to create an ADU or JADU under this section will be considered and approved ministerially, without discretionary review or a hearing.

2. The City must approve or deny an application to create an ADU or JADU within 60 days from the date that the City receives a completed application. If the City does not approve or deny the completed application within 60 days, the application is deemed approved unless either:

   i. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or

   ii. When the application to create an ADU or JADU is submitted with a permit application to create a new single-family or multi-family dwelling on the lot, the City may delay acting on the permit application for the ADU or JADU until the City approves or denies the permit application to create the new single-family or multi-family dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.

3. If the City denies an application for an ADU or JADU, the City must provide the applicant with a full set of written comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period established by *Sec. 830.A.4.c. Process and Timing*.

4. Demolition of Detached Garages

In instances where a detached garage is to be demolished and replaced by an ADU, the application for the demolition of the garage will be reviewed with the application for the ADU and the permit for the garage demolition and ADU will be issued at the same time.

5. General ADU and JADU Requirements

The following requirements apply to all ADUs and JADUs that are approved under *Sec. 830.A.4.a. Type 1 – Building Permit Only* or *Sec. 830.A.4.b. Type 2 - Building Permit Only*:

a. Zoning

1. An ADU or JADU subject only to a building permit under *Sec. 830.A.4.a. Type 1 – Building Permit Only*, may be created on a lot in a residential or mixed-use zone.
2. An ADU or JADU subject to a building permit under *Sec. 830.A.4.b. Type 2 - Building Permit Only*, may be created on a lot that is zoned to allow single unit dwelling residential use or multi-unit dwelling residential use.

b. Height

1. Except as otherwise provided by *Sec. 830.A.5.b.2.* and *Sec. 830.A.5.b.3. General ADU and JADU Requirements*, below, a detached ADU created on a lot with an existing or proposed single family or multifamily dwelling unit may not exceed 16 feet in height.
2. A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop or a high quality transit corridor, as those terms are defined in the California Public Resources Code *(Section 21155)*, and the ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
3. A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed 18 feet in height.
4. An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs must not exceed two stories.
5. For purposes of this *Sec. 830.A.5.b.*, *Height* is the vertical distance measured from the adjoining curb level to the highest point of the structure, exclusive of chimneys and ventilators.

c. Fire Sprinklers

1. Fire sprinklers are only required in an ADU if sprinklers are required in the primary residence. For purposes of this paragraph, in the case of multi-unit structures, the entire residential structure will be considered the primary residence.
2. The construction of an ADU will not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling or existing multi-unit dwelling.

d. Rental Term

No ADU or JADU may be rented for a term that is shorter than 30 days. This prohibition applies regardless of when the ADU or JADU was created.

e. No Separate Conveyance

Except as otherwise provided in the California Government Code *(Sec. 65852.26.)*, an ADU or JADU may be rented, but no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-unit lot) or from the lot and all of the dwellings (in the case of a multi-unit lot).

f. Septic System

If the ADU or JADU will connect to an on-site water-treatment system, the Owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.

g. Owner-Occupancy

As required by state law, all JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement of this paragraph does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

h. Deed Restrictions

Prior to the issuance of a certificate of occupancy for an ADU or JADU, a deed restriction must be recorded against the title of the property in the Los Angeles County Recorder's office and a copy filed with the Director of Development Services. The deed restriction must run with the land and bind all future owners.

1. A deed restriction or similar instrument that runs with the land, must be recorded against the property and must include the following:

    i. Except as otherwise provided in the California Government Code *(Sec. 65852.26.)*, the ADU or JADU may not be sold separately from the primary dwelling.

    ii. The ADU or JADU is restricted to the approved size and to other attributes allowed by this section.

    iii. The deed restriction runs with the land and may be enforced against future property owners.

2. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities.

3. To remove the deed restriction, an owner may make a written request of the Development Services Director, providing evidence that the ADU or JADU has in fact been eliminated.

4. The Director of Development Services may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated.

5. Appeal may be taken from the Director of Development Service's determination consistent with *Sec. 1170.F. Director Determination*. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.

6. The deed restriction is enforceable by the Development Services Director or their designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.

i. Building and Safety

1. Must Comply with the Building Code

Subject to *Sec. 830.A.5.i.2. No Change of Occupancy*, below, all ADUs and JADUs must comply with all local building code requirements.

2. No Change of Occupancy

Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in the California Building Code *(Sec. 310)*, unless the building official or Code Enforcement Division officer makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in *Sec. 830.A.5.i.2. No Change of Occupancy* prevents the City from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.

6. Specific ADU Requirements

The following requirements apply only to ADUs that require a building permit under *Sec. 830.A.4.b. Type 2 - Building Permit Only*, above.

a. Primary Dwelling Unit requirement

1. There must be a Primary Dwelling Unit located on the same lot as an ADU.
2. Where a Primary Dwelling Unit does not exist on a lot but is proposed, an ADU may be constructed concurrently with the construction of the Primary Dwelling Unit.

b. Unit Size

1. Lots less than 7,200 Square Feet in Area

The maximum size of a detached or attached ADU may not exceed 850 square feet for a studio or one bedroom unit or 1,000 square feet for a unit with two or more bedrooms.

2. Lots 7,200 Square Feet in Area or Greater

The maximum size of a detached or attached ADU may not exceed 1,200 square feet.

3. Relationship to Other Development Standards

Application of other development standards in *Sec. 830.A.6. Specific ADU Requirements*, such as lot coverage, might further limit the size of the ADU, but no application of front yard, lot coverage, or open-space requirements may require the ADU to be less than 800 square feet.

c. Coverage

The maximum coverage of the lot by all structures must not exceed the percentage established by the underlying zoning district.

d. Yards

1. Front Yard

The minimum front yard for an ADU must be established by the underlying zoning district, subject to *Sec. 830.A.6.b.3. Relationship to Other Development Standards)*, above.

2. Side Yard

The minimum side yard for an ADU must be established by the underlying zoning district or 4 feet, whichever is less.

3. Rear Yard

The minimum rear yard for an ADU must be established by the underlying zoning district or 4 feet, whichever is less.

4. No yard must be required for:

i. An existing living area.

ii. An existing accessory structure.

iii. A structure constructed in the same location and to the same dimensions as an existing structure that is converted to an ADU or to a portion of an ADU.

e. Landscaping

The minimum landscaping required must be established by the underlying zoning district.

f. Parking

1. No parking is required for any ADU.

2. If provided, parking spaces must be located on an approved surface only.

3. If provided, parking spaces must have a minimum dimension of 9 feet by 18 feet.

4. Tandem Parking

i. If provided, tandem parking spaces must have a minimum dimension of 9 feet by 33 feet.

ii. If provided, parking may be provided in yard areas or as Tandem Parking as defined in *Sec. 830.A.3. Definitions*.

5. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or, converted to an accessory dwelling unit, those off-street parking spaces are not required to be replaced.

g. Architecture

The materials and colors of the exterior, including but not limited to walls, roof, window trim, doors, foundation, exposed rafters, knee braces, and decorative tile, must match the appearance and architectural design of those of the primary dwelling.

h. Manufactured or Prefabricated Structures

Nothing in this section prohibits the installation of manufactured or prefabricated structures that comply with *Sec. 830.A.6.g. Architecture*, above.

i. Exterior access

All ADUs must provide independent access to the exterior of the unit.

j. Passageways

No Passageway is required in conjunction with the construction of an ADU.

k. Certificate of Occupancy

1. In no case will an ADU be issued a certificate of occupancy prior to the issuance of a certificate of occupancy for the Primary Dwelling Unit.
2. A certificate of occupancy may be issued concurrently for both the Primary Dwelling Unit and the ADU.

7. Fees

a. Impact Fees

1. No impact fee is required for an ADU that is less than or equal to 749 square feet in area.
2. Any impact fee that is required for an ADU that is 750 square feet or larger in area must be charged proportionately in relation to the square footage of the primary dwelling unit. (E.g., the floor area of the primary dwelling, divided by the floor area of the ADU, times the typical fee amount charged for a new dwelling.) "Impact fee" here does not include any connection fee or capacity charge for water or sewer service.

b. Utility Fees and Connections

1. If an ADU is constructed with a new single-family home, a separate utility connection directly between the ADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required.
2. With exception to *Sec. 830.A.7.b.1. Utility Fees and Connections*, above, converted ADUs on a single-family lot that are created under *Sec. 830.A.4.a.1. Interior ADU on a Single-Unit Lot* are not required to have a new or separate utility connection directly between the ADU and the utility. Nor is a connection fee or capacity charge required.
3. With exception to *Sec. 830.A.7.b.1. Utility Fees and Connections*, all ADUs that are not covered by *Sec. 830.A.7.b.2. Utility Fees and Connections* require a new, separate utility connection directly between the ADU and the utility.

i. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU based on either the floor area or the number of drainage-fixture units values, as defined by the Uniform Plumbing Code, upon the water or sewer system.

ii. The portion of the fee or charge that is charged by the City may not exceed the reasonable cost of providing this service.

8. Nonconforming Code Conditions, Violations, and Permitted Structures

a. General

The City will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.

b. Unpermitted ADUs constructed before 2018

1. Permit to Legalize

As required by state law, the City may not deny a permit to legalize an existing but unpermitted ADU that was constructed before January 1, 2018, if denial is based on either of the following grounds:

i. The ADU violates applicable building standards; or

ii. The ADU does not comply with the California Government Code *(Sec. 65852.2.)* or *Sec. 830.A. Accessory Dwelling Units*.

2. Exceptions

i. Notwithstanding *Sec. 830.A.8.b.1. Permit to Legalize*, above, the City may deny a permit to legalize an existing but unpermitted ADU that was constructed before January 1, 2018, if the City makes a finding that correcting a violation is necessary to protect the health and safety of the public or of occupants of the structure.

ii. *Sec. 830.A.8.b.1. Permit to Legalize*, above, does not apply to a building that is deemed to be substandard in accordance with the California Health and Safety Code *(Sec. 17920.3.)*.

9. Discretionary Review

The following provisions only apply to ADUs that do not qualify for ministerial approval under *Sec. 830.A.1. Purpose and Intent* through *Sec. 830.A.8. Nonconforming Code Conditions, Violations, and Permitted Structures*, above:

a. Major Certificate of Appropriateness

A Major Certificate of Appropriateness must be required for an ADU that is located on real property that is listed in the California Register of Historical Resources or real property designated as a local historic landmark or within a designated historic district in the following instances in *Sec. 830.A.9.a.1. Type 1 – Building Permit Only* through *Sec. 830.A.9.a.2. Type 2 - Building Permit Only*, below. Review under the Major Certificate of Appropriateness must be limited to architecture only.

1. **Type 1 - Building Permit Only**

   i. The construction of a new Interior ADU on single-unit lot whose architectural design would have adverse impacts on any real property that is listed in the California Register of Historical

   ii. Resources or real property designated as a local historic landmark or within a designated historic district.

   iii. The construction of any new Limited Detached ADU on single-unit lot.

   iv. The construction of any new Interior ADU on multi-unit lot whose architectural design would have adverse impacts on any real property that is listed in the California Register of Historical Resources.

   v. The construction of any new Limited Detached ADU on Multi-unit Lot.

2. **Type 2 - Building Permit Only**

   i. The construction of any new Interior ADU with an expansion of any size.

   ii. The construction of any new Attached ADU.

   iii. The construction of any new Detached ADU.

830.B. **SB 330 Overlay District**

1. Purpose and Intent

a. On October 9, 2019, Senate Bill 330 (SB 330) also known as the Housing Crisis Act of 2019, was signed into law and later amended under SB 8 on September 16, 2021. Among the provisions adopted under SB 330, as amended, the California Government Code *(Sec. 65589.5(j)(4))* allows Housing Development Projects to be developed on properties that are consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan, while prohibiting the City from requiring a change of zone in these circumstances.

b. The purpose of this section is to establish a mechanism to regulate the development of Housing Development Projects in areas where the adopted, objective *General Plan* development standards have not yet been implemented through either a change of zone, adoption of a specific plan, or specific plan amendment.

2. Applicability

Any new construction proposed to establish a Housing Development Project on any property located in the SB 330 Overlay District is subject to the provisions of this Section and is required to obtain approval of a Development Plan according to the procedures established under *Sec. 1160.F. Development Plan*.

3. Uses

a. The SB 330 Overlay District supersedes all use permissions of the underlying zone for single family dwellings and multiple family dwellings uses only. All other use permissions and prohibitions must defer to the underlying zone district.

b. Single family dwellings are considered a permitted primary use.

c. Multiple family dwellings are considered a permitted primary use.

4. Development Standards

Property in the SB 330 Overlay District is subject to the following development standards, to the extent those development standards are applicable:

a. ~~Persuant~~pursuant to the California Government Code *(Sec. 65589.5(j)(4))*, a housing development project must comply with the objective standards and criteria of the Zoning and Development Code which is consistent with the General Plan. However, the standards and criteria must be applied to facilitate and accommodate development at the density allowed on the site by the General Plan and proposed by the proposed housing development project.

b. The SB 330 Overlay District's development standards supersede all existing development standards established by the underlying zoning district for residential uses that meet the definition of a Housing Development Project. In instances where there are no existing development standards for residential uses, the SB 330 Overlay District development standards apply.

c. Maximum number of floors and density standards established in the base Transect Zone designation established in the *General Plan*, supersede the maximum number of floors and density standards established in the underlying districts.

830.C. AB 2097 Overlay District

1. Purpose and Intent

a. On September 22, 2022, Assembly Bill 2097 (AB 2097) was signed into law. The provisions adopted under AB 2097 amended the California Government Code *(Sec. 65585. and 65863.2.)* to prohibit the City from imposing any minimum automobile parking requirement on any residential, commercial, or other development project located within one-half mile of public transit.

b. The purpose of this section is to establish a mechanism to regulate parking minimum reduction in areas where AB 2097 is applicable.

2. Applicability

Any project activity required to provide on-site parking pursuant to Sec. 610.C.3.a. *Required Parking* on any property located within one-half mile of public transit as defined in the California Public Resources Code *(Sec. 21155.)*.

3. Procedures

Sec. 1110. Application Filing and Processing.

PART 9.

STREETS

Subpart 9A. Streets Introduction **9-3**
Sec. 900. General Provisions 9-4
Subpart 9B. Street Types **9-5**
Sec. 900. Street Type 9-6
Subpart 9C. Street Rules **9-7**
Sec. 910. Street Types 9-8

SUBPART 9A.

STREETS INTRODUCTION

Sec. 900. General Provisions 9-4
900.A. Streets Intent 9-4
900.B. Streets Applicability 9-4
900.C. Project Activities 9-4
900.D. Nonconformity. 9-4

Sec. 900. General Provisions

900.A. Streets Intent

[Reserved]

900.B. Streets Applicability

[Reserved]

900.C. Project Activities

[Reserved]

900.D. Nonconformity

[Reserved]

SUBPART 9B.

STREET TYPES

Sec. 900. Street Type 9-6

Sec. 900. **Street Type**

[Reserved]

SUBPART 9C.

STREET RULES

Sec. 910. Street Types **9-8**

Sec. 910. **Street Types**

[Reserved]

PART 10.

DIVISION OF LAND

Sec. 1000. General Provisions 10-2
1000.A. Intent. 10-2
1000.B. Applicability 10-2
Sec. 1010. Subdivision Design Standards 10-4
1010.A. Conformance with the General Plan 10-4
1010.B. Streets, Alleys, Blocks, and Pedestrian Walks 10-4
1010.C. Lots. 10-7
1010.D. Easements 10-7
1010.E. Grading and Erosion/Sediment Control Plans 10-8
1010.F. Utilities 10-8
Sec. 1020. Subdivision Map Standards..... 10-10
1020.A. Tentative Map 10-10
1020.B. Map Review 10-12
1020.C. Map Filing 10-14
1020.D. Subdivision Improvements. 10-14
1020.E. Reversion to Acreage 10-15
1020.F. Lot Mergers and Re-Subdivision 10-16
1020.G. Modification of Recorded Final Map 10-16

Sec. 1000. **General Provisions**

1000.A. **Intent**

1. *Part 10. Division of Land* regulates the division of land within the City of Pomona pursuant to the *Subdivision Map Act* to provide for:
    a. The design, subdivision improvement and survey data of subdivisions;
    b. The form and content of parcel and tract maps; and
    c. The dedication of land, the payment of fees in lieu of dedication of land, or a combination of both, for the acquisition and development of park and recreation sites, streets, and other public rights-of-way and facilities to serve a subdivision.
2. *Part 10. Division of Land* supplements the *Subdivision Map Act* to ensure:
    a. That subdivided lots are appropriately sized and compatible with other lots in the immediate neighborhood;
    b. Compliance with the design standards for streets and alleys in *Part 9. Streets* where street or alley dedication or subdivision improvements are required;
    c. Proper opening or extension of streets necessary for emergency vehicle access, multi-modal circulation, and future development of adjacent properties; and
    d. That subdivided lots in hillside areas are safely graded.

1000.B. **Applicability**

Applies to all subdivision of land, condominiums, community apartments, and stock cooperatives.

1. **Parcel Map (Minor Subdivision)**

a. A parcel map is required for all subdivisions creating 4 or less parcels except if a parcel map waiver request is approved by the Planning Commission upon an affirmative finding that the proposed division of land meets all City requirements related to:
    1. Area;
    2. Improvements and design;
    3. Flood water drainage control;
    4. Appropriate improved public roads;
    5. Sanitary disposal facilities;
    6. Water supply availability;
    7. Environmental protection; and
    8. All other requirements of the *Subdivision Map Act* and any applicable City Code provisions.

b. An applicant may apply for a parcel map waiver request at the discretion of the Director of Development Services.

c. Land must not be separated in ownership or otherwise divided into 2, 3, or 4 parcels or condominiums, and must not be separately maintained unless the division conforms to what is shown on a parcel map approved by the City Council and recorded by the Los Angeles County Registrar-Recorder/County Clerk.

2. Tract Map (Major Subdivision)

A tract map is required for all subdivisions creating 5 or more parcels, 5 or more condominiums as defined in the *California Civil Code (Sec. 783)*, or a community apartment project containing 5 or more parcels, except where:

a. The land before division contains less than 5 acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the City Council;

b. Each parcel created by the division has a gross area of 20 acres or more and has an approved access to a maintained public street or highway;

c. The land consists of a parcel or parcels having approved accesses to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the Planning Commission as to street alignments and widths;

d. Each parcel created by the division has a gross area of at least 40 acres or is not less than a quarter of a quarter section; or

e. Each parcel created by the division will be part of an environmental subdivision.

Sec. 1010. **Subdivision Design Standards**

1010.A. **Conformance with the General Plan**

1. Each parcel map or tract map must be designed in compliance with the zoning applicable to the property or approved by Planning Commission and City Council for change.

2. Each parcel map or tract map must also conform to all other elements of the General Plan, including park and recreation sites to serve the future inhabitants of each new subdivision.

3. A report as to General Plan conformity, pursuant to the *Subdivision Map Act (Sec. 65402)* may be required as part of an action taken by the Planning Commission for a subdivision. This report is not required for a proposed subdivision involving:

   a. The disposition of the remainder of a larger parcel which was acquired and used in part for street purposes;

   b. Acquisitions, dispositions or abandonments for street widening; or

   c. Alignment projects, provided the Planning Commission expressly finds that any such disposition for street purposes, acquisitions, dispositions or abandonments for street widening, or alignment projects is of a minor nature.

4. If applicable, only the area being designated for residential use and land being dedicated for public uses need to be considered for density calculations. Exceptions include land set aside for streets or park and recreation purposes in accordance with *Part 9. Streets*.

1010.B. **Streets, Alleys, Blocks, and Pedestrian Walks**

1. **Public Rights-of-Way and Roadway Widths**

All streets and alleys must be designed to conform with the standards and exceptions defined in *Part 9. Streets*.

2. **Street Grades**

a. All street grades must:

   1. Be as flat as consistent with adequate surface drainage requirements and conform to the standards defined in the *Public Works Department's Standard Drawings*.

   2. Have a grade no steeper than 5 percent unless, because of topographical or other exceptional conditions, the City Engineer determines that a steeper grade is necessary.

b. Variations from these requirements may be granted by the Planning Commission upon recommendation by the Administrator.

3. **Streets Dedications**

a. Where subdivision street and alley locations have been approved and reserved for future public use, they must be indicated on the final tract map or parcel map and offered for future

dedication. Certificates providing that the City may accept the offer to dedicate the easement at any time must be shown on the final tract map or parcel map.

b. Except to give drainage outlet, or where the City Engineer deems strict enforcement to be impracticable, part-width streets must not be accepted by the City Council for dedication.

c. Any land intended to be a part of a full-width street, adjacent to the boundary of any lot or subdivision, must include at least half of the full width required for the full-width street.

d. A boundary line street may be accepted by the City Council for dedication, provided that the side line of the street, adjacent to any other property, is separated from the other property by a reserved strip that is at least one foot wide.

4. Streets Extensions

Where the tentative map of a proposed subdivision shows any street or boundary line extending from an existing street, that street or boundary line must be imposed to the same width and specifications as the existing street being extended.

5. Street Intersections

a. Street intersections must be as near to a right angle as possible, avoid more than four approaches, and conform to the standards defined in *Part 9. Streets* and the *Public Works Department's Standard Drawings*.

b. Where two streets intersect, a street nameplate sign adequately mounted with the street name must be added on the diagonally opposite sides of the intersection so that there will be a minimum of two street nameplate signs. At a "T" intersection, there must be one street nameplate sign. Signs and their installation must be in accordance with the *Public Works Department's Standard Drawings*.

6. Cul-de-Sac Streets

a. Cul-de-sac streets and dead-end streets are not permitted, except where conditionally approved by the Planning Commission where physical constraints prohibit the continuation of the street.

b. Where cul-de-sac streets are conditionally approved, they must terminate with a turning area in conformance with the Public Works Department's Standard Drawings and LA County Fire Department standards, and include passageways for bicycles and pedestrians to access the surrounding area. Where feasible, existing cul-de-sacs should be modified to connect to new streets.

7. Reserved Strips

Reserved strips are not allowed, except when conditionally approved by the Planning Commission for the protection of the public health and safety, and when the control and disposal of the land comprising such strips are placed entirely within the City's jurisdiction under conditions approved by the Planning Commission.

8. Street Paving and Improvements

a. All streets must be graded and paved to the lines and grades approved by the City Engineer and in accordance with the standards and specifications approved by the City Engineer.

b. All streets within or immediately adjacent to the subdivision must be improved with curbs and gutters, in accordance with the specifications approved by the City Engineer, except where conditionally approved by the Planning Commission upon the recommendation of the City Engineer.

c. All streets within or immediately adjacent to the subdivision must be improved with sidewalks, except where conditionally approved by the Planning Commission for streets located in hillside areas where sidewalks may be omitted or only provided on one side of the street.

9. Alleys

a. All new or improved alley must be at least 20 feet wide, unless specified otherwise in *Part 9. Streets*.

b. All existing alleys adjoining and serving the subdivision must be improved over the entire length within the block limits.

c. All dead-end alleys must be constructed or modified to include adequate turning areas.

d. All "T" alley intersections must be rounded or cut off.

e. Alleys are required at the rear or side of all new lots within Residential Use Modules, except where conditionally approved by the Planning Commission where physical constraints prohibit them. Alleys may also be required at the rear or side of new lots in Commercial or Industrial Use Modules.

f. Residential waste collectors are not be required to collect from an unpaved alley at the rear of a property or from:

1. An existing alley narrower than 15 feet wide;

2. An existing alley the surface of which could endanger the safety of the truck personnel.

10. Blocks

a. New blocks must be designed in accordance with the standards listed within *Part 9. Streets.*

b. Where a parcel is first subdivided into acre tracts, blocks must be sized and shaped to provide for:

1. The extension and opening of major and secondary highways; and

2. The extension and opening of main streets and alleys at intervals that permit a subsequent division of any parcel into lots that meet the requirements of the applied *Subpart 3B. Form Modules*.

c. All block corners must be rounded or cut off.

d. Blocks must not exceed 550 feet long between street lines, except where topographical conditions or previous surrounding layout require longer blocks, or acre subdivisions justify or require a variation from this requirement.

e. The width of each block must be sufficient for an ultimate layout of two lot tiers, unless the surrounding layout, lines of ownership or topographical conditions justify or make necessary a variation from this requirement.

11. Pedestrian Walks

a. Inner-block pedestrian walks must be included as defined in *Sec. 610.B. Pedestrian Access*.

b. Pedestrian walk dedications must be at least 12 feet wide, except where conditionally approved by the Planning Commission where physical constraints prohibit them. No pedestrian walk dedication may be narrower than 6 feet wide.

1010.C. Lots

1. Every new lot must meet the definition of *Sec. 1200.G. Lot*.
2. Every new lot's minimum width and area must comply with the requirements specified in the applied *Subpart 3B. Form Modules*.
3. All lots must front a public or private street or publicly accessible pedestrian walk.
4. The Planning Commission may conditionally approve lot averaging if the subdivider demonstrates that such averaging is consistent with proper subdivision design, and will produce one or more of the following benefits:

   a. Require less grading than a conventional subdivision design not using lot averaging;

   b. Result in improved lot design; or

   c. Produce better environmental benefits.

   5. In a tract where one or more lots have less than the average requirement for the applicable Form Module, no lot may be rearranged or divided unless the average requirement for the original final tract map or parcel map is maintained.

   6. No lot must be cut by the boundary of an incorporated city, Torrens Title boundary or mortgage or deed of trust description boundary line.

   7. Side lot lines must be approximately at right angles to the streets, or radial to the street on curved streets, except where physical constraints prohibit this.

1010.D. Easements

1. Design

a. Easements for public utilities, water system, sewers, street lights, storm drains or flood control channels, and slope rights, must be provided where deemed necessary by the Planning Commission upon recommendation by the City Engineer.

b. At their discretion for the safety of adjoining property, the City Engineer may demand that an existing easement for drainage or flood control must be improved in a manner approved by the City Engineer.

2. Mapping and Labeling

a. If future easements are necessary, a certificate must be placed on the final tract map or parcel map indicating that the City will accept such easements at any time.

b. If any recorded easement cannot be definitely located, a statement of the existence, its nature and recorded references must appear on the title sheet.

c. Distances and bearings on the side lines of lots which are cut by an easement must be mapped clearly to indicate actual lot line lengths, easement widths, and sufficient ties to locate them within the subdivision.

d. All easements must be clearly labeled and identified. If an easement shown on the map is already of record, its recorded references must be given. If an easement is being dedicated by the map, it must be set out in the owner's certificate of dedication.

1010.E. **Grading and Erosion/Sediment Control Plans**

The Planning Commission may require a proposed grading plan with the tentative parcel map or tentative tract map of any subdivision. If recommended by the City Engineer based on their concern of where cuts and fills will occur during a property's grading, the Planning Commission may require the subdivider to submit grading and erosion/sediment control plans for all or part of the tract before action on the tentative parcel map or tentative tract map will be taken.

1010.F. **Utilities**

1. General

a. Service mains for gas, sanitary sewer, and water must be laid and all service connections stubbed into each lot.

b. Utility lines, including but not limited to those required for electricity, communication, street lighting, and cable services necessary for the general use of the lot owners in the subdivision, must be installed or guaranteed to be installed in the same manner as other required subdivision improvements.

c. Utility lines, including but not limited to electric communications, street lighting and cable television, must be required to be placed underground. The subdivider is responsible for complying with the requirements of this section, and must make the necessary arrangements with the utility companies for the installation of such facilities.

d. Appurtenance and associated equipment such as, but not limited to, surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts in an underground system may be placed aboveground. The City Council, after review and recommendation by the Planning Commission, may conditionally waive the requirements of this section if topographical, soil or any other conditions make such underground installations unreasonable or impractical. This section does not apply to utility lines which do not provide service to the area being subdivided.

2. Storm Drains

a. Storm drains must be designed based on the Public Works Department's *Standard Drawings* and any other standards approved by the City Engineer.

b. Storm drain facilities to intercept and convey all runoff to a suitable point of disposal are required when runoff from the entire area tributary to, and including, the subdivision exceeds the limiting depth of street flow as determined by the City Engineer.

3. Sewers

Sanitary sewer facilities and connections to each lot must be laid in all cases. The determination of method must be made by the City Engineer based upon the City's Master Sewer Plan and the economic practicability of extending sanitary sewer lines to certain areas to be served by the sanitary sewer system.

4. Fire Hydrants

Gate valves, extensions and risers extending 30 inches above the finished grade of the gutter must be installed for fire hydrants. The size and location must be approved by the Chief of the Fire Department.

5. Lighting

a. Poles, posts, wires, pipes, conduits, tunnels, lamps and other necessary appliances for the purposes of lighting streets, places or public ways, property or rights-of-way owned by the City must be required in all subdivisions.

b. Lighting specifications must be in accordance with the Public Works Department's *Standard Drawings*, and any other standards prepared by the City Engineer and approved by the City Council.

c. Lighting maintenance must be in accordance with the City of Pomona Citywide Street Lighting and Landscaping Maintenance District, pursuant to the California Streets and Highway Code *(Div. 15., Part 2.)*

Sec. 1020. **Subdivision Map Standards**

1020.A. **Tentative Map**

1. **Requirements**

a. Tentative maps filed with the Planning Division of the Development Services Department must be prepared by or under the direction of a licensed surveyor and registered civil engineer. Maps must clearly show all information required by this *Part 10. Division of Land* and must contain all the following:

1. The tract number.
2. Sufficient legal description of the property to define its boundaries.
3. Names, addresses, and other contact information of the record owner, subdivider, and person preparing the map.
4. The widths and approximate locations of all existing and proposed public easements or rights of way, or private streets or private road easements, within and adjacent to the property involved.
5. Locations, widths, and approximate grades of existing and proposed highways, streets, alleys or ways, whether public or private within and adjacent to the property involved.
6. Existing street names, and names or designations for all proposed streets and highways.
7. Approximate radii of all centerline curves for streets, highways, alleys or ways.
8. Lot layout, approximate dimensions of each lot, and number of each lot.
9. The locations of potentially dangerous areas, including:
   i. Geologically hazardous areas and areas subject to inundation or flood hazard;
   ii. The location, width and direction of flow of all watercourses, flood control channels, and mud or debris paths where ravines or swales will exist within and adjacent to the property involved;
   iii. Building setbacks from such hazards, the proposed method of providing flood, erosion, and mud or debris control; and
   iv. Areas where access and emergency paths will be located in the event flood design capacity is exceeded.
10. The existing contour of the land at intervals of not more than 5 feet, and of not more than two foot intervals if the slope of the land is less than 10%.
11. The approximate location of all buildings or structures on the property involved which will be retained, notations concerning all buildings which will be removed, and approximate locations of all existing wells.
12. The proposed method of providing sewage disposal and drainage for the property.

13. A statement regarding existing and proposed zoning.

b. The general form and layout of the map, including size and type of lettering, drafting, and location of acknowledgments, is determined by the City Engineer.

c. If more than 3 sheets are necessary to show the entire subdivision, an index map must be included on one of the sheets. The boundary line of a subdivision must be indicated by distinctive symbols and clearly designated.

d. Where a parcel to be subdivided is separated or divided into two or more parts by any land other than streets, alleys, railroads or flood-control rights-of-way, each separate parcel or portion of a parcel must be subdivided as a separate parcel and shown on a separate map.

2. Boundary Evidence

Stakes, monuments or other evidence determining the boundaries of the subdivision as are found on the ground must be clearly and fully shown on the map.

a. Deferment

When any or all of the monuments required to be set are subsequent to the recordation of the final tract map, the map must show and describe such monuments.

b. Surveys

1. Requirements

The procedure and practice of all survey work, done on any subdivision, must conform to the accepted standards of engineering and surveying professions.

2. Identification Marks

All monuments set as required by this *Part 10. Division of Land* must be permanently and visibly marked or tagged with the registration or license number of the civil engineer or surveyor under whose supervision the survey was made.

c. Lot Numbers

The lots must be numbered consecutively, except as otherwise provided in this *Part 10. Division of Land*, with no omissions or duplications.

d. Curve Data

1. The length, radius, and total central angle and bearings must be shown on the final tract map.

2. City boundary lines crossing or abutting the subdivision must be clearly designated and tied in.

e. Easement

1. The final tract map must show all the necessary data including width and side lines of all public easements.

2. Easements being dedicated must be so indicated in the Certificate of Dedication.

1020.B. Map Review

1. Incomplete Map

If the Administrator deems that a tentative map has been improperly prepared or that required pertinent information has not been submitted, the applicant must be promptly notified in writing by mail of the defect and of further information or correction required. The time limits specified must not begin until the omitted or inaccurate information is furnished in a proper manner.

2. Approval

When the Planning Commission determines that a tentative map complies with all the provisions of *Sec. 1010. Subdivision Design Standards*, and no dedication or subdivision improvement is required, the Planning Commission will approve the tentative map.

3. Conditional Approval

The Planning Commission may conditionally approve a tentative map if the Planning Commission or City Engineer determines that additional site elements are necessary including:

a. Street or alley dedications;

b. Subdivision improvements;

c. Storm drain easements;

d. Sanitary sewer easements; and

e. Slope easements.

4. Disapproval of Maps

The Planning Commission will disapprove a tentative map when the Department of Public Works or the City Engineer has submitted a report to the Planning Commission recommending disapproval of the tentative map because of any existing or potential geologic hazards lacking satisfactory engineering solutions.

5. Lot Size Increasing

a. Where the Planning Commission finds it necessary in order to promote the general welfare, or to provide for a more consistent development for the area, it may require that lots or parcels described in a tentative map and located in a Residential Use Module be increased in size from that proposed so as to more closely conform to the size of existing contiguous lots or nearby parcels on the same street.

b. Where the Planning Commission finds that a future public easement will be needed on a portion of the lots or parcels for street or other public uses, it may require that the lots or parcels be increased in size from the proposed to provide space for such easement. Additionally, the Planning Commission may impose conditions prohibiting or restricting the erection for buildings or structures on that portion needed for the easement.

6. Maps with Private Road Easements

The Planning Commission may approve, conditionally approve, or disapprove a tentative map subject to the applicable provisions of this *Part 10. Division of Land* or *Part 9. Streets*.

7. Lots in Fire Hazard Severity Zones

The Planning Commission may disapprove a tentative map for land located in High and Very High Fire Hazard Severity Zones because of inadequate fire protection facilities and for the protection of the public health and safety.

8. Maps Involving Private Road Easements

If the Planning Commission determines that certain streets or alleys in a proposed subdivision must be dedicated for future public use, the dedications must be indicated on the tentative map and offered for dedication as future streets or future alleys prior to recording the final map.

9. Modification of Approved Tentative Parcel Maps

a. The Planning Commission may grant slight modifications to a tentative parcel map upon its own initiative or upon a request from a subdivider in accordance with *Sec. 1180.F. Map Correction and Amendment.*

b. Each tentative parcel map must be identified with a number assigned by the Los Angeles County Department of Public Works and the date of filing. The number must be shown on the recorded parcel map.

1020.C. **Map Filing**

1. Requirements

a. A final parcel or tract map must be prepared and filed with the City Engineer in compliance with the provisions of this *Part 10. Division of Land*. The map must conform to the approved tentative parcel map, or the approved tentative tract map. The final map will be accepted by the Planning Commission provided that:

   1. The necessary subdivision improvements and grading or retaining structure construction, as set forth in the approval of the tentative map, have been installed and approved by the City.

   2. Any special assessment or bond required to be paid or guaranteed in accordance with the *Subdivision Map Act (Sec. 66439.(c))* has been paid in full, or such payment has been guaranteed.

b. Where there are no dedications being made by the map, a certificate signed and acknowledged by all parties, of the real property being subdivided, consenting to the preparation and recordation of the map, is required.

1020.D. **Subdivision Improvements**

1. Requirements

a. Subdivision improvements must be installed by the subdivider when required as a conditional approval of the final tract map or parcel map. Subdivision improvements include:

   1. Monuments;

   2. Public and private streets and highways;

   3. Street name signs, guardrails, street lights, street trees, traffic warning devices other than traffic signals;

   4. Barricades, safety devices, fire hydrants;

   5. Grading, retaining walls, water, stormwater and sewer infrastructure, erosion control structures; and

   6. Other applicable provisions of this Code; or

   7. Other applicable improvements identified by this Code or deemed necessary by the Planning Commission.

b. All streets and alleys and other public ways and easements within and immediately adjoining the subdivision, together with any drainage and sanitary sewer easements, must be graded and improved to a width and grade in accordance with plans approved by the City Engineer. Other subdivision improvements as authorized by the *Subdivision Map Act* may be required.

c. In addition to permanent subdivision improvements, temporary subdivision improvements may be required to be made prior to or concurrent with permanent subdivision improvements.

2. Improvement Plans

a. The plans, profiles and specifications of all improvements required by the provisions of this Section and other improvements, must be filed by the subdivider in the City Engineer's office at least 10 days prior to submitting the final subdivision map.

b. Plans and profiles must show full and complete details of the proposed improvements, which must be according to the Public Works Department's *Standard Drawings* and any other City standards.

c. Plans, profiles, and specifications must be approved by the City Engineer before the final map is filed with the City Council.

d. All improvements must be installed to the approval of the City Engineer.

3. Guarantees

a. No final tract map or parcel map may be presented to City Council for approval until the subdivider has completed the subdivision improvements, or has guaranteed that all subdivision improvements will be constructed and installed within a specified time. To the satisfaction of the City Engineer, any public improvements must include the following:

1. A faithful performance surety bond;
2. Labor and material bond;
3. Warranty bond; and
4. Bond release.

b. California non-profit corporations are exempt from these requirements to the extent provided in the *Subdivision Map Act*.

4. Time Extension

If subdivision improvements cannot be completed by the date specified in the improvement agreement, a written application may be made to the City Engineer for an extension of the completion date. One extension of time may be granted to a time when the City Engineer determines the improvement work should reasonably be completed.

1020.E. Reversion to Acreage

1. Proceedings for reversion to acreage of subdivided real property may be initiated by the City Council on its own motion or by petition of all of the owners of record of the real property within the subdivision.

2. After approval of the reversion by the City Council, the final tract map or parcel map must be delivered to the Los Angeles County Registrar-Recorder/County Clerk. The filing of the final tract map or parcel map constitutes legal reversion to acreage of the land affected and also constitutes abandonment of all streets and easements not shown on the map.

1020.F. **Lot Mergers and Re-Subdivision**

1. Subject to approval by the City Council, subdivided land may be merged and re-subdivided without reverting to acreage by complying with all the applicable requirements for the subdivision of land as provided in this *Part 10. Division of Land*.

2. After approval of the merger and re-subdivision by the City Council, the map must be delivered to the Los Angeles County Registrar-Recorder/County Clerk. The filing of the map constitutes legal merger and re-subdivision of the land affected and also constitutes abandonment of all streets and easements not shown on the map.

1020.G. **Modification of Recorded Final Map**

No condition may be modified if it was imposed as a mitigating measure identified in a mitigated or conditional negative declaration or in an Environmental Impact Report.

PART 11.

ADMINISTRATION

Sec. 1100. Authority 11-4
1100.A. Summary of Review Authority 11-4
1100.B. City Council 11-6
1100.C. Planning Commission 11-6
1100.D. Historic Preservation Commission 11-6
1100.E. Director of Development Services 11-7
1100.F. Zoning Administrator 11-7
Sec. 1110. Application Filing and Processing 11-9
1110.A. Purpose 11-9
1110.B. Applicability 11-9
1110.C. Applications and Fees 11-9
1110.D. Application Processing Procedures 11-11
1110.E. Environmental Review 11-18
1110.F. Time Limits and Extensions 11-19
1110.G. Applicant Failure to Complete Application Processing 11-21
1110.H. Limitations on Application Refiling 11-22
1110.I. Indemnification 11-23
Sec. 1120. Public Hearings 11-24
1120.A. Purpose 11-24
1120.B. Applicability 11-24
1120.C. Public Hearing Notices 11-24
1120.D. Request for Notification 11-26
1120.E. Failure to Receive a Public Notice 11-26
Sec. 1130. Appeals 11-27
1130.A. Purpose 11-27
1130.B. Applicability 11-27
1130.C. Appeals 11-27
Sec. 1140. Performance Guarantees 11-29
1140.A. Purpose 11-29
1140.B. Applicability 11-29
1140.C. Surety Form and Amount 11-29
1140.D. Surety for Maintenance 11-29
1140.E. Duration of Surety 11-29
1140.F. Release or Forfeiture of Surety 11-30

Sec. 1150. Legislative Review **11-31**
1150.A. Purpose 11-31
1150.B. Applicability 11-31
1150.C. Development Agreements 11-31
1150.D. Zoning and Development Code Amendment 11-33
1150.E. General Plan Amendment 11-34
1150.F. Zone Change 11-37
1150.G. Specific Plan Amendment 11-38
Sec. 1160. Discretionary Review **11-39**
1160.A. Purpose 11-39
1160.B. Applicability 11-39
1160.C. Billboard Relocation 11-39
1160.D. Conditional Use Permit 11-40
1160.E. Variance 11-46
1160.F. Development Plan 11-47
1160.G. Wireless Telecommunications Facility Permit 11-50
Sec. 1170. Administrative Review **11-58**
1170.A. Purpose 11-58
1170.B. Applicability 11-58
1170.C. Ministerial Permit 11-58
1170.D. Temporary Use Permit 11-60
1170.E. Alternative Compliance 11-61
1170.F. Director Determination 11-62
Sec. 1180. Subdivision Review **11-63**
1180.A. Purpose 11-63
1180.B. Applicability 11-63
1180.C. Certificate of Compliance 11-63
1180.D. Tentative Map 11-63
1180.E. Final Map and Parcel Map 11-64
1180.F. Map Correction and Amendment 11-65
1180.G. Parcel Map Waiver 11-65

Sec. 1190. Historic Preservation Review **11-66**
1190.A. Additional Requirements 11-66
1190.B. Designation of Local Historic Landmarks, Districts and Points of Historical Interest . . 11-66
1190.C. Determination of Historic Eligibility 11-69
1190.D. Certificates of Appropriateness 11-69
1190.E. Certificate of Economic Hardship 11-71
1190.F. Certificate of Deconstruction 11-73
1190.G. Mills Act Contract 11-74
Sec. 11100. Nonconformities **11-76**
11100.A. Purpose 11-76
11100.B. Intent 11-76
11100.C. Applicability 11-76
11100.D. Nonconforming Uses 11-77
11100.E. Nonconforming Structures and Improvements 11-79
11100.F. Calculation of Time 11-80
11100.G. Compliance with Other Laws. 11-80
11100.H. Relief 11-80
11100.I. Form Exceptions 11-81
11100.J. Frontage Exceptions 11-82
11100.K. Use Exceptions 11-87
11100.L. Site Exceptions 11-88
11100.M. Street Exceptions 11-88
Sec. 11110. Violations and Enforcement **11-89**

Sec. 1100. **Authority**

1100.A. **Summary of Review Authority**

The California Government Code *(Sec. 65100)* provides that each city and county establish a planning agency with the powers necessary to carry out the planning and zoning functions of the jurisdiction. The purpose of this Part is to identify the bodies, commissions, committees, positions, boards, and departments responsible for carrying out the powers and duties of the planning agency. The following table summarizes the review and approval authority of various review bodies and officials that implement and administer this Zoning and Development Code. Only select administrative review decisions are appealable as outlined below.

	Review and Approval Authority					~~Public Notice~~			
Review and Approval Process	Development Services Director	Zoning Administrator	Historic Preservation Commission	Planning Commission	City Council	~~Mailed~~	~~Published~~	~~Posted~~	Reference
LEGISLATIVE REVIEW									
Development Agreement	R	-	-	R~~-PH~~	D	~~-~~	~~Y~~	~~-~~	*Sec. 1150.C*
Zoning and Development Code Amendment	R	-	-	R~~-PH~~	D~~-PH~~	~~-~~	~~Y~~	~~-~~	*Sec. 1150.D*
General Plan Amendment	R	-	-	R~~-PH~~	D~~-PH~~	~~-~~	~~Y~~	~~-~~	*Sec. 1150.E*
Zone Change	R	-	-	R~~-PH~~	D~~-PH~~	~~-~~	~~Y~~	~~-~~	*Sec. 1150.F*
Specific Plan Amendment	R	-	-	R~~-PH~~	D~~-PH~~	~~Y~~	~~Y~~	~~-~~	*Sec. 1150.G*
DISCRETIONARY REVIEW									
Billboard Relocation	R	-	-	D~~-PH~~	A	~~-~~	~~Y~~	~~-~~	*Sec. 1160.C*
Conditional Use Permit	R	-	-	D~~-PH~~	A	~~-~~	~~Y~~	~~-~~	*Sec. 1160.D*
~~Temporary Use Permit~~	~~R~~	~~-~~	~~-~~	~~D-PH~~	~~A~~	~~-~~	~~Y~~	~~-~~	~~*Sec. 1170.D*~~
Variance	R	-	-	D~~-PH~~	A	~~-~~	~~Y~~	~~-~~	*Sec. 1160.E*
Development Plan	~~D~~	~~-~~	~~-~~	~~A~~	~~-~~	~~-~~	~~-~~	~~-~~	*Sec. 1160.F*
Tier 1	R	D	-	A	-	~~-~~	~~-~~	~~-~~	
Tier 2	R	-	-	D	A	~~-~~	~~-~~	~~-~~	
Wireless Telecommunications Facility Permit	R	-	-	D~~-PH~~	A	~~-~~	~~Y~~	~~-~~	*Sec. 1160.G*

KEY: R = Review/recommend; D = Final decision;~~-PH = Public hearing~~; A = Appeal;~~Y = Required;~~ - = Not applicable

Review and Approval Process	Review and Approval Authority					~~Public Notice~~			Reference
	Development Services Director	Zoning Administrator	Historic Preservation Commission	Planning Commission	City Council	~~Mailed~~	~~Published~~	~~Posted~~	
ADMINISTRATIVE REVIEW									
Ministerial Permit	R-D	~~D~~-	-	~~A~~-	-	-	-	-	*Sec. 1170.C*
Temporary Use Permit	R-D	-	-	~~D-PH~~-	~~A~~-	-	~~Y~~	-	*Sec. 1170.D*
Alternative Compliance	R-D	D	-	A	-	-	-	-	*Sec. 1170.E*
Director Determination	R-D	D	-	A	-	-	-	-	*Sec. 1170.F*
SUBDIVISION REVIEW									
Certificate of Compliance	R	-	-	D~~-PH~~	A	-	~~Y~~	-	*Sec. 1180.C*
Tentative Map	R	-	-	D	A				*Sec. 1180.D*
Final Map and Parcel Map	R	-	-	-	D~~-PH~~	-	~~Y~~	-	*Sec. 1180.E*
Map Correction and Amendment	R	-	-	D~~-PH~~	A	-	~~Y~~	-	*Sec. 1180.F*
Parcel Map Waiver	R	-	-	D~~-PH~~	A	-	~~Y~~	-	*Sec. 1180.G*
HISTORIC PRESERVATION REVIEW									
Designation of Local Historic Landmarks, Districts and Points of Historical Interest	-	-	R~~-PH~~	-	D~~-PH~~	~~Y~~	-	-	*Sec. 1190.B*
Determination of Historic ~~Eligibility~~Significance	R	-	D	-	A	-	-	-	*Sec. 1190.C*
Certificates of Appropriateness									*Sec. 1190.D*
Minor	D	-	A	-	-	~~Y~~	-	-	
Major	R	-	D~~-PH~~	-	A	~~Y~~	-	-	
Certificate of Economic Hardship	R	-	D~~-PH~~	-	A	~~Y~~	-	-	*Sec. 1190.E*
Certificate of Deconstruction	R	-	D	-	A	~~Y~~	-	-	*Sec. 1190.F*
Mills Act Contract	-	-	R	-	D	-	-	-	*Sec. 1190.G*

KEY: R = Review/recommend; D = Final decision;~~ PH = Public hearing~~; A = Appeal;~~ Y = Required;~~ - = Not applicable

1100.B. City Council

1. General

The City Council, as authorized in the *California Government Code* and *Part I* of the City Code, has the following powers and duties under this Code.

2. Review Authority

The City Council must have the authority to hear and decide on those application types established by the table in *Sec. 1100.A. Summary of Review Authority* and must have review and final authority on all appeals of Planning Commission or Historic Preservation Commission actions.

1100.C. Planning Commission

1. General

The Planning Commission, as authorized in the *California Government Code* and *Part I* and *Chapter 2* of the City Code, has the following powers and duties under this Code.

2. Review Authority

The Planning Commission must have the authority to hear, recommend, and decide on those application types identified in *Sec. 1100.A. Summary of Review Authority*. In addition, the Planning Commission must have the authority to act upon an appeal of any order, requirement, permit, decision or determination concerning zoning, land use or development, made by an administrative or appointed official or body, such as the Development Services Director or Zoning Administrator.

1100.D. Historic Preservation Commission

1. General

The Historic Preservation Commission, as authorized in *Chapter 2* of the City Code, has the following powers and duties under this Code.

2. Approval Authority

a. Review and Recommend

The Historic Preservation Commission is responsible for review and recommendation regarding:

1. Designation of local landmarks, local historic districts, and Points of Historical Interest;
2. Approval of Mills Act Contracts;
3. Establishment or modification to boundaries for Historic Districts (-H) as part of the designation of a local Historic District or landmark; and
4. Approval of Grants, loans, or other expenditures of money from the *Historic Preservation Trust Fund (Sec. 800.C.13.)*.

b. Approval

The Historic Preservation Commission is responsible for final action regarding:

1. Determination of Historic Eligibility;
2. Major Certificates of Appropriateness;
3. Certificates of Economic Hardship;
4. Certificates of Deconstruction;
5. Appeals of administrative decisions on Minor Certificates of Appropriateness; and
6. Establishment or modification to historic preservation design standards and guidelines.

1100.E. Director of Development Services

1. General

The Director of Development Services , as authorized in the California Government Code *(Sec. 65100)* has the following powers and duties under this Code.

2. Review Authority

The Director of Development Services must have the power and duty to review and make decisions on those application types identified in *Sec. 1100.A. Summary of Review Authority*.

3. Meetings

The Director of Development Services must adopt rules and procedures governing meeting business, conduct, and actions within the Director of Development Services' jurisdiction and setting timeframes for such meetings.

1100.F. Zoning Administrator

1. General

The Director of Development Services's designee fulfills the duties and responsibilities of the Zoning Administrator. The Zoning Administrator has the following powers and duties under this Code.

2. Membership

The Zoning Administrator position must be filled by the Development Services Director or the Zoning Administrator’s designee, who must fill the position of Deputy Zoning Administrator.

3. Review Authority

The Zoning Administrator must have the power and duty to review and make decisions on those application types identified in *Sec. 1100.A. Summary of Review Authority*.

4. Meetings

The Zoning Administrator must adopt rules and procedures governing meeting business, conduct, and actions within the Zoning Administrator's jurisdiction and setting timeframes for such meetings.

Sec. 1110. **Application Filing and Processing**

1110.A. **Purpose**

To establish procedures and requirements for the preparation, filing and processing of applications for permits, amendments, and approvals stipulated by this Zoning and Development Code.

1110.B. **Applicability**

Sec. 1100.A. Summary of Review Authority, establishes the recommending, approving, and appeal authorities for all permits, amendments, and approvals stipulated by this Zoning and Development Code.

1110.C. **Applications and Fees**

1. **Application Filing**

a. An application for a permit, permit modification, amendment, or any other matters pertaining to this Zoning Code must be filed with the Planning Division of the Development Services Department, on an application form, together with any required fees, plans, maps, reports, special studies, exhibits, and any other information deemed necessary by the City to process the application.

b. Regularly updated requirements for application contents, forms, submission and review schedule, and fees can be found on the City of Pomona's website

c. An application may be initiated by the City, owner(s) or lessee(s) of property, or their agent(s), or person(s) who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this Zoning Code, or their agent(s).

d. A project requiring the filing of more than one land use or entitlement permit application must, to the extent possible, be filed with all related applications for concurrent review. Related applications may be elevated to the highest required Reviewing Authority as determined by the Development Services Director.

2. **Filing Fees**

a. The City Council may adopt fees for city regulations, products or services by resolution pursuant to City Code Div. 5. *(Fixing of Certain Regulatory Fees and Service Charges)*.

b. Application review and action must not commence until such time that all applicable filing fees and/or deposits have been paid in full. An application received without all applicable filing fees and/or deposits must be deemed incomplete for filing and further processing and must be deemed just cause for denial of the application. In the case of time and materials projects, the payment of additional deposits may be required to fully recover all City processing costs.

3. **Refunds and Withdrawals**

a. The refund of filing fees in response to the denial of an application must be prohibited, recognizing that filing fees are utilized to cover City costs related to public hearings, mailings, postings, transcripts, and staff time involved in processing applications.

b. An applicant wishing to withdraw their application may do so by written request to the Zoning Administrator at any time prior to action by the Approving Authority.

c. Upon receipt of a request for application withdrawal, the Zoning Administrator may order the refund of all or part of the filing fees, based upon the prorated costs to date and determination of the status of the application at the time of withdrawal.

4. Submittal Requirement List

a. The City must maintain a list of information required from an applicant for a development project in compliance with the California Government Code *(Sec. 65940.)*. This list must be know as the Submittal Requirement List.

b. Regularly updated content for the Submittal Requirement List can be found on the *City of Pomona's website*.

1110.D. Application Processing Procedures

To provide general procedures for the processing of applications for legislative actions, discretionary permits and actions, and ministerial/administrative permits and decisions filed pursuant to *Sec. 1100.A. Summary of Review Authority*.

1. Legislative Actions

The Advisory and Approving Authorities for legislative actions are established by *Sec. 1100.A. Summary of Review Authority*. Unless otherwise stipulated by *Sec. 1160. Discretionary Review*, the procedure for reviewing and acting upon an application resulting in a legislative action is as follows:

a. Application Submittal

1. All applications for development approval must be submitted in accordance with the requirements of this Code and must be filed with the Planning Division of the Development Services Department.
2. Regularly updated requirements for application contents, forms, submission and review schedule, and fees can be found on the *City of Pomona's website*.
3. Before review of an application, all filing fees must be paid in full.

b. Initial Review for Application Completeness

Legislative actions must be initially reviewed for application completeness and acceptance, as follows:

1. Review for Application Completeness

i. Following receipt of an application filed in compliance with this Chapter, the Planning Division must determine, in writing, whether the application is complete for processing and must transmit the determination to the applicant.

ii. If an application is determined to be incomplete for processing, the Planning Division must specify those parts of the application that are incomplete and must indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant must submit materials to the City in response to the list and description, which must be reviewed pursuant to *Sec. 1110.D.1.b.1., Review for Application Completeness,* above.

iii. If the application, together with the submitted materials, is determined to be incomplete for processing, the applicant may appeal that decision to the City Council or Planning Commission pursuant to the provisions of *Sec. 1130. Appeals*, as set forth in the California Government Code *(Sec. 65943.c.)*.

iv. Failure of an applicant to submit complete or adequate information pursuant to the provisions of *Sec. 1110.D.1.b.1., Review for Application Completeness,* and *Sec. 1110.D.1.b.2., Application Acceptance,* must constitute grounds for denial of the application.

2. **Application Acceptance**

   i. Following acceptance of an application as complete for processing, no new or additional information may be requested of the applicant; however, in the course of processing the application, the Planning Division may request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application. This provision must not be so construed as to require an applicant to submit with the initial application, the entirety of the information that the Planning Division may require in order to take final action on the application as set forth in the California Government Code *(Sec. 65944.a.)*.

   ii. Prior to accepting an application as complete for processing, the Planning Division must inform the applicant of any information included in the list prepared pursuant to *Sec. 1110.D.1.b.2.i.*, above, which will subsequently be required from the applicant in order to complete final action on the application.

   iii. The provisions of this Section must not be construed as limiting the ability of the Planning Division to request and obtain information that may be needed in order to comply with the California Resources Code *(Section 21000.)*.

3. **Investigation and Report**

   i. Following acceptance of an application as complete for processing pursuant to *Sec. 1110.D.1.b. Initial Review for Application Completeness*, above, the Planning Division must investigate the facts bearing on the application and must prepare a written report, which must be transmitted to the appropriate Reviewing Authority.

   ii. The Planning Division's report must provide the information necessary for action on the application, consistent with the provisions of this Zoning and Development Code and General Plan, and must report all findings to the appropriate Reviewing Authority.

   iii. During the investigation of the facts bearing on the application, the Planning Division may consult with other City departments and public agencies.

4. **Public Hearings(**

   i. The Advisory and Approving Authorities established by *Sec. 1100.A. Summary of Review Authority*, must each conduct at least one public hearing, which must be duly noticed, heard, and acted upon pursuant to *Sec. 1120. Public Hearings*.

   ii. The Planning Division's written report, prepared pursuant to *Sec. 1110.D.1.* through *Sec. 1110.D.3.*, above, must be made available to the property owner and applicant, if different from the property owner, at least 72 hours prior to the public hearing.

5. **Advisory Authority Review and Recommendation**

   The Advisory Authority must make recommendation to the Approving Authority whether to approve, approve in modified form, or deny an application, which must be transmitted to the Approving Authority in such a manner and form as specified by the Approving Authority.

6. **Approving Authority Review and Action**

   i. Upon receipt of the Advisory Authority's recommendation, the Approving Authority must approve, approve in modified form, or deny an application.

ii. The action of the Approving Authority must be by written decision, setting forth the basis for the action, and must include any applicable findings prescribed by *Sec. 1110.D.1. Legislative Actions*. There must be no time limit within which the Approving Authority must act on a legislative action.

iii. The decision of the Approving Authority must be final and conclusive.

7. Effective Date of Approving Authority Action

A legislative approval granted by resolution is effective immediately upon adoption of the numbered resolution by the City Council. A legislative approval granted by ordinance is effective 30 days following the date of adoption of the ordinance by the Approving Authority.

2. Discretionary Permits and Actions

The Advisory, Approving, and Appeal Authorities for discretionary permits and actions are established by *Sec. 1100.A. Summary of Review Authority*. Unless otherwise stipulated by this Section, the procedure for reviewing and acting upon an application resulting in a discretionary permit or action is as follows:

a. Application Submittal

1. All applications for development approval must be submitted in accordance with the requirements of this Code and must be filed with the Planning Division of the Development Services Department.

2. Regularly updated requirements for application contents, forms, submission and review schedule, and fees can be found on the City of Pomona's website.

3. Before review of an application, all filing fees must be paid in full.

b. Initial Review for Application Completeness

Discretionary actions must be initially reviewed for application completeness and acceptance, as follows:

1. Review for Application Completeness

i. Within 30 days following receipt of an application filed in compliance with this Chapter, the Planning Division must determine, in writing, whether the application is complete for processing and must transmit the determination to the applicant. If the written determination is not made within the required period, the application must be automatically deemed complete for processing. Upon receipt of any resubmittal of the application, a new 30-day period must begin, during which time completeness of the resubmitted application must be determined.

ii. If an application is determined to be incomplete for processing, the Planning Division must specify those parts of the application that are incomplete and must indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant must submit materials to the Planning Division in response to the list and description, which must be reviewed pursuant to *Sec. 1110.D.2.b.1.i*, above.

iii. If the application, together with the submitted materials, is determined to be incomplete for processing, the applicant may appeal that decision to the City Council or Planning Commission pursuant to the provisions of *Sec. 1130. Appeals* as set forth in the California Government Code *(Sec. 65943.c)*.

iv. Failure of an applicant to submit complete or adequate information pursuant to the provisions of *Sec. 1110.D.2.b.1.i.* and *Sec. 1110.D.2.b.1.ii.*, above, must constitute grounds for denial of the application.

2. Application Acceptance

i. Following acceptance of an application as complete for processing, no new or additional information may be requested of the applicant; however, in the course of processing the application, the Planning Division may request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application. This provision must not be so construed as to require an applicant to submit with the initial application, the entirety of the information that the City may require in order to facilitate final action on the application.

ii. Prior to accepting an application as complete for processing, the Planning Division must inform the applicant of any information included in the list prepared pursuant to *Sec. 1110.D.2.b.2.i.*, above, which will subsequently be required from the applicant in order to complete final action on the application.

iii. The provisions of this Subsection must not be construed as limiting the ability of the Planning Division to request and obtain information that may be needed in order to comply with the provisions of the California Resources Code *(Section 21000.)*.

3. Investigation and Report

i. Following acceptance of an application as complete for processing pursuant to *Sec. 1110.D.2.b. Initial Review for Application Completeness*, the Planning Division must investigate the facts bearing on the application and must prepare a written report, which must be transmitted to the appropriate Reviewing Authority.

ii. The Planning Division's report must provide the information necessary for action on the application, consistent with the provisions of this Zoning and Development Code and General Plan, and must report all findings to the appropriate Reviewing Authority.

iii. During the investigation of the facts bearing on the application, the Planning Division may consult with other City departments and public agencies.

4. Public Hearings

i. The Advisory, Approving and Appeal Authorities established by *Sec. 1100.A. Summary of Review Authority*, and which require a public hearing, must each conduct at least 1 public hearing, which must be duly noticed, heard, and acted upon pursuant to *Sec. 1120. Public Hearings*.

ii. The Planning Division's agenda, prepared pursuant to *Sec. 1100.D.2b.1. Initial Review for Application Completeness*, above, must be made available to the property owner and applicant, if different from the property owner, at least 72 hours prior to the public hearing.

5. **Advisory Authority Review and Recommendation**

   If required pursuant to *Sec. 1100.A. Summary of Review Authority*, the procedure for review and recommendation on a discretionary permit or action by an Advisory Authority is as follows:

   i. The Advisory Authority must make recommendation to the Approving Authority whether to approve, approve in modified form, or deny an application, which must be transmitted to the Approving Authority in such manner and form as specified by the Approving Authority.

   ii. The Advisory Authority must forward its recommendation to the applicant and Approving Authority following the date its decision was rendered.

6. **Approving Authority Review and Action**

   The procedure for review and action on a discretionary permit or action by an Approving Authority is as follows:

   i. Upon receipt of the Advisory Authority's recommendation, the Approving Authority must approve, approve in modified form, or deny an application, and may impose reasonable conditions to the approval of an application.

   ii. The action of the Approving Authority must be by written decision, setting forth the basis for the action, and must include any applicable findings prescribed by *Sec. 1110.D.2. Discretionary Permits and Actions*. A discretionary permit or action must be acted upon within the timeframes specified by the California Government Code *(Sec. 65950, 65950.1, 65951, and 65952)*, except that Tentative Subdivision Maps must be acted upon within the timeframes specified by California Government Code *(Sec. 66452.1.)*.

   iii. The decision of the Approving Authority must be final and conclusive in the absence of an appeal filed pursuant to *Sec. 1130. Appeals*.

7. **Effective Date of Approving Authority Action**

   i. A discretionary permit or action must become effective on the City business day following Approving Authority action, unless the discretionary permit is being processed concurrently with and dependent upon any legislative action; in which case, the effective date of the discretionary permit or action must be governed by *Sec. 1110.D.2.b.7. Effective Date of Approving Authority Action*. The Approving Authority's action to approve, approve in modified form, or deny a discretionary permit or action must be immediately suspended upon the filing of an appeal pursuant to *Sec. 1130. Appeals*.

   ii. Notice of decision must be issued to the applicant following the effective date of Approving Authority action.

3. Ministerial or Administrative Permits and Decisions

The Advisory, Approving and Appeal Authorities for Ministerial Permits and decisions are established by *Sec. 1100.A. Summary of Review Authority*. Unless otherwise stipulated by this Section, the procedure for reviewing and acting upon an application requiring a ministerial/administrative permit or decision is as follows:

a. Application Submittal

1. All applications for development approval must be submitted in accordance with the requirements of this Code and must be filed with the Planning Division of the Development Services Department.

2. Regularly updated requirements for application contents, forms, submission and review schedule, and fees can be found on the City of Pomona's website.

3. Before review of an application, all filing fees must be paid in full.

b. Initial Review for Application Completeness

Applications requesting ministerial/administrative permits and/or decisions must be initially reviewed for completeness and acceptance, as follows:

1. Review for Application Completeness

i. Within 30 days following receipt of an application filed in compliance with this Chapter, the City must review the application and determine, in writing, whether the application is complete for further processing, and must transmit the determination to the applicant. If the written determination is not made within the required period, the application must automatically be deemed complete for further processing. Upon receipt of any re-submittal of the application, a new 30-day period must begin, during which time completeness of the resubmitted application must be determined.

ii. If an application is determined to be incomplete for processing, the City must specify those parts of the application that are incomplete and must indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant must submit materials to the responsible City department in response to the list and description, which must be reviewed pursuant to *Sec. 1110.D.3.b.1.i.*, above.

iii. If an application, together with the submitted materials, is determined to be incomplete for processing, the applicant may appeal that decision to the Planning Commission pursuant to the provisions of *Sec. 1130. Appeals*.

iv. Failure of an applicant to submit complete or adequate information pursuant to the provisions of *Sec. 1110.D.3.b.1.i.* and *Sec. 1110.D.3.b.1.ii.*, above, must constitute grounds for denial of the application.

2. Application Acceptance

i. Following acceptance of an application as complete for processing, no new or additional information may be requested of the applicant; however, in the course of processing the application, the responsible City department may request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application. This

provision must not be so construed as to require an applicant to submit with the initial application, the entirety of the information that the responsible City department may require in order to facilitate final action on the application.

ii. Prior to accepting an application as complete for processing, the responsible City department must inform the applicant of any information included in the list prepared pursuant to *Sec. 1110.D.3.b.2.i.*, above, which will subsequently be required from the applicant in order to complete final action on the application.

iii. The provisions of this Subsection must not be construed as limiting the ability of the responsible City department to request and obtain information that may be needed in order to comply with the provisions of California Resources Code *(Section 21000.)*.

3. Investigation

Following acceptance of an application as complete for processing, the responsible City department must investigate the facts bearing on the application and provide the information necessary for action or determination, consistent with this Zoning and Development Code and General Plan, which must be reported to the Approving Authority.

4. Review and Action

i. The Approving Authority must review the application and must then approve, approve in modified form, or deny the application. The decision of the Approving Authority must be final and conclusive in the absence of an appeal filed pursuant to the provisions of *Sec. 1130. Appeals*.

ii. The Approving Authority must act on a ministerial approval request following acceptance of an application as complete for processing pursuant to *Sec. 1110.D.3.b.1 Initial Review for Application Completeness*.

5. Effective Date of Approving Authority Action

i. A ministerial/administrative permit or action must become effective immediately upon Approving Authority action. An Approving Authority action to approve or deny a Ministerial Permit or decision must be immediately suspended upon the filing of an appeal pursuant to *Sec. 1130. Appeals*.

ii. Notice of decision must be issued to the applicant following the effective date of approving authority action.

1110.E. Environmental Review

1. Purpose

To ensure compliance with CEQA as required by state law.

2. Applicability

Applies to any activity of the City that is determined to be a "project" pursuant to CEQA as set forth in the California Public Resources Code *(Sec. 21000 through 21178)* and the CEQA Guidelines set forth in the California Code of Regulations *(Sec. 15000 through 15387)*.

3. Environmental Review

The City of Pomona must conduct an environmental review of any activity within the City that constitutes a "project" pursuant to the California Environmental Quality Act (CEQA), the CEQA Guidelines and the City's local guidelines for the implementation of CEQA. Depending upon the nature and scope of a "project," it may be found to be exempt from further environmental review, or a negative declaration, mitigated negative declaration or environmental impact report may be required to be completed. Negative declarations, mitigated negative declarations, and environmental impact reports must be prepared pursuant to the requirements of CEQA and the implementing guidelines, and the City's local guidelines for the implementation of CEQA.

a. Application Submittal

1. All applications for development approval must be submitted in accordance with the requirements of this Code and must be filed with the Planning Division of the Development Services Department.
2. Regularly updated requirements for application contents, forms, submission and review schedule, and fees can be found on the City of Pomona's website.
3. Before review of an application, all filing fees must be paid in full.

1110.F. Time Limits and Extensions

1. Time Limits

Discretionary permits/actions granted pursuant to this Section must become invalid if not exercised within the below-listed timeframes:

a. General

Unless otherwise stipulated by the conditions of approval, a discretionary permit/action must become invalid if not exercised within 12 months following the effective date of application approval, except as specified in *Sec. 1110.F.1.b.* through *Sec. 1110.F.1.c.*, below, unless extended by time extension pursuant to *Sec. 1110.F.2. Time Extensions*.

b. Tentative Subdivision Map

1. A Tentative Tract or Parcel Map must become invalid if not exercised within the time limits specified by the California Government Code *(Sec. 66452.6)*.

c. Certificate of Appropriateness

A Certificate of Appropriateness granted pursuant to this Section must become invalid if not exercised within the time limit specified by the conditions of approval, or within 24 months if no time limit has been specified.

d. Definition

For the purposes of this Section, the term "exercised" must mean the following:

1. The applicant, or property owner if different from the applicant, has completed or fulfilled all conditions of approval imposed upon the permit or action by the Approving Authority; and
2. In the case of permits or actions pertaining to a development project approval, a Building Permit must have been issued and construction must have commenced and been diligently pursued toward project completion.
3. In the case of permits or actions pertaining to a land use approval, the approved use must have commenced.
4. In the case of a Merger of Contiguous Parcels, Reversion to Acreage, or Tentative Subdivision Map, the Merger, Reversion, or Final Subdivision Map must have been recorded at the office of the County Recorder.

2. Time Extensions

The time limits within which a discretionary permit or action must be exercised, may be extended as follows:

a. Project Applicant or Property Owner Requested Time Extension

1. The project applicant, or property owner if different from the applicant, may file a Time Extension request, together with any required filing fees, with the Planning Division prior to the expiration date of an approved discretionary permit or action.
2. Upon the submittal of a Time Extension request, the affected discretionary permit or action must be granted an automatic 90-day time extension to allow sufficient time for application processing.
3. No retroactive requests for time extensions will be accepted for consideration in alignment with California Subdivision Map Act.

b. Criteria for Granting a Time Extension

An extension of the expiration date for an approved discretionary permit or action must be acted upon as follows:

1. The Approving Authority may grant a Time Extension upon determination of the following:
   i. Each of the findings and conditions of the original approval are still applicable to the project and there are no changed circumstances;
   ii. The Time Extension will not adversely affect the public health, safety, or welfare; and
   iii. There has been diligent pursuit to exercise the permit or action for which an extension is being requested.
2. The burden of proof must lie with the permittee to establish with substantial evidence that the approval for which the Time Extension is requested should not be allowed to expire. If the Approving Authority determines that the permittee has good-faith intent to commence with the proposed project, the Approving Authority may grant a Time Extension.
3. A discretionary permit or action may be granted Time Extensions in up to one-year increments, not to exceed a total of two, one-year time extensions, excepting tentative subdivision maps, which must be subject to the provisions of the California Government Code *(Sec. 66452.6.)*.

1110.G. Applicant Failure to Complete Application Processing

1. Within 180 days following a written request by the City or other governmental agency for plan changes, corrections, revisions, or the submittal of additional information, an application must be deemed withdrawn if the Zoning Administrator determines that the applicant has not made reasonable progress toward providing necessary plan changes or corrections, or additional information. Application processing must not resume thereafter until a new application is filed, including fees, plans, exhibits, and other materials required for any project on the same site.

2. Upon written request of the applicant, the Zoning Administrator may order the refund of all or a portion of filing fees pursuant to *Sec. 1110.C.3. Refunds and Withdrawals*.

1110.H. **Limitations on Application Refiling**

A final action denying an application must prohibit the further filing of the same or a substantially similar application for a period of not less than 12 months following the date of application denial, except that an application denied without prejudice may be resubmitted within the 12-month period following application denial.

1110.I. **Indemnification**

It must be a condition of any application approved pursuant to this Chapter, or any approval or certification required pursuant to CEQA or the CEQA Guidelines, that a property owner or applicant, if different from the property owner, must defend, indemnify, and hold harmless the City and its agents, officers, attorneys, and employees:

1. From any claim, action, or proceeding brought against the City or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul the City's decision to approve any development, land use permit, and/or approvals and certifications under CEQA, but excluding any subdivision approval governed by the California Government Code *(Sec. 66474.9.)*. This indemnification must include, but not be limited to, damages, fees, and/or costs awarded against the City, if any, and the cost of any suit, attorney's fees, and/or other costs, liabilities, and expenses incurred in connection with a lawsuit, whether incurred by the applicant, the City, and/or the parties initiating or bringing a lawsuit;

2. For all costs incurred in additional investigation and/or study of, or for supplementing, preparing, redrafting, revising, or amending any document (such as, but not limited to, a negative declaration, mitigated negative declaration, environmental impact report, general plan amendment, specific plan, or specific plan amendment), if made necessary by a lawsuit and if the applicant desires to pursue securing approvals that are condition of application approval, after initiation of a lawsuit; and

3. For all costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in *Sec. 1110.I.1.* and *Sec. 1110.I.2.*, above.

Sec. 1120. **Public Hearings**

1120.A. **Purpose**

To implement the California Government Code *(Sec. 65090)*, which governs public hearing and notification procedures for consideration of legislative actions, discretionary land use and development entitlements, and discretionary administrative actions. Public hearings are not required for non-discretionary administrative permits, decisions, and actions; however, public notice may be required pursuant to this section.

1120.B. **Applicability**

1. A public hearing for a legislative action, land use or development entitlement, or any other matters pertaining to this Zoning and Development Code requiring a public hearing pursuant to the California Government Code *(Sec. 65090 through 65095)*, must be scheduled and heard in accordance with the provisions of this section.
2. Public hearing notification for legislative actions, land use or development entitlements, or administrative permits, decisions, or actions must be provided in the manner prescribed by *Sec. 1100.A. Summary of Review Authority*.

1120.C. **Public Hearing Notices**

1. **Public Hearing Notice Minimum Information**

Public hearing notices must contain the following minimum information:

a. The associated application number(s);

b. The name of the applicant or applicant's agent;

c. A general description, in text or by diagram, of the location of the real property that is the subject of the hearing;

d. Current zoning district designation of the site subject to the application;

e. A general description of the matter to be considered;

f. Time, place, and location of the public hearing;

g. The identity of the hearing body or officer;

h. A statement indicating that additional application materials and documentation are on file with the City of Pomona and where such additional project information may be viewed or obtained;

i. A statement that any interested person may appear at the hearing or submit written material prior to the commencement of the hearing; and

j. A statement of environmental determination to be considered by the hearing body, including a citation to the State Guidelines section or statute under the California Environmental Quality Act.

2. Notices for Public Hearings Conducted by the City Council

A notice for a public hearing conducted by the City Council must not be published, mailed, delivered, or posted in advance of a public hearing conducted by the Planning Commission pursuant to *Sec. 1100.A. Summary of Review Authority*, as the public hearing notice must include the recommendation of the Planning Commission.

3. Public Notification Required 10 Days in Advance

Public hearing notification must be provided a minimum of 10 days in advance of any public hearing and must be provided by one or more of the following methods, as necessary:

a. First Class Mail or Delivery

First Class Mail or delivery must be provided to:

1. Any person filing a request to the Planning Division to receive such notices; and
2. All property owners and occupants of the property subject to the application;
3. All owners of real property and occupants located within a minimum of 400-feet of the exterior boundaries of the property that is the subject of the hearing, as shown on the last equalized assessment roll, or records of the county assessor or tax collector if those records contain more recent information than the information contained on the assessment roll.
4. The owner's duly authorized agent, if any; and
5. The project applicant; and
6. Each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.

b. Number of Owners Requiring Public Hearing Notification Is Greater Than 1,000

If the number of owners to whom notice would be mailed or delivered pursuant to *Sec. 1120.C.3.a. First Class Mail or Delivery*, is greater than 1,000, in lieu of mailed or delivered notice, a display advertisement of at least 1/8 page may be placed in at least one newspaper of general circulation within the City of Pomona.

c. Public Hearing Notice Publication

If notice is mailed or delivered pursuant to *Sec. 1120.C.3.a.3.*, above, notice must also be published in at least one newspaper of general circulation in the City or, if there is no such newspaper of general circulation, the notice must be posted in at least 3 public places within the boundaries of the City, including the subject site.

d. Posting

1. No posted notice is required for any application unless required by State law.
2. When required by State law, the content and form of the posted notice must be consistent with the requirements of the California Government Code, Public Resource Code or other applicable State law.

e. Other Acceptable Methods of Public Noticing

In addition to the public noticing required by *Sec. 1120.C.3.a.* through *Sec. 1120.C.3.d.*, above, the City may give notice of a hearing by any other method deemed necessary or desirable by the Zoning Administrator.

4. Public Notices Required Pursuant to CEQA

Public notification required pursuant to CEQA must be prepared and advertised in accordance with state law.

1120.D. Request for Notification

Wherein notice of a public hearing is required pursuant to *Sec. 1120.C. Public Hearing Notices*, the notice must also be mailed or delivered at least 10 days prior to the hearing to any person who has filed a written request for such notice with either the city clerk or the Planning Division.

1120.E. Failure to Receive a Public Notice

1. Pursuant to California Government Code *(Sec. 65093)*, the failure of any person or entity to receive notice given pursuant to this Chapter must not constitute grounds for any court to invalidate the actions of the Approving Authority for which the notice was given.
2. Any notices not received due to an error beyond the City's control, does not prevent the public hearing from occurring, change any decision made at the public hearing, or prevent the application from advancing through the review process.

Sec. 1130. **Appeals**

1130.A. **Purpose**

To implement the California Government Code *(Sec. 65903.)*, which governs the establishment of procedures for the filing, processing and hearing of appeals on actions or decisions of a City department, agency, or Approving Authority.

1130.B. **Applicability**

Any person having legal standing, including but not limited to an applicant, resident, business owner, or any person owning real property within the City, that is aggrieved by an interpretation, action or decision made pursuant to this Zoning and Development Code by any City agency or department, or by an Approving Authority, may appeal such action to the Appeal Authority in accordance with the provisions of this Section.

1130.C. **Appeals**

1. **Appeal Authority**

a. The Appeal Authority for all legislative actions, discretionary permits and actions, and Ministerial Permits and decisions, is hereby established pursuant to *Sec. 1100.A. Summary of Review Authority* of this Zoning Code.

b. The Appeal Authority for an administrative interpretation, action, or decision made by any City agency or department head regarding any matter prescribed or governed by this Zoning Code may be appealed to the Planning Commission, except as otherwise prescribed by this Zoning Code.

2. **Appeal Procedure**

a. An appeal request must be filed with the City Clerk on a City application form, along with any appropriate fees established by resolution of the City Council, within 20 calendar days following the action or decision being appealed. The appeal must include a statement identifying the specific action or decision of the Approving Authority that is being appealed, the specific grounds for the appeal, and the relief requested from the Appeal Authority.

b. An appeal of an action or decision by the Approving Authority must be limited to those matters raised during the hearing and contained in the appeal statement.

c. Upon receipt of an appeal request, copies of the request and supporting information must be set or hearing before the Appeal Authority within 45 days (30 days for a tentative subdivision map) following the filing of the appeal request. The Appeal Authority must set the matter for hearing, which must be noticed and conducted pursuant to *Sec. 1120. Public Hearings*.

d. Upon receipt of an appeal request, the Planning Manager must prepare the record on the subject matter of the appeal, including any staff reports and meeting minutes, and transmit the record to the Appeal Authority. The Planning Manager must also prepare a written report responding to the appeal statement, containing a recommendation on the appeal and appropriate findings supporting the recommendation, along with any appropriate conditions of approval. The report

must be made available to the Appellant at least 72 hours prior to the hearing before the Appeal Authority, not including additional information.

e. Within 30 days (10 days for a tentative subdivision map) following the conclusion of the hearing, the Appeal Authority must render its decision on the appeal. The Appeal Authority may deny the appeal or may grant the appeal in whole or in part, along with any conditions it deems necessary to protect the public health, safety and general welfare. The decision must include all required findings.

Sec. 1140. **Performance Guarantees**

1140.A. **Purpose**

To establish a procedure by which a discretionary permit or action, or Ministerial Permit or decision may require, by conditions of approval or by action of the Approving Authority, to provide surety guaranteeing the faithful performance and proper completion of any approved work and compliance with conditions of approval.

1140.B. **Applicability**

Applies to performance guarantees for projects authorized by any a discretionary permit or action, or Ministerial Permit or decision required by this Zoning and Development Code. All performance guarantees are required as follows:

1. Prior to the issuance of Public Works permits for improvements in the public right-of-way or within public easement granted over private property.
2. For discretionary projects, prior to approval of subdivision maps or the issuance of the building permits, whichever occurs first.
3. The requried bonds are:
    a. faithful performance
    b. labor and material and;
    c. warranty (or conversion to warranty). The labor/material must be surety bond, whereas the performance and warranty bonds may be surety bond/cash/check/CD/escrow account, etc.

1140.C. **Surety Form and Amount**

The required surety must be in a form (e.g., cash deposit, certificate of deposit, surety bond, etc.) approved by the Planning Manager or Public Works Director, upon recommendation of the City Attorney. The amount of surety must be as determined by the Planning Manager and/or Public Works Director to be necessary to ensure proper completion of the work and compliance with conditions of approval (cost plus 25 percent contingency).

1140.D. **Surety for Maintenance**

In addition to any improvement surety required to guarantee proper completion of work, the Planning Manager or Public Works Director may require the maintaining of the warranty bond for up to one additional year following the acceptance of all public improvements by the Public Works Director to be sufficient to ensure the proper maintenance and functioning of improvements.

1140.E. **Duration of Surety**

Required improvement surety must remain in effect until final inspections have been made and all work has been accepted by the Planning Manager and/or Public Works Director, or until any warranty period required by the Planning Manager and/or Public Works Director has lapsed. Maintenance surety must remain in effect for the one-year period following the date of final inspection.

1140.F. **Release or Forfeiture of Surety**

1. Upon satisfactory completion of work and the approval of a final inspection at the end of the required time for maintenance surety, the improvement and/or maintenance deposits or bonds must be released.

2. Upon failure to complete all required work, failure to comply with all of the terms of any applicable permit or failure of the completed improvements to function properly, the City may perform the required work or cause it to be completed, and collect from the permittee or surety, all the costs incurred by the City, including the all costs for the work and all related administrative, inspection and legal costs.

3. Any unused portion of the surety must be refunded to the funding source after deduction of all costs for the work and all related administrative, inspection and legal costs.

Sec. 1150. **Legislative Review**

1150.A. **Purpose**

To prescribe procedures for the consideration of legislative actions by the appropriate Reviewing Authorities. Generally, legislative actions entail the establishment of rules, policies, or standards of general applicability, which involve the exercise of discretion and preside over considerations of public health, safety, and welfare.

1150.B. **Applicability**

Whenever the public necessity, convenience, general welfare, or good planning practice so requires, the appropriate Reviewing Authorities, as prescribed by *Sec. 1100.A. Summary of Review Authority*, may consider the adoption of a legislative action pursuant to the general provisions prescribed by *Sec. 1110. Application Filing and Processing*, and the provisions of this Chapter that are appropriate to the legislative action being considered.

1150.C. **Development Agreements**

1. **Purpose**

To establish procedures for adopting, amending, supplementing, or changing Development Agreements by and between the City and persons having a legal or equitable interest in a property proposed to be the subject of an agreement, whenever the public necessity, convenience, general welfare, or good planning practice so requires.

2. **Authority**

Pursuant to the California Government Code *(Sec. 65864 et seq.)*, the City Council may enter into a development agreement with any person having a legal or equitable interest in real property for the development of the property. It is intended that the provisions of this Chapter must be fully consistent and compliant with the provisions of California Government Code *(Sec. 65864 et seq.)* and must be so construed.

3. **Agreement Contents**

a. A Development Agreement entered into pursuant to the provisions of this Chapter must, at a minimum, include the following information:

   1. Duration of the agreement;
   2. The permitted use(s) of the property;
   3. The density or intensity of use;
   4. The maximum height and size of proposed buildings; and
   5. Provisions for reservation or dedication of land for public purposes.

b. In addition to the minimum information required by *Sec. 1160.C.3.a.*, above, the development agreement may include the following:

1. Conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided such conditions, terms, restrictions and requirements for subsequent discretionary actions must not prevent development of the land for the use(s) and to the density or intensity of development set forth in the agreement;
2. Provide that construction must be commenced within a specified time period and that the project, or any phase thereof, be completed within a specified time;
3. Terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time; and
4. Any other such terms, conditions, and requirements as deemed necessary and proper by the City Council, including, but not limited to, a requirement for assuring to the satisfaction of the City, performance of all provisions of the development agreement in a timely fashion by the agreement holder.

4. Application Filing, Processing and Hearing

An application for Development Agreement consideration must be filed, processed, and heard pursuant to *Sec. 1110.D.1 Legislative Actions*.

5. Findings

A Development Agreement must be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Division's written report, and testimony provided during the public hearing, only after considering and clearly establishing that the provisions of the Agreement are consistent with the goals, policies, plans and exhibits of the General Plan, and any applicable specific plans, and giving supporting reasons for each finding. A Development Agreement must be denied if one or more of the required findings cannot be clearly established.

6. Recordation of Agreement

Within 10 days following the City entering into a Development Agreement, the City Clerk must record with the county recorder, a copy of the Agreement, which must prescribe the land subject to the agreement. From and after the time of recordation, the Agreement must impart notice thereof to all persons as is afforded by the recording laws of this State. The burdens of the Agreement must be binding upon, and the benefits of the Agreement must inure to, all successors in interest to the parties to the agreement.

7. Amendments

A Development Agreement may be amended, or canceled in whole or in part, by mutual consent of the parties to the Agreement, or their successors in interest. Any action to amend or cancel any portion of the Agreement must be carried out pursuant to the procedures specified in *Sec. 1160.C.4. Application Filing, Processing and Hearing*, above.

8. Annual Review

a. Every Development Agreement approved and executed pursuant to this Section must be annually reviewed during the term of the Agreement, following the date of its execution. The purpose of the review is to determine whether the holder of the Agreement has complied in

good faith with the terms of the Agreement. The burden must be placed on the holder of the Agreement to demonstrate compliance to the full satisfaction of and in a manner prescribed by the City.

b. If as a result of annual review pursuant to this Subsection the City Council finds and determines, on the basis of substantial evidence, that the holder of the Development Agreement has not complied in good faith with the terms or conditions of the Agreement, the City Council may either amend or terminate the Agreement.

9. Modification/Suspension in Compliance with State or Federal Regulations

In the event that State or Federal laws or regulations, enacted after a Development Agreement has been entered into, prevent or preclude compliance with one or more provisions of the Development Agreement, the affected provisions of the Agreement must be modified or suspended as may be necessary to comply with State or Federal laws or regulations.

1150.D. Zoning and Development Code Amendment

1. Purpose

To establish procedures for amending, supplementing, or changing this Zoning and Development Code whenever the public necessity, convenience, general welfare, or good planning practice so requires.

2. Applicability

Pursuant to California Goverment Code *(Sec. 65853 through Sec. 65859)*, the City Council may, by ordinance and upon written recommendation of the Planning Commission, amend, supplement, or change the ordinances codified in this Zoning and Development Code whenever the public necessity, convenience, general welfare, or good zoning practice so requires.

3. Application Filing, Processing and Hearing

An application for a Zoning and Development Code Amendment must be filed, processed, and heard pursuant to *Sec. 1110.D.1. Legislative Actions* of this Zoning and Development Code.

4. Findings and Decision

A Zoning and Development Code Amendment must be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Division's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application must be denied if one or more of the below- listed findings cannot be clearly established.

a. The proposed Zoning and Development Code Amendment is consistent with the goals, policies, plans and exhibits of the General Plan; and

b. The proposed Zoning and Development Code Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

5. Urgency Measure: Interim Ordinance

Without following the procedures otherwise required prior to the adoption of a Zoning and Development Code Amendment, to protect the public safety, health, and welfare, the City Council may adopt as an urgency measure, an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the City Council, Planning Commission, or the Planning Division is considering or studying, or intends to study within a reasonable period. An urgency measure must be completed pursuant to the California Government Code *(Sec. 65858)*.

1150.E. General Plan Amendment

1. Purpose

The purpose of this Section is to establish procedures for amending, supplementing, or changing the General Plan.

2. Authority

a. Pursuant to the California Government Code *(Sec. 65358)*, the City Council may, by resolution and upon written recommendation of the Planning Commission, amend, supplement, or change the General Plan.

b. A mandatory element of the General Plan must not be amended more than 4 times during any calendar year; except that this limitation must not apply to amendments necessary for the development of residential units where at least 25 percent of the proposed units will be occupied by, or available to, persons and families of low or moderate income, as defined by the California Health and Safety Code *(Sec. 50093)*.

3. Application Filing

Processing and Hearing. An application for a General Plan Amendment must be filed, processed, and heard pursuant to *Sec. 1110.D.1. Legislative Actions*.

4. Findings and Decision

A General Plan Amendment must be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Division's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application must be denied if one or more of the below-listed findings cannot be clearly established.

a. Technical Amendment Findings

A technical amendment must be denied unless findings can be made for finding number 1, and any one or more of findings 2 through 5 below:

1. The proposed amendment will not change any policy direction or intent of the General Plan.

2. An error or omission is in need of correction.

3. A land use designation was based on inaccurate or misleading information and, therefore, should be changed to properly reflect the policy intent of the General Plan.

4. A point of clarification is needed to more accurately express the meaning of the General Plan, or eliminate a source of confusion.

5. A minor change in boundary will more accurately reflect geological or topographic features, or legal or jurisdictional boundaries.

b. Entitlement/Policy Amendment Findings

An entitlement/policy amendment must be denied unless findings can be made for finding number 1 and 2, as well as any one or more of findings 3 through 6 below:

1. The proposed change does not involve a change in, or conflict with:

   i. Any principle of the General Plan; or

   ii. Any basic/foundational component of the General Plan.

2. The proposed amendment would contribute to the achievement of the purposes of the General Plan, or, at a minimum, would not be detrimental to them.

3. Special circumstances or conditions have emerged that were unknown or unanticipated at the time the General Plan was adopted.

4. A change in policy is required to conform to changes in state or federal law, or applicable findings of a court of law.

5. An amendment is required to comply with an update of the Housing Element or change in State Housing Element law commencing with the California Government Code *(Sec. 65580)*.

6. An amendment is required to address changes in public ownership of land.

c. Land Use Amendment Findings

A land use amendment must be denied unless findings can be made for finding number 1 through 4, as well as any one or more of findings 5 to 8 below:

1. The proposed General Plan Amendment is consistent with the goals and policies of the General Plan.

2. The proposed General Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

3. The Land Use Element is a mandatory element of the General Plan, which, pursuant to the California Government Code *(Sec. 65358)*, may be amended up to four times per calendar year, and the proposed General Plan Amendment is the first, second, third, or fourth amendment to the Land Use Element within the current calendar year.

4. During the amendment of the General Plan, opportunities for the involvement of citizens, California Native American Indian tribes pursuant to the California Government Code *(Sec. 65352.3)*, public agencies, public utility companies, and civic, education, and other community groups, through public hearings or other means, were implemented consistent with the California Government Code *(Sec. 65351)*.

5. The proposed project is consistent with the Housing Element of the General Plan, as the project site is not one of the properties listed in the Available Land Inventory of the Housing Element. Furthermore, changing the land use designation of the subject property from the existing General Plan land use designation to the proposed General Plan land use designation will not impact the City's Regional Housing Needs Allocation (RHNA) obligations, or the City's ability to satisfy its share of the region's future housing need.

6. The proposed project is consistent with the Housing Element of the General Plan, as the project site is listed in the Available Land Inventory of the Housing Element, and the proposed project is consistent with the number of dwelling units and density specified in the Available Land Inventory.

7. The project site is listed in the Available Land Inventory contained in the Housing Element of the General Plan, and the proposed project is not consistent with the number of dwelling units or density specified in the Available Land Inventory; therefore, a General Plan Amendment to remove the subject property from the Available Land Inventory is required. Removal of the subject property from the inventory will not impact the City's Regional Housing Needs Allocation obligations since there are an adequate number of sites in the inventory to meet the City's Regional Housing Needs Allocation (RHNA) obligations.

8. The proposed project is not consistent with the adopted Housing Element. The project site is listed in the Available Land Inventory of the Housing Element of the General Plan, and the proposed project is not consistent with the number of dwelling units or density specified in the Available Land Inventory; therefore, a General Plan Amendment to remove the subject property from the Available Land Inventory of the Housing Element is required. Removal of the subject property from the inventory will impact the City's Regional Housing Needs Allocation obligations since there are not an adequate number of sites in the inventory to meet the City's Regional Housing Needs Allocation (RHNA) obligations; therefore, the following property(ies) will be added to the Available Land Inventory.

Assessor Parcel Numbers (APN)	Lot Area
[Insert APN]	[Insert Lot Area]

Available Land Inventory	
[Insert Existing Number of Units]	[Insert Proposed Number of Units]

1150.F. **Zone Change**

1. Purpose

To establish procedures for amending or changing the zoning district boundaries, zoning district or module classification (Zone Change) of any property within the City.

2. Authority

Pursuant to the California Government Code *(Sec. 65853 through Sec. 65859)*, the City Council may, by ordinance, and upon written recommendation of the Planning Commission, change the zoning boundaries or classification of any property within the City, whenever the public necessity, convenience, general welfare, or good zoning practice so requires

3. Application Filing, Processing and Hearing

An application for Zone Change must be filed, processed, and heard pursuant to *Sec. 1110.D.1. Legislative Actions*.

4. Findings and Decision

A Zone Change, or amendment thereto, must be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Division's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application must be denied if one or more of the below-listed findings cannot be clearly established.

a. The proposed Zone Change is consistent with the goals, policies, plans and exhibits of the General Plan;

b. The proposed Zone Change would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City;

c. The proposed Zone Change will not adversely affect the harmonious relationship with adjacent properties and land uses; and

d. The subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development.

5. Pre-Zoning of Unincorporated Territory

The pre-zoning of unincorporated territory within the sphere of influence of the City may be initiated by the Planning Commission on its own motion, or by the City Council in the form of a request to the Planning Commission that it consider the pre-zoning, or by a petition of the owner or owners of land in the unincorporated territory proposed to be pre-zoned. A Pre-zone must be completed pursuant to the California Government Code *(Sec. 65859.)* and this Section and must become effective at the same time annexation of territory to the City becomes effective.

1150.G. Specific Plan Amendment

1. Purpose

To establish procedures for adopting, amending, supplementing, or changing Specific Plans.

2. Authority

a. Pursuant to the California Government Code *(Sec. 65450 et seq.)*, the City Council may, by ordinance or resolution, and upon written recommendation of the Planning Commission, adopt, amend, supplement or change a specific plan.

b. A Specific Plan and any amendments thereto, adopted pursuant to this Section, must be enforceable in the same manner and to the same extent as any other provision of this Zoning Code.

3. Application Filing, Processing and Hearing

An application for Specific Plan adoption or amendment must be filed, processed and heard pursuant to *Sec. 1110.D.1. Legislative Actions*.

4. Findings and Decision

A Specific Plan, or amendment thereto, must be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Division's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application must be denied if one or more of the below- listed findings cannot be clearly established.

a. The proposed Specific Plan, or amendment thereto, is consistent with the goals, policies, plans and exhibits of the General Plan;

b. The proposed Specific Plan, or amendment thereto, would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City;

c. In the case of an application affecting specific property(ies), the proposed Specific Plan, or amendment thereto, will not adversely affect the harmonious relationship with adjacent properties and land uses; and

d. In the case of an application affecting specific property(ies), the subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development.

Sec. 1160. **Discretionary Review**

1160.A. **Purpose**

To prescribe procedures for the consideration of discretionary review. A discretionary reviews, as established by *Sec. 1100.A. Summary of Review Authority*, includes projects that require the exercise of judgment or deliberation when making a decision to approve, conditionally approve, or deny a particular activity.

1160.B. **Applicability**

The Reviewing Authorities prescribed by *Sec. 1100.A. Summary of Review Authority*, must consider a discretionary permit or action pursuant to the general provisions prescribed by *Sec. 1110. Application Filing and Processing*, and the provisions of this Section that are appropriate to the discretionary permit or action being considered.

1160.C. **Billboard Relocation**

1. **Purpose**

To establish procedures for the removal of nonconforming billboards or off-site signs.

2. **Applicability**

Any nonconforming billboard, including any off-site advertising sign or billboard which:

a. Was lawfully constructed but is now outside an eligible display area, as defined by *Sec. 630. Signs*;

b. Was erected within an eligible display area without obtaining the required conditional use permit and development;

c. Is erected outside an eligible display area with appropriate building permits, conditional use permit, or other requirements as set forth by law or this Code; or

d. Is nonconforming or became non-conforming through annexation, zone change, or other provisions of this Code.

3. **Authority**

a. Any nonconforming billboard must be removed within the the useful life adopted for such sign for the purpose of depreciation under the Internal Revenue Code of 1954 *(Sec. 167.)*.

b. Notwithstanding any other provision of this Section, any sign owner or sponsor may allocate a sign area authorized by this Code to a noncommercial message.

4. **Application Filing, Processing and Hearing**

a. An application for Billboard Relocation must be filed, processed and heard pursuant to *Sec. 1110.D.2. Discretionary Permits and Actions*.

b. Burden of Proof

In addition to the information required in the application, the applicant must substantiate to the satisfaction of the Approving Authority the following:

1. That to require discontinuation and removal of the sign in question would impair the property rights of any person to such an extent as to be an unconstitutional taking of property; and

2. That such sign does not now and will not during any extension period requested jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

5. Findings and Decision

a. The Approving Authority must not approve an application for the extension of time from which to discontinue and remove a nonconforming billboard or off-site sign or grant any other remedy requested by the applicant unless they find the burden of proof set forth in *Sec. 1170.C.4.b. Burden of Proof* has been met by the applicant.

b. The Approving Authority must, within 15 days from the date the hearing is closed, file a written decision. Such decision must contain a brief summary of the evidence considered and state the Approving Authority's findings and decision(s), and must set forth that it is subject to California Code of Civil Procedure *(Sec. 1094.6.)*.

1160.D. Conditional Use Permit

1. Purpose

The purpose of this Section is to establish a procedure to ensure that a degree of compatibility is maintained with respect to certain uses on certain properties, due to their nature, intensity or size, or to compensate for variations and degrees of technological processes and equipment as related to the generation of noise, smoke, dust, fumes, vibration, odors and other practical hazards.

2. Applicability

a. Pursuant to *Sec. 1100.A. Summary of Review Authority*, the Approving Authority, as applicable, is hereby empowered to approve, approve in modified form, or deny a Conditional Use Permit, and to impose reasonable conditions upon the approval of the application.

b. Conditional Use Permit approval must be required prior to:

1. The establishment of those land uses, activities and facilities so identified in *Sec. 520. Allowed Uses*; and

2. The alteration/expansion of an existing use or structure which requires a Conditional Use Permit pursuant to this Section.

3. Application Filing, Processing and Hearing

a. A Conditional Use Permit application must be filed, processed, and heard pursuant to *Sec. 1110. Application Filing and Processing* and the provisions of this Section.

b. Conditional Use Permit applications submitted for Alcohol (Off-sale and On-sale) requiring a California Department of Alcoholic Beverage Control (ABC) Public Convenience or Necessity (PCN) finding from the City will be heard by the Planning Commission with a recommendation to the City Council for final action.

4. Findings and Decision

A Conditional Use Permit must be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Division's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application may be approved if all of the following findings are made:

a. The scale and intensity of the proposed use would be consistent with the scale and intensity of land uses intended for the particular zoning district or use module as indicated in the *General Plan*.

b. The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the General Plan.

c. The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of this Zoning and Development Code and any applicable specific plan.

d. The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.

e. The establishment, maintenance, and operation of the proposed use at the proposed location would not create cumulative impacts that are detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.

5. Conditions of Approval

a. In approving a Conditional Use Permit, the Approving Authority, ~~persuant~~ pursuant to the California Government Code *(Sec. 65909.)*, may require certain safeguards and impose certain conditions established to ensure that the purposes of this Zoning and Development Code are maintained; ensure that the project will not endanger the public health, safety or general welfare; ensure that the project will not result in any significant environmental impacts; ensure that the project will be in harmony with the area in which it is located; and ensure that the project will be in conformity with the General Plan and any applicable specific plan.

b. The conditions imposed on Conditional Use Permits reasonably related to the project impacts may include, but are not limited to, provisions concerning use, height, area, yards, open spaces, setbacks, parking, loading, signs, improvements (public and private), site design, operational characteristics, use compatibility, general character, appearance, environmental impact, time limits for commencement or termination of the construction or use authorized, revocation and use termination dates, and other conditions the Approving Authority may deem appropriate and necessary to carry out the purposes of the Zoning and Development Code.

c. A copy of the approving decision or resolution, and related conditions of approval (if any) issued by the Approving Authority must be maintained on site and must be made available for inspection upon demand by a City representative.

d. A Conditional Use Permit must only apply to the approved particular use on a particular property, which may be transferred from one owner of the property to another successive owner of the same property.

e. All conditions of approval or requirements authorized by this Section are enforceable in the same manner and to the same extent as any other applicable requirement of this Zoning and Development Code.

6. Action by Applicant Following Approval

a. Conditional Use Permit Modification/Revision

1. Conditional Use Permits and/or their conditions of approval may be modified/revised upon application by a project proponent or property owner if different from the proponent. The request must be submitted to the Planning Division on a City application form pursuant to *Sec. 1110. Application Filing and Processing*.

2. Modifications/revisions to an approved plan or conditions of approval that, in the opinion of the Planning Manager, are not minor in nature, must be processed as a Modified Conditional Use Permit, following the procedures set forth in this Section for Conditional Use Permit approval, except that modification/revision approval must not alter the expiration date established by the original application approval.

b. Voluntary Surrender of a Conditional Use Permit

A Conditional Use Permit approved pursuant to this Zoning and Development Code may be voluntarily surrendered, in writing, by the affected property owner pursuant to *Sec. 1140.B.1.c. Revocation or Termination Due to Abandonment of Use*.

7. Action by City Following Approval

a. Modification

The Approving Authority must have authority to add, delete, or modify conditions of approval imposed upon a previously granted Conditional Use Permit, based upon one or more of the following circumstances:

1. The Conditional Use Permit granted is being, or has recently been exercised contrary to the terms and/or conditions of application approval;

2. The Conditional Use Permit granted is being, or has recently been exercised in violation of a federal, State or City statute, ordinance, law, or regulation; and/or

3. The Conditional Use Permit granted was exercised in a way that is detrimental to the public peace, health, safety, or welfare, or constitutes a nuisance.

b. Revocation

1. The Approving Authority must have authority to revoke a Conditional Use Permit, based upon one or more of the following findings:

i. The Conditional Use Permit approval was obtained by fraud;

ii. The Conditional Use Permit granted is being, or has recently been exercised contrary to the terms and/or conditions of application approval;

iii. The Conditional Use Permit granted is being or has been exercised in violation of a federal, State or City statute, ordinance, law, or regulation; and/or

iv. The Conditional Use Permit granted was exercised in a way that is detrimental to the public peace, health, safety, or welfare, or constitutes a nuisance.

2. The Approving Authority's action to revoke a Conditional Use Permit must have the effect of terminating the permit and denying the privileges granted by the original approval and any subsequent modifications.

c. Revocation or Termination Due to Abandonment of Use

1. A Conditional Use Permit granting a land use, upon substantial evidence established, that is not being exercised, has ceased to exist, or has been suspended for more than 180 consecutive days, may be deemed to be abandoned (cause of action) and may be revoked or terminated solely on the basis of its abandonment.

2. The Approving Authority may determine a conditional use permit to be abandoned, based upon if one or more of the following findings:

i. The Conditional Use Permit has not had an active business license in more than 180 consecutive days;

ii. The Conditional Use Permit failed to obtain the necessary state or federal licensing;

iii. The Conditional Use Permit failed to obtain and finalize the necessary building permits required for said land use;

iv. The Conditional Use Permit was never exercised and the land use was never established according but not limited to the following records: business license, building permit, utility bills, other state or federal licensing required for said use;

d. Surrender Confirmation Due to Abandonment of Use

1. The Approving Authority or Property Owner may initiate the surrender and termination of a Conditional Use Permit when sufficient grounds exist, which clearly demonstrate abandonment of the use granted.

2. The Approving Authority may determine a conditional use permit to be abandoned, based upon if one or more of the following findings pursuant to *Sec. 1140.B.1.c. Revocation or Termination Due to Abandonment of Use*.

8. Action by City Following Approval Procedures

a. Initiation

1. Modification or Revocation

i. Discussion Item Scheduling and Notification

In order to determine that the reasonable grounds *Sec. 1140.B. Applicability* exist to initiate a permit or certificate modification or revocation, the City must: schedule a discussion item before the Approving Authority; and serve the affected applicant(s) and property occupant(s), and property owner if different from the applicant(s) or property occupant(s), with a Notice of Commencement of Modification/Revocation Consideration. The notice must be sent by certified mail at least 10 days prior to the meeting date of the discussion item, and must contain the following minimum information:

a) A description of the subject property, including street address, Assessor Parcel Number(s) or legal description;

b) The name(s) of the owner, and name(s) of occupants if different from the owner;

c) The project file number and date of issuance;

d) A description of the authorized land use or development entitlement, or discretionary administrative permit;

e) Statements supporting one or more of the causes of action contained in *Sec. 1140.B. Applicability*;

f) A statement that the Approving Authority will hold a discussion item within 60 days following the date of the Notice, to determine whether sufficient cause exists and that the Approving Authority, at the conclusion of the discussion item, may hold a hearing to either revoke the entitlement or permit, or take other action as deemed appropriate to ensure entitlement or permit compliance;

g) A statement that the applicant, owner, and/or occupant may appear in person and/or be represented by legal counsel, may present oral and documentary evidence, and may call witnesses and may ask questions of witnesses called on behalf of the City; and

h) The date, time, and place of the discussion.

ii. Discussion Item Conclusion

At the conclusion of the discussion item, if the Approving Authority determines reasonable grounds exist to initiate a permit or certificate modification or revocation, the Approving Authority must direct staff to schedule a hearing pursuant to *Sec. 1140.C.1.b.2. Sec. 1120. Public Hearings*.

2. Surrender

i. In order to initiate the surrender and termination of a Conditional Use Permit, the application must be submitted by the property owner or the property owner must

provide consent to the Approving Authority to initiate the surrender of a Conditional Use Permit when sufficient grounds exist, which clearly demonstrate abandonment of the use granted.

ii. Public Hearing

Upon determination that reasonable grounds exist to initiate a permit or certificate modification, revocation, or surrender, the City must: schedule a hearing before the Approving Authority, which must be noticed pursuant to *Sec. 1120. Public Hearings*, based upon the type of application being considered. If *Sec. 1120. Public Hearings* does not require public notification for the application type being considered, no public notice must be required for the modification/revocation hearing; and serve the affected applicant(s) and property occupant(s), and property owner if different from the applicant(s) or property occupant(s), with a Notice of Commencement of Modification/ Revocation Proceedings. The notice must be sent by certified mail at least 10 days prior to the public hearing date, and must contain the following minimum information:

a) A description of the subject property, including street address, Assessor Parcel Number(s) or legal description;

b) The name(s) of the owner, and name(s) of occupants if different from the owner;

c) The project file number and date of issuance;

d) A description of the authorized land use or development entitlement, or discretionary administrative permit;

e) Statements supporting one or more of the causes of action contained in *Sec. 1140.B. Applicability*;

f) A statement that the Approving Authority will hold a public hearing within 60 days following the date of the Notice, to determine whether sufficient cause exists and that the Approving Authority, at the conclusion of the hearing, may either revoke the entitlement or permit, or take other action as deemed appropriate to ensure entitlement or permit compliance;

g) A statement that the applicant, owner, and/or occupant may appear in person and/ or be represented by legal counsel, may present oral and documentary evidence, and may call witnesses and may ask questions of witnesses called on behalf of the City; and

h) The date, time, and place of the public hearing.

iii. Hearing

a) The modification, revocation, or surrender must be heard and acted upon pursuant to the procedures for public hearings contained in *Sec. 1120. Public Hearings*.

b) At the conclusion of the hearing, the Approving Authority may take appropriate action to ensure permit or certificate compliance, including the addition, deletion, or modification of conditions of approval, or revocation of the permit or certificate.

iv. **Decision and Notice to Property Owner**

a) Within 45 days following the conclusion of the hearing, the Approving Authority must render a decision and must mail notice of the decision, including facts and reasons supporting the causes of action, to the property owner and property occupant, if different from the property owner, and any other interested persons that have filed a written request for the notice.

b) The decision of the Approving Authority to modify or revoke an approved discretionary permit or action must be final and conclusive in the absence of an appeal filed pursuant to *Sec. 1130. Appeals*.

1160.E. **Variance**

1. Purpose

The City's authority to grant a Variance from the development regulations contained in this Zoning and Development Code is authorized by the California Government Code *(Sec. 65906.)*, which provides that in cases where special circumstances applicable to a property exist, and the strict application of the development regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, the City may allow deviation from the strict application of the development regulations.

2. Applicability

a. Pursuant to *Sec. 1100.A. Summary of Review Authority*, the Approving Authority, is hereby empowered to approve, approve in modified form, or deny a Variance application, and to impose reasonable conditions upon the approval of the application.

b. A Variance may be approved to allow deviation from any numerical development standard established by this Zoning and Development Code with respect to minimum and/or maximum dimension, area, mass, and quantity, except that a Variance must not be granted for increases in maximum density or floor area ratio.

c. A variance must not be approved on a lot that authorizes a use or activity that is not otherwise expressly authorized by the zoning district governing the affected lot, nor must the power to approve a Variance extend to any public health or safety standard, as this authority has been precluded by state laws.

3. Application Filing, Processing and Hearing.

A Variance application must be filed, processed, and heard pursuant to *Sec. 1110. Application Filing and Processing* and the provisions of this Section.

4. Findings and Decision.

A Variance must be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Division's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application must be denied if one or more of the below-listed findings cannot be clearly established.

a. The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the development regulations contained in this Zoning and Development Code;

b. There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to other properties in the vicinity and in the same zoning district;

c. The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zoning district;

d. The granting of the Variance will not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity.

e. The proposed Variance is consistent with the goals, policies, plans and exhibits of the General Plan, and the purposes of any applicable specific plan, and the purposes of this Zoning and Development Code.

5. Conditions of Approval

a. In approving a Variance, the Approving Authority, as applicable, may require certain safeguards and impose certain conditions established to ensure that the purposes of this Zoning and Development Code are maintained; ensure that the project will not endanger the public health, safety or general welfare; ensure that the project will not result in any significant environmental impacts; ensure that the project will be in harmony with the area in which it is located; and ensure that the project will be in conformity with the General Plan and any applicable specific plan(s).

b. All conditions or requirements authorized by this section are enforceable in the same manner and to the same extent as any other applicable requirement of this Zoning and Development Code.

1160.F. Development Plan

1. Purpose

a. To establish a review process whereby the integrity and character of the physical fabric of the City will be protected in a manner consistent with the goals and policies of the General Plan. This is ensured through the review of:

1. The suitability of building location;

2. Location and design of off-street parking and loading facilities;

3. Location, design and dedication of streets and alleys (public and private facilities);

4. Location and design of pedestrian and vehicular entrances and exits;

5. Location, design, materials and colors of walls and fences;

6. Location, design, size, and type of landscaping (public and private facilities);

7. Location, design, and materials of hardscape areas, such as patios, sidewalks and walkways (public and private facilities);

8. Drainage and off-site improvements (public and private facilities);
9. Compatibility with the surrounding area;
10. Exterior building architectural design, materials and colors;
11. Quality of proposed design and construction;
12. Location, type, design, colors, and materials of signs; and
13. Any conditions affecting the public health, safety, welfare, and general aesthetic of the community.

b. Protect and preserve the value of properties and to encourage high quality development throughout the City, whereas adverse effects would otherwise result from excessive uniformity, dissimilarity, poor exterior quality and appearance of buildings and structures; inadequate and poorly planned landscaping; and failure to preserve, where feasible, natural landscape features, and open spaces.

c. Recognize the interdependence of land values and aesthetics, and to provide a method to implement this interdependence in order to maintain the values of surrounding properties and improvements consistent with the General Plan, with due regard to the public and private interests involved.

d. Ensure that the public benefits derived from expenditures of public funds for improvement and beautification of streets and public facilities are protected by the exercise of reasonable controls over the character and design of private buildings, structures, parking and loading facilities, landscaped areas, recreation amenities and open spaces.

e. Ensure the design of landscaping and irrigation that shades parking facilities and other paved areas, buffers or screens undesirable views and compliments building architecture and overall site design.

f. Ensure reasonable controls over the character, design and location of signs, and the appropriate use of well-designed signs that complement the architecture of surrounding buildings, while considering the public and private interests involved and the exercise of control over the undesirable use of excessive signage.

2. Applicability

a. Pursuant to *Sec. 1100.A. Summary of Review Authority*, the Approving Authority is hereby empowered to approve, approve in modified form, or deny a Development Plan application, and to impose reasonable conditions upon a Development Plan approval.

b. Development Plan approval must be required for the physical alteration of a lot, the construction of a building, or the addition or significant alteration of an existing building, as follows:

~~District~~	~~Projects~~
~~Residential Neighborhood Districts (RND)~~ ~~Urban Neighborhood Districts (UND)~~ ~~Activity Center Districts (ACD)~~ ~~Transit Oriented Districts (TOD)~~ ~~Workplace Districts (WD)~~ ~~Special Campus Districts (SCD)~~ ~~Parkland Districts (PLD)~~	~~New construction of 4 or more housing units~~ ~~OR~~ ~~New non-residential construction greater than 22,500 square feet (cummulative)~~
~~Neighborhood Edge Districts (NED)~~	~~New construction of housing units on a property that is greater one acre in usable size~~ ~~OR~~ ~~New non-residential construction greater than 22,500 square feet (cummulative)~~

Development Plan Tier	Projects
Tier 1	New construction of 4 to 29 housing units. Includes establishing housing units within existing structures.
Tier 2	New non-residential construction or addition over 10,000 SF (cumulative) OR New construction of 30 or more housing units. Includes establishing housing units within existing structures.

c. Any Tier 1 Development Plan with a proposed map action is considered a Tier 2 Development Plan.

d. A Development Plan must remain in effect for the life of the affected development project, which must be developed and maintained in conformance with the plans as approved by the Approving Authority and must be maintained on file with the City.

3. Application Filing, Processing and Hearing

A Development Plan application must be filed, processed and heard pursuant to *Sec. 1110. Application Filing and Processing* and the provisions of this Section.

4. Findings and Decision

A Development Plan must be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Division's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application must be denied if one or more of the below- listed findings cannot be clearly established.

a. The proposed development at the proposed location is consistent with the goals, policies, plans and exhibits of the General Plan;

b. The proposed development is compatible with those on adjoining sites in relation to location of buildings, with particular attention to privacy, views, any physical constraint identified on the site and the characteristics of the area in which the site is located;

c. The proposed development will complement and/or improve upon the quality of existing development in the vicinity of the project and the minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed project;

d. The proposed development is consistent with the development standards and design guidelines set forth in the Zoning and Development Code, or applicable specific plan or planned unit development.

5. Conditions of Approval

a. In approving a Development Plan application, the Approving Authority may require certain safeguards and impose certain conditions established to ensure that the purposes of this Zoning and Development Code are maintained; ensure that the project will not endanger the public health, safety or general welfare; ensure that the project will not result in any significant environmental impacts; ensure that the project will be in harmony with the area in which it is located; and ensure that the project will be in conformity with the General Plan and any applicable specific and/or area plan(s).

b. Conditions of approval imposed upon a Development Plan approval may include, but is not limited to, provisions concerning building height, bulk or mass; setbacks; lot coverage; lighting; private and common open space, and/or recreation amenities; screening, including garages, trash receptacles, mechanical and roof-mounted equipment and appurtenances; landscaping; walls and fences; vehicular parking, access and circulation; pedestrian circulation; on-site security; grading; street dedication and improvements (public and private); on and off-site public improvements (public and private) necessary to service the proposed development; project timing/phasing; loading and outdoor storage; architectural treatment; signage; vehicular trip reduction; graffiti removal; sound attenuation; reparation and recordation of covenants, conditions and restrictions, mutual access agreements, maintenance agreements and other similar agreements; property disclosure pursuant to the California Businesse and Professions Code *(Sec. 11000 et seq.)*; and other conditions the Approving Authority may deem appropriate and necessary to carry out the purposes of the Zoning and Development Code.

c. All conditions of approval or requirements authorized by this Section are enforceable in the same manner and to the same extent as any other applicable requirement of this Zoning and Development Code.

1160.G. Wireless Telecommunications Facility Permit

1. Purpose

The purpose of this Section is to establish a procedure to ensure that a degree of compatibility is maintained with respect to certain uses on certain properties, due to their nature, intensity or size, or to compensate for variations and degrees of technological processes and equipment as related to the generation of noise, smoke, dust, fumes, vibration, odors and other practical hazards.

2. Applicability

a. Pursuant to *Sec. 1100.A. Summary of Review Authority*, the Approving Authority, as applicable, is hereby empowered to approve, approve in modified form, or deny a Wireless Telecommunications Facility Permit, and to impose reasonable conditions upon the approval of the application.

b. Wireless Telecommunications Facility Permit approval must be required prior to the establishment or expansion as identified in *Sec. 520. Allowed Uses*, and *Sec. 540. Use Standards*.

3. Application Filing, Processing, and Hearing

A Wireless Telecommunications Facility Permit application must be filed, processed, and heard pursuant to *Sec. 1110. Application Filing and Processing* and the provisions of this Section. The application at minimum must include the following information and documentation:

a. Applicant Information

1. The name, business address, telephone number, fax number and, if available, e-mail address of the applicant or co-applicants.

2. The following persons must be identified as applicants/co-applicants on any application form:

   i. The property owner;

   ii. The wireless service provider who will use the proposed wireless facility, wireless transmission device and any related support structures and accessory equipment; and

   iii. The wireless facility owner, if different from either the property owner or the wireless service provider.

b. Project Location

The street address and assessor's parcel number of the real property where the wireless facility, wireless transmission device, support structures and/or accessory equipment will be located.

c. Property Easements

The location and description of all easements, including public utility easements, encumbering the real property parcel where the wireless facility, wireless transmission device, support structures and/or accessory equipment will be located.

d. Coverage and Other Service Objectives

1. A general summary of those specific service objectives which the applicant seeks to attain or address through its proposal, (e.g., whether it is to add additional network capacity; increase existing signal strength; or provide new radio frequency coverage);

2. A general summary of the nature, location and geographic boundaries of any purported gap in network coverage and a summary of the scope of such a gap at various locations within its identified geographic boundaries (e.g., whether and where it extends to in-building coverage, in-vehicle coverage and/or outdoor coverage);

3. A general summary of the applicant's good faith efforts to identify, study and evaluate less intrusive alternatives, including the use of less intrusive technologies and equipment; alternative system designs; alternative siting structure types; alternative siting structure design, including stealth facility designs; alternative scale or size; and alternative siting options (e.g., alternative locations within the search ring, collocation opportunities or placement upon alternative siting structures);

4. A general explanation as to why specific circumstances, conditions or other factors render each of the alternatives identified pursuant to *Sec. 1170.G.3.d.3.*, above, incapable of reducing any purported coverage gap to a de minimis level.

e. Project Description

1. The specific location within the real property parcel of any proposed wireless facility and any proposed wireless transmission devices, support structures or accessory equipment;

2. A detailed description of the design, shape, color(s), and material composition of any support structures, accessory equipment and antennas or other wireless transmission devices included as part of the proposal;

3. The design and screening treatment selected for the proposal; and

4. Whether any proposed support structures or any existing support structure is structurally suitable and capable of accommodating (i.e., collocating) additional antennas or other wireless transmission devices as well as accessory equipment.

f. Maintenance and Monitoring Plan

The applicant must include within any completed application form a description of the anticipated maintenance and monitoring program for the wireless facility, wireless transmission devices, accessory equipment, or support structures proposed.

g. Noise and Acoustical Information

An inventory and description of any proposed noise-generating wireless transmission devices and accessory equipment, including, but not limited, to air conditioning units and back-up generators. The description must set forth noise and acoustical information including anticipated decibel levels of noise which would be produced.

h. Disclosure of Removal Costs

For the purpose of establishing the appropriate amount of any performance bond or other security required by *Sec. 540. Use Standards* for the removal of any approved wireless facility, wireless transmission device and related support structures and/or accessory equipment, the applicant must state the reasonable estimated cost of removing any approved wireless facility, wireless transmission device and related support structures and/or accessory equipment. The applicant must supplement the application with substantial evidence that corroborates its removal cost estimate.

i. Site Plan

1. The precise location within a real property parcel of all proposed wireless facilities, wireless transmission devices, support structures and/or accessory equipment;

2. All existing structures, utilities, lighting, signage, walls, fences, trees, landscaped areas, and other significant natural features, walkways, driveways, parking areas, streets, alleys, easements, and setbacks situated upon the real property parcel where the wireless facility, wireless transmission device, support structures and/or accessory equipment will be located, including, for proposed administrative collocations, a depiction of the existing wireless facility for which collocation is proposed in both "before" and "after" conditions based upon all proposed collocation equipment; and

3. All existing structures, utilities, lighting, signage, walls, fences, trees, landscaped areas, and other significant natural features, walkways, driveways, parking areas, streets, alleys, easements, and setbacks situated upon real property parcels immediately adjacent to the subject real property parcel.

j. Elevations and Section Drawings

Elevations and section drawings of the proposed wireless facility and/or all proposed wireless transmission devices, support structures, and accessory equipment. The applicant must also submit composite elevations from the street of all buildings, structures and other improvements on-site.

k. Preliminary Landscape Plan

A preliminary landscape plan which depicts all landscaping and screening. Such plan must:

1. Identify and describe existing surrounding landscaping and landscape vegetation (i.e., trees, shrubs and plants);

2. Identify and describe vegetation to be removed;

3. Depict and describe in terms of type, size and location proposed plantings of new landscape vegetation, and demonstrate how the landscaping and landscape vegetation will be designed and configured to screen wireless facilities, wireless transmission devices, support structures, and accessory equipment from public view or better camouflage stealth-designed facilities, devices and equipment;

4. Describe an irrigation plan for any existing and proposed landscaping surrounding the proposed facilities, devices and equipment and must demonstrate efforts to incorporate aesthetically compatible drought tolerant varieties of vegetation;

5. Depict a plan for the preservation of existing, un-removed vegetation during construction and installation phases; and

6. Demonstrate the availability of any required irrigation facilities on-site. The requirement for a landscape, screening and landscape irrigation plan is not required for roof-mounted wireless transmission devices and accessory equipment, except that the applicant must still submit a plan demonstrating and depicting any screening of such equipment pursuant to this Section.

l. Visual Analysis

Along with a completed application form, each applicant must submit a visual impact analysis including scaled elevation diagrams which:

1. Demonstrates the potential visual impacts of any proposed wireless facility, wireless transmission device, support structure, or accessory equipment;

2. Includes before and after photo simulations from various locations and/or angles from which the public would typically view the site and includes a map depicting where the photos were taken; and

3. Where the installation would be readily visible from the public right-of-way or from surrounding properties, the application must include an explanation as to why, if screening or other techniques to minimize the visibility are not proposed, such approaches to reduce the visibility of the installation would not be feasible or effective.

4. The Development Services Director or their designee may require a field mock-up to assess any potential visual impact including proper coloration and blending of the facility with the proposed site.

m. Justification Report

Along with a completed application form, the applicant must also submit a justification report which:

1. Describes and explains in detail those specific service objectives which the applicant seeks to attain or address through its proposal, (e.g., whether it is to add additional network capacity; increase existing signal strength; or provide new radio frequency coverage);

2. Describes and depicts the nature, location and geographic boundaries of any purported gap in network coverage and the applicant's corresponding search ring;

3. Describes and depicts the scope of any purported gap in network coverage at various locations within its identified geographic boundaries (e.g., whether and where the gap extends to in-building coverage, in-vehicle coverage and/or outdoor coverage);

4. Includes justification maps which identify the applicant's search ring, the location of alternative sites considered, the location of the proposed site, all existing and approved wireless facilities and/or wireless transmission devices within a one-mile radius of the proposed site and collocation opportunities or alternative site structure opportunities within the search ring;

5. Demonstrates, describes and explains in detail the applicant's good faith efforts to identify, study, evaluate and consider other less intrusive alternatives, including:

   i. The use of less intrusive technologies and equipment;

   ii. Alternative system designs;

   iii. Alternative siting structure types;

   iv. Alternative siting structure designs, including stealth designs;

   v. Alternative scale or size; and

   vi. Alternative siting options (e.g., alternative locations within the search ring, collocation opportunities or placement upon alternative siting structures);

6. Explains how specifically identified circumstances, physical conditions or other factors render each of the other alternatives identified, studied, evaluated and considered incapable of reducing any purported coverage gap to a de minimis level;

7. Explains why and how the proposal for which the applicant seeks approval is the least intrusive means in terms of feasible technology, system design, aesthetic design, size, scale and location for reducing any purported coverage gap to a de minimis level.

n. Propagation and Coverage Reports

1. The justification report must be accompanied by a radio frequency engineer's propagation and coverage report and corresponding maps which identify, describe and depict:

   i. The location and geographic scope of any purported gap in network coverage; and

   ii. The nature and scope of the coverage gap (e.g., whether it extends to in-door, in-vehicle and/or outdoor service and/or whether it is the result of inadequate network capacity).

2. Signal level indicators on maps must show specific power levels on the map in colors easily distinguishable from the base paper or transparency layer and must be adequately identifiable by radio frequency (RF) level in dBm and map color or gradient in the map legend.

3. The applicant must submit maps depicting existing coverage; the coverage provided by the proposal excluding existing coverage; and existing coverage combined with the coverage provided by the proposal.

4. The propagation and coverage report and corresponding maps must be prepared by a qualified and duly licensed radio frequency engineer.

o. Narrative Description and Map of Other Facilities

A narrative description and map disclosing and depicting the exact location and type of all existing wireless facilities and wireless transmission devices, including support structures, and accessory equipment owned and/or used by the applicant to provide coverage within any portion of the city whether or not such facilities, devices, structures or equipment are located within the city or outside of the city.

p. FCC and CPUC Approvals

1. Copies of all valid and applicable licenses, permits or other approvals required by the FCC or the California Public Utilities Commission ("CPUC") for the use, operation and maintenance, construction and placement of the wireless facility, wireless transmission device(s), support structure(s), and accessory equipment for which approval is sought.

2. If no such licenses, permits or other approvals are required of the applicant by the FCC or the CPUC, the applicant must explain and declare under penalty of perjury the reason why such licenses, permits or other approvals are not required.

q. Radio Frequency Emissions and Signal Interference Analysis

Along with a completed application form, each applicant must submit a written analysis prepared by a qualified and duly licensed radio frequency engineer which:

1. Determines and states the power rating for all wireless transmission devices and accessory equipment included in the applicant's proposal;

2. Provides a description of the specific services that the applicant proposes to offer or provide in conjunction with the proposed wireless facility or wireless transmission device;

3. Verifies that the proposal, including all wireless transmission devices and accessory equipment conform to the non-ionizing electromagnetic radiation ("NIER") standards adopted by the FCC;

4. Confirms that the use and operation of all proposed wireless transmission devices and accessory equipment will not exceed adopted FCC standards, including, but not limited to, FCC requirements that power densities in inhabited areas not exceed the FCC's Maximum Permissible Exposure ("MPE") limits for electric and magnetic field strength and power density for transmitters. Such analysis must:

   i. Address both the individual impact of any proposed wireless transmission device and accessory equipment, as well as their cumulative impact:

      a) If collocated upon a single support structure or alternative siting structure;

      b) If placed upon a real property parcel already containing a wireless facility, wireless transmission devices, and/or accessory equipment; or

      c) If placed upon a real property parcel immediately adjacent to another real property parcel containing a wireless facility, wireless transmission device, and/or accessory equipment;

5. Describes all appropriate operating parameters and maintenance requirements necessary to comply with all applicable FCC standards, including radio frequency emissions standards and standards relating to signal interference with consumer electronic products and/or public safety communications;

6. Confirms that all proposed wireless transmission devices and accessory equipment will be operated in a manner that complies with FCC regulations regarding radio frequency emissions and standards relating to signal interference with consumer electronic products and/or public safety communications;

7. In addition its technical narrative and discussion of the issues to be addressed, the analysis must also include a nontechnical executive summary presented in a concise and easy-to-read format that clearly explains in a nontechnical manner the current site conditions, conditions with the proposed wireless facility, wireless transmission devices and/or accessory equipment included and FCC thresholds as they relate to all applicable emissions standards.

r. Collocation Agreement

1. Each application proposing the construction of a new monopole, lattice tower, or guyed structure must include a signed statement whereby the applicant agrees, as a condition to any approval, to permit the collocation upon the support structure to accommodate additional wireless transmission devices and accessory equipment.

2. The application must also include a signed statement whereby the applicant agrees, as a condition of any approval, to refrain from entering into any exclusive agreement(s) or arrangement(s) that would prevent the type of collocation contemplated under this section.

4. Findings and Decision

a. A Wireless Communications Facility Permit must be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the

Planning Division's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding.

b. The application must be denied if one or more of the below-listed findings cannot be clearly established.

1. The Wireless Communications Facility permitee has demonstrated to the City a good faith effort to locate on an approved facility or has demonstrated that colocation is not technically feasible due to coverage needs, potential interference, or other technical issues.

2. There is adequate space on the property for the antenna and support equipment without conflicting with existing buildings or other structures on the property, or reducing required parking, landscaping setbacks or other development standards.

3. The wireless communication facility is designed in a manner as to eliminate the possibility of any adverse visual impacts on the neighboring uses.

4. The design and placement of the antenna and support equipment will not adversely impact the use of the property, other buildings and structures located on the property, or the surrounding area or neighborhood.

5. The antenna and support equipment as proposed are consistent with the intent of this section and comply with the operational standards and any applicable special sections.

6. The applicant has demonstrated that the wireless communications facility will have the least possible visual impact on the environment taking into account technical, engineering, economic and other relevant factors.

Sec. 1170. **Administrative Review**

1170.A. **Purpose**

To prescribe procedures for the consideration of administrative (ministerial) reviews or decisions by the Reviewing Authorities established by *Sec. 1100.A. Summary of Review Authority*. Administrative permits and decisions consist of City actions and determinations that involve little or no personal judgment by a public official as to the wisdom or manner of carrying out a project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements.

1170.B. **Applicability**

The Reviewing Authorities established by *Sec. 1100.A. Summary of Review Authority* must consider an administrative review or decision pursuant to the general provisions prescribed by *Sec. 1110. Application Filing and Processing*, and the provisions of this Chapter that are specific to each discretionary permit or action stipulated herein.

1170.C. **Ministerial Permit**

1. **Purpose**

a. To establish a procedure to ensure that land uses that have been determined to be allowed by-right can be reviewed and formally established in an objective, ministerial manner.

b. To establish a start date for by-right land uses that can be relied upon to make determinations on questions of nonconformity or cessation of uses, among other considerations.

c. To establish regulations that can be referred to in the event that a by-right use is operating contrary to the provisions of this Code and of any applicable special use standards and requires the enforcement of said codes.

d. To establish a process for the revocation of by-right uses in specific, qualifying circumstances.

2. **Applicability**

a. Pursuant to *Sec. 1100.A. Summary of Review Authority*, the Approving Authority, as applicable, is hereby empowered to approve, approve in modified form, or deny a Ministerial Permit, but must not impose conditions upon the approval of the application.

b. Ministerial ~~Use~~ Permit approval must be required prior to:

1. The establishment of those land uses, activities and facilities so identified in *Sec. 520. Allowed Uses* as permitted ("P") or permitted with use standards ("*"), with the exception of Dwelling Unit; and

2. The alteration/expansion of an existing use or structure which requires a Ministerial Permit pursuant to *Sec. 1200.K. Project Activities*.

3. Application Filing, Processing, and Hearing

A Ministerial Use Permit application must be filed, processed, and approved pursuant to *Sec. 1110. Application Filing and Processing* and the provisions of this Section.

4. Findings and Decision

A Ministerial Use Permit must be acted upon by the Approving Authority based upon the information provided in the submitted application and after a review of all applicable, objective, written use standards and regulations of this Section and Code at the time of a complete application, and must not be approved with findings of fact.

5. Appeal of Ministerial Permit Denial

Appeals of Ministerial Permit denials may be taken to the Approving Authority and must follow the procedures in *Sec. 1130. Appeals*.

6. Time Limits

An approved Ministerial Permit is valid for a maximum time period of 12 consecutive months. Approvals for land use(s) must be renewed annually.

7. Action by Applicant Following Approval

a. Ministerial Permits may be modified/revised upon application by a project proponent or property owner if different from the proponent. The request must be submitted to the Planning Division on a City application form pursuant to *Sec. 1110. Application Filing and Processing*.

b. Modifications and revisions to an approved Ministerial Permit that, in the opinion of the Planning Manager, are not minor in nature, must be processed as a new Ministerial Permit, following the procedures set forth in this Section for Ministerial Permit approval.

8. Action by City Following Approval

a. Revocation

1. The Approving Authority must have authority to revoke a Ministerial Permit, based upon one or more of the following findings:

   i. The Ministerial Permit approval was obtained by fraud;

   ii. The Ministerial Permit granted is being, or has recently been exercised contrary to applicable City Code and Zoning and Development Code regulations, inclusive of any use standards applicable to said use at the time of approval;

   iii. The Ministerial Permit granted is being or has been exercised in violation of a Federal, State or City statute, ordinance, law, or regulation; and

   iv. The Ministerial Permit granted was exercised in a way that is detrimental to the public peace, health, safety, or welfare, or constitutes a nuisance.

2. The Approving Authority's action to revoke a Ministerial Permit must have the effect of terminating the permit and denying the privileges granted by the original approval and any subsequent modifications.

1170.D. Temporary Use Permit

1. Purpose

To establish a procedure for the control and regulation of land use activities that are of a temporary nature which may adversely affect the public health, safety, and welfare as well as to ensure that temporary uses will be compatible with surrounding land uses, to protect the rights of adjacent residents and land owners, and to minimize any adverse effects on surrounding properties and the environment.

2. Applicability

a. Pursuant to *Sec. 1100.A. Summary of Review Authority*, the Approving Authority, as applicable, is hereby empowered to approve, approve in modified form, or deny a Temporary Use Permit, and to impose reasonable conditions upon the approval of the application.

b. Temporary Use Permit approval must be required prior to the establishment of those temporary land uses, activities and facilities so identified in *Sec. 560. Temporary Uses and Structures* or as otherwise required by this Code.

3. Application Filing, Processing and Hearing

A Temporary Use Permit application must be filed, processed, and heard pursuant to *Sec. 1110. Application Filing and Processing* and the provisions of this Section.

4. Findings and Decision

A Temporary Use Permit must be acted upon by the Approving Authority based upon the information provided in the submitted application and only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application must be denied if one or more of the below-listed findings cannot be clearly established.

a. The proposed temporary use will be located, operated, and maintained in a manner consistent with the policies of the General Plan and the provisions of the zoning ordinance.

b. Approval of the application will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare.

c. The proposed temporary use complies with the various provisions of this ordinance.

d. All building, electric, plumbing, fire, encroachment or other permits required by City ordinances will be obtained.

5. Conditions of Approval

a. In approving a Temporary Use Permit, the Approving Authority may impose certain safeguards and standards to ensure that the purposes of this Code are maintained; ensure that the permit will not endanger the public health, safety or general welfare; ensure that the permit will not

result in any significant environmental impacts; ensure that the permit will be in harmony with the area in which it is located; and ensure that the permit will be in conformity with the General Plan and any applicable specific plan.

b. The standards and requirements authorized by this Section are enforceable in the same manner and to the same extent as any other applicable requirement of this Development Code.

c. A copy of the approved Temporary Use Permit must be maintained on site for the duration of the use, activity, or facility authorized, and must be made available for inspection upon demand by a City representative.

1170.E. **Alternative Compliance**

1. Purpose

To provide an applicant with the opportunity to propose an alternative design standard that meets or exceeds the intent an applicable Zoning & Development Code standard.

2. Applicability

Alternative Compliance applies to development projects that do not comply with a design, development, or performance standard required by this Code, and the applicant proposes an alternative standard or condition that does not substantially alter the execution or intent of the regulations that apply to a proposed development. Alternative Compliance eligibility is established in a standard's rules, and are limited to:

a. Allowing required outdoor amenity space to be provided indoors for industrial uses, pursuant to *Sec. 380.B. Outdoor Amenity Space Design Standards*;

b. Allowing an increase in maximum build-to depth to preserve existing trees, pursuant to *Sec. 470. Build-To*;

c. Allowing an alternative fire apparatus road design standard, pursuant to *Sec. 610.A. Vehicle Access*; and

d. Bringing a nonconforming structure into conformity if the project meets or exceeds the intent of the standards of this Code.

3. Application Filing and Processing

An application for Alternative Compliance must be filed, processed, and heard pursuant to *Sec. 1110. Application Filing and Processing* and the provisions of this Section.

4. Findings and Decision

a. The Director of Development Services is authorized to approve requests for Alternative Compliance.

b. The Director of Development Services must review each application and approve, approve in modified form, or deny an application, and may impose reasonable conditions based on the standards as defined in this Zoning & Development Code and any applicable design guidelines.

5. Appeal of Administrative Decision

Appeals of administrative decisions may be taken to the Planning Commission and will follow the procedures in *Sec. 1130. Appeals*.

1170.F. Director Determination

1. Applicability

Director Determination applies to development projects that includes a proposed use which is not expressly listed or defined in *Sec. 530. Use Definitions*.

2. Application Filing, Processing, and Hearing

An application for Director Determination must be filed, processed, and heard pursuant to *Sec. 1150. Legislative Review*.

3. Findings and Decision

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

4. Appeal of Administrative Decision

Appeals of administrative decisions on an Director Determinations may be taken to the Approving Authority and must follow the procedures in *Sec. 1130. Appeals*.

Sec. 1180. **Subdivision Review**

1180.A. **Purpose**

To prescribe procedures for the consideration of subdivision reviews or decisions by the Reviewing Authorities established by *Sec. 1100.A. Summary of Review Authority*, pursuant to the California Subdivision Map Act.

1180.B. **Applicability**

The Reviewing Authorities established by *Sec. 1100.A. Summary of Review Authority* must consider an subdivision review or decision pursuant to the general provisions prescribed by *Sec. 1110. Application Filing and Processing*, and the provisions of this Chapter that are specific to each permit or action stipulated herein.

1180.C. **Certificate of Compliance**

1. **Application Filing, Processing and Hearing**

A Certificate of Compliance application must be filed, processed, and heard pursuant to *Sec. 1110. Application Filing and Processing*.

2. **Findings and Decision**

See *Sec. 1020.B. Map Review*.

3. **Appeal of Final Map and Parcel Map Decision**

Appeals of Certificate of Compliance decisions may be taken to the Approving Authority and must follow the procedures in *Sec. 1130. Appeals*.

1180.D. **Tentative Map**

1. **Application Filing, Processing and Hearing**

A Certificate of Compliance application must be filed, processed, and heard pursuant to *Sec. 1110. Application Filing and Processing*.

2. **Findings and Decision**

A Tentative Map must be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Division's written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings *(Gov. Code, § 66474)*, and giving supporting reasons for each finding. The application must be denied if one or more of the below-listed findings cannot be clearly established.

a. The proposed map is consistent with the general and applicable specific plans.

b. The design or improvement of the proposed subdivision is consistent with the general plan and applicable specific plan.

c. The site is physically suitable for the type of development.

d. The site is physically suitable for the proposed density of development.

e. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

f. The design of the subdivision or type of improvements is not likely to cause serious public health problems.

g. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

1180.E. Final Map and Parcel Map

1. Application Filing, Processing and Hearing

A Final Map and Parcel Map application must be filed, processed, and heard pursuant to *Sec. 1110. Application Filing and Processing* and the provisions of *Sec. 1020.C. Map Filing*.

2. Findings and Decision

See *Sec. 1020.C. Map Filing*.

3. Appeal of Final Map and Parcel Map Decision

Appeals of Final Map and Parcel Map decisions may be taken to the Approving Authority and must follow the procedures in *Sec. 1130. Appeals*.

1180.F. Map Correction and Amendment

1. Application Filing, Processing and Hearing

A Map Correction and Amendment application must be filed, processed, and heard pursuant to *Sec. 1110. Application Filing and Processing* and the provisions of *Sec. 1020.G. Modification of Recorded Final Map*.

2. Findings and Decision

See *Sec. 1020.B. Map Review*.

3. Appeal of Final Map and Parcel Map Decision

Appeals of Map Correction and Amendment decisions may be taken to the Approving Authority and must follow the procedures in *Sec. 1130. Appeals*.

1180.G. Parcel Map Waiver

1. Application Filing, Processing and Hearing

A Parcel Map Waiver application must be filed, processed, and heard pursuant to *Sec. 1110. Application Filing and Processing* and the provisions of *Sec. 1020.C. Map Filing*.

2. Findings and Decision

See *Sec. 1000.B.1. Parcel Map (Minor Subdivision)*.

3. Appeal of Parcel Map Waiver Decision

Appeals of Parcel Map Waiver decisions may be taken to the Approving Authority and must follow the procedures in *Sec. 1130. Appeals*.

Sec. 1190. Historic Preservation Review

1190.A. Additional Requirements

1. Requests to establish or modify a Historic District or Historic Landmark (-H) may originate with the City Council, the Historic Preservation Commission, the Administrator, any interested citizen, or citizen group. Any application for designation must be submitted In accordance with Section *Sec. 800. Historic Preservation*.

2. The designation application along with the request for a Zoning and Development Code Amendment processed according to the procedures in this Section and *Sec. 1160.D. Conditional Use Permit*. The Historic Preservation Commission must conduct a preliminary consideration of the proposed area's eligibility based on the standards in this Section. The Historic Preservation Commission will provide a report and recommendation to the City Council on the application. The Historic Preservation Commission has the authority to recommend the City Council designate properties, therefore, Historic Preservation Commission, not the Planning Commission, must review all applications concerning a zoning map amendment regarding the (-H) Overlay.

1190.B. Designation of Local Historic Landmarks, Districts and Points of Historical Interest

1. Applications for Designation

a. Any person or group, including the City, may request the designation of an Historical Resource as an Historic Landmark, District, or Point of Historical Interest by submitting an application to the City.

b. All Applications must include:

   1. Documentation indicating how the nominated resource meets the applicable designation criteria as determined by the director.

   2. As part of the application for historic district designation, the applicant must provide a set of mailing labels containing the names and addresses of all property owners of properties within the proposed historic district as shown on the latest equalized Los Angeles County assessment rolls.

   3. Any other information determined to be necessary for review of the proposed work.

   4. Required Fee(s).

2. Notice to Property Owner

When the property owner(s) is not the applicant for the designation, they will be notified by first class mail.

3. Initial Review

Within thirty 30 days of filing, the Development Services Director will review all applications for completeness and accuracy before they are accepted as complete.

a. Notification of Applicant

1. The applicant will be informed by a letter that the application is either complete and has been accepted for processing; or that the application is incomplete and that additional information, specified in the letter, must be provided.

2. When an application is incomplete, the time used by the applicant to submit the required additional information will not be considered part of the time within which the determination of completeness must occur. The time available to an applicant for submittal of additional information is limited by *Sec. 1110.G. Applicant Failure to Complete Application Processing*.

b. Expiration of Application

An application will be withdrawn if it is not completed pursuant to *Sec. 1110.G. Applicant Failure to Complete Application Processing*.

4. Community Meeting

When a neighborhood is nominated to be a Historic District, a community meeting will be held for the owners of every property proposed to be included in the district to discuss the proposed district.

5. Historic Preservation Commission

The Historic Preservation Commission will evaluate each application for Landmark, District, or Point of Historical Interest nomination, in accordance with the criteria established in Sec. 800.C.2. *Designations*, at a public hearing, and will decide by majority vote whether to approve any nomination and forward it to the City Council with a recommendation for Historic Designation.

a. The Secretary will set the time and place for such hearings, which may be continued from time to time.

b. The Secretary will give the applicant and property owner(s) notice of the time, place and purpose of such hearings in writing. Notice will be postmarked 30 days prior to the hearing.

c. Following the Hearing, the Commission will recommend City Council approval of, or reject, the nomination by resolution. If the Commission votes to nominate the Historic Resource for designation, the Secretary will forward the nomination to the City Council with a written recommendation for designation. If the Commission votes to reject the nomination, the nomination will not be forwarded to the City Council, unless the decision of the Commission is appealed.

6. City Council

The City Council has sole authority to designate an Historic Resource as an Historic Landmark, Historic District, or Point of Historical Interest:

a. Within 10 days of the Historic Preservation Commission's nomination, the Secretary will send a copy of the Historic Landmark or District nomination to the City Clerk. The Clerk or their designee will set a public hearing at which the City Council will consider the Commission's recommendation.

b. The Secretary will give the applicant and property owner(s) notice of the Council hearing time and place at least ten days prior to the hearing date, together with a copy of the Commission's

written Recommendation to the Council, according to the noticing procedures in *Sec. 1120.C. Public Hearing Notices*.

c. Following the hearing, the Council will adopt or reject the Historic Designation or, at its discretion, continue consideration of the matter, or refer the proposed designation to the Commission for further review within a period of time the Council sets.

d. Designation of an Historic Resource as an Historic Landmark, District, or Point of Historical Interest will be by resolution and will reference the specific criteria and/or findings on which the Historic Designation is based.

e. All buildings or structures designated as Historic Landmarks or as part of an Historic District pursuant to this Chapter will be so recorded by the City in the office of the Los Angeles County Recorder. The recorded document will contain the name of the owner or owners, a legal description of the property, the date and substance of the designation, a statement explaining that alteration, relocation or demolition are restricted, and a reference to this Section authorizing the recordation.

7. Owner Objection to Designation

a. No property will be designated an historic landmark if the owner objects to the designation, unless the City Council makes the findings listed in *Sec. 11100.B.8. City Council Override of Owner's Objection to Designation*, below.

b. No area will be designated an historic district if a majority of the property owners of the contributing properties to the proposed district object, unless the City Council makes the findings listed in *Sec. 11100.B.8. Owner Objection to Designation*, below.

c. Objections may occur in writing or verbally at the designation hearing.

8. City Council Override of Owner's Objection to Designation

The City Council may designate an historic landmark or historic district over the objection of the owner(s) as described *Sec. 11100.B.7. City Council Override of Owner's Objection to Designation*, above, if all of the following findings can be made:

a. The historic landmark meets the criteria for designation under *Sec. 800.C.2.a. Historic Landmark Designation Criteria*, or the historic district meets the criteria for designation under *Sec. 800.C.2.b. Historic District Designation Criteria;*

b. The landmark or district is an especially valuable historic resource as compared to other designated resources in the city; and

c. The historic landmark or historic district is of special interest to the community; and

d. The social benefit of designating the historic landmark or historic district can be shown by clear and convincing evidence to outweigh the private burden of designation and designation would not damage the owner of the property unreasonably in comparison to the benefit conferred on the community.

9. Zoning Map Amendment

a. All designated historic landmarks and historic districts will include a zoning map amendment to include an (-H) overlay abbreviation as described in *Sec. 800.D.2. Zoning District*. This amendment will also include an abbreviation for the second bracket of the applicable zoning district as described in *Sec. 800.D.3. Zoning District Brackets*.

b. The designation will include the procedures for a zoning map amendment in *Sec. 1150.F. Zone Change*, with the following exception: the Historic Preservation Commission will make the recommendation to the City Council regarding any map amendment regarding the (-H) Overlay instead of the Planning Commission.

1190.C. Determination of Historic Eligibility

1. Any property owner may request the Historic Preservation Commission make a determination as to a property's eligibility for historic designation. In addition, any request to demolish a structure 50 years old or older automatically requires review and an eligibility determination.

2. Upon receipt of a request to make an historic resource eligibility determination, the Zoning Adminstrator or their designee will schedule the property for review by the Historic Preservation Commission at their next meeting (subject to noticing requirements).

3. The Zoning Administrator or their designee will research the property and make a recommendation to the Commission as to whether the property meets any of the local, State or National designation criteria and if it has sufficient integrity to warrant designation.

4. The Historic Preservation Commission will make a determination whether or not the property is eligible for designation.

1190.D. Certificates of Appropriateness

1. Applicability

A certificate of appropriateness is required for any property located in an historic district or property designated as a historic landmark (-H) per *Sec. 800.C.7. Certificate of Appropriateness*.

2. Procedures

a. The Development Services Director or their designee will review all proposed work on any Historical Resource to determine if a Certificate of Appropriateness is required.

b. If the Development Services Director determines the proposed work is consistent with the applicable design standards and guidelines, as adopted by the Historic Preservation Commission, and the proposed work does not meet the requirements under *Sec. 800.C.6. Historic Compliance*, or the project requiring Historic Preservation Commission review in *Sec. 800.C.7. Certificate of Appropriateness*, a Minor Certificate of Appropriateness will be issued in accordance with this Section.

c. If the Development Services Director determines the proposed work is not consistent with the applicable design standards and guidelines, as adopted by the Historic Preservation Commission, or the project requires Historic Preservation Commission review per *Sec. 800.C.7. Certificate of Appropriateness*, a Major Certificate of Appropriateness will be required.

d. Within fifteen 15 days following the receipt of an application, a determination will be made by the Development Services Director.

e. Within thirty 30 days following the receipt of an application filed for a Major Certificate of Appropriateness, the Development Services Director or their designee, will determine, in writing, whether the application is complete for processing. If the written determination is not made within the required period, the application will be automatically deemed complete for processing. Upon receipt of any resubmittal of the application, a new 30-day period will begin, during which time completeness of the resubmitted application will be determined.

f. If an application is determined to be incomplete for processing, the Development Services Director or their designee will specify those parts of the application that are incomplete and will indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. Failure of an applicant to submit complete or adequate information pursuant to the provisions of *Sec. 11100.D.3. Application Requirements*, below, will constitute grounds for denial of the application.

g. The Historic Preservation Commission will review and make a determination on an application for a Major Certificate of Appropriateness no later than 75 days from receipt of a completed application by the Development Services Director. Inaction by the Historic Preservation Commission within the 75 day period will deem the application approved. The Historic Preservation Commission will approve, conditionally approve, or deny issuance of the Major Certificate of Appropriateness, and will make the appropriate findings.

3. Application Requirements

a. All applications must be filed with the Development Services Director. The applicant is encouraged to confer with the Development Services Director before submittal of the application.

b. All applications must include:

1. Plans and specifications showing the existing and proposed exterior appearance;
2. Materials and colors to be used on the exterior of the resource;
3. Relationship of the proposed work to the surrounding environment, if necessary;
4. Relationship to the existing scale, massing, architectural style, site and streetscape, landscaping and signage, for new construction in the applicable historic district;
5. Any other information the Development Services Director reasonably determines to be necessary for review of the proposed work; and
6. Required Fee(s).

4. Findings of Fact for Alterations

The following findings are required for the approval of a Certificate of Appropriateness.

a. The proposed alteration, restoration, relocation, or construction, in whole or in part, will not:

1. Detrimentally change, destroy, or adversely affect any significant or character-defining feature of the resource;

2. Detrimentally change, destroy, or adversely affect the historic character or value of the resource;

b. The applicant has obtained a Certificate of Economic Hardship, in accordance with *Sec. 1190.E. Certificate of Economic Hardship*.

5. Findings of Fact for Infill Development

The following findings are required for the approval of a Certificate of Appropriateness for infill development.

a. The proposed construction, in whole or in part, will not:

1. Be incompatible with the exterior features of other improvements within the applicable historic district; or

2. Adversely affect or detract from the character within the applicable historic district.

1190.E. Certificate of Economic Hardship

1. Applicability

The Historic Preservation Commission may issue an Certificate of Economic Hardship to allow alteration or demolition of a historic landmark or contributing resource where denial of a Certificate of Appropriateness would create an undue hardship upon the owner.

2. Applications

An application for an Economic Hardship Exception must be filed either concurrently with, or after, filing the related application for a Certificate of Appropriateness. An application for an Economic Hardship Exception must be made on the prescribed form and be accompanied by the following information, unless any such information is determined by the Development Services Director not to be applicable:

a. The estimated market value of the property in its current condition with supporting documentation.

b. The estimated market value of the property after completion of the proposed alteration or demolition with supporting documentation.

c. Estimates of the costs of proposed alteration or demolition with supporting documentation.

d. In the case of demolition, the estimated market value of the property after renovation of the existing property for continued use and an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional with experience in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

e. A rehabilitation report from a licensed engineer or architect with expertise in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.

f. For income-producing properties, information on annual gross income, operating and maintenance expenses, tax deductions for depreciation, and annual cash flow after debt service, current property value appraisals, assessed property valuations, and real estate taxes.

g. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years.

h. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property.

i. The amount paid for the property if purchased within the previous 36 months, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.

j. Any listing of the property for sale, rent, prices asked, and offers received, if any within the previous two years.

k. Any other information the Development Services Director may reasonably require in order to determine whether or not the property may yield a reasonable return to the owners.

3. Hearing Required

The Historic Preservation Commission will hold a public hearing on all applications for an Economic Hardship Exception; after which it may approve, conditionally approve, or deny the application. Such hearing may be held concurrently with any related application for a Certificate of Appropriateness.

4. Findings

The Historic Preservation Commission will approve an Economic Hardship Exception if it makes all of the following findings:

a. There are exceptional conditions and unreasonable circumstances relevant to the property for which the economic hardship exemption is sought which do not generally apply to other properties in the applicable historic district.

b. Denial of the application would decrease the value of the subject property so as to deprive the owner of any reasonable economic return on the property.

c. The granting of the Certificate of Economic Hardship is the minimum action that will make possible the reasonable use of the land or structure that is not contrary to the purpose and intent of the approved design guidelines.

d. The economic hardship exemption is consistent with the intent of the design guidelines.

e. Sale or rental of the property is not financially feasible, when looking at the cost of holding such property for uses permitted in the applicable zone.

f. Adaptive reuse of the property for lawful purposes is prohibited or impractical.

g. Denial of the application would damage the owner of the property unreasonably in comparison to the benefit conferred on the community.

h. Denial of the Certificate of Appropriateness would damage the owner of the property unreasonably in comparison to the benefit conferred on the community, or

i. All means involving City-sponsored incentives, such a transfer of development rights, tax abatements, financial assistance, building code modifications, changes in the Zoning and

Development Code, loans, grants, and reimbursements, have been explored to relieve the asserted economic hardship.

1190.F. Certificate of Deconstruction

1. Applicability

A Certificate of Deconstruction process is required for deconstructions, in whole, or in part, of designated historic resources and properties determined eligible for designation per *Sec. 800.C.1. Determination of Historic Eligibility*.

2. Applications

a. All applications for deconstruction must be filed with the Development Services Director. The applicant is encouraged to confer with the Development Services Director before submittal of the application.

b. All Applications must include:

1. Plans and specifications showing the proposed exterior appearance of the project site following deconstruction and any proposed new construction;
2. Materials and colors to be used on the exterior of structures on the site following the proposed deconstruction;
3. Relationship of the proposed work to the surrounding environment, if necessary;
4. Relationship of proposed new construction to the existing scale, massing, architectural style, site and streetscape, landscaping and signage in an applicable historic district;
5. Any other information the Development Services Director reasonably determines to be necessary for review of the proposed work; and
6. Required Fee(s).

3. Procedures

Applications for a Certificate of Deconstruction will be processed in accordance *Sec. 1160.D. Conditional Use Permit*.

4. Findings of Fact

One of the following findings must be made prior to approval of a Deconstruction application:

a. The proposed, deconstruction, in whole or in part, is necessary because:

1. All efforts to restore, rehabilitate, and/or relocate the resource have been exhausted; and/or,
2. Restoration or rehabilitation is not practical because the extensive alterations required would cause the loss of integrity of the resource.

b. The applicant has obtained a Certificate of Economic Hardship in accordance with *Sec. 800.C.8. Certificate of Economic Hardship*.

1190.G. Mills Act Contract

1. Applications

All applications must be filed with the Development Services Director. The applicant is encouraged to confer with the Development Services Director before submittal of the application. All applications must include:

a. A copy of the latest grant deed for the property.

b. A rehabilitation plan / maintenance list of the work to be completed within the 10 year contract period, including cost estimates and the year in which the work will be completed.

c. A financial analysis form showing current property taxes and estimated taxes for the property under a Mills Act contract.

d. Any other information the Development Services Director reasonably determines to be necessary for review of the proposed work.

e. Required Fee(s).

2. Initial Review

Within 30 days of filing, the Development Services Director will review all applications for completeness and accuracy before they are accepted as complete.

3. Expiration of Application

An application will be withdrawn if it is not completed pursuant to *Sec. 1190.G. Mills Act Contract*.

4. Historic Preservation Commission

a. The Historic Preservation Commission will evaluate each application for a Mills Act Contract, in accordance with the criteria established in *Sec. 800.C.19. The Mills Act*, and will decide by majority vote whether to approve any contract and forward it to the City Council with a recommendation for approval.

b. Following the meeting, the Historic Preservation Commission will recommend City Council approval of, or reject, the contract by resolution. If the Historic Preservation Commission votes to approve the contract, the Secretary will forward the recommendation to the City Council.

c. If the Historic Preservation Commission votes to reject the contract, the contract will not be forwarded to the City Council, unless the decision of the Historic Preservation Commission is appealed.

5. City Council

The City Council has sole authority to approve a Mills Act Contract.

a. Within 10 days of the Historic Preservation Commission's nomination, the Secretary will send a copy of the recommendation to the City Clerk. The City Clerk or their designee will set a meeting at which the City Council will consider the Historic Preservation Commission's recommendation.

b. The City Council will adopt or reject the contract or, at its discretion, continue consideration of the matter, or refer the proposed designation to the Historic Preservation Commission for further review within a period of time the City Council sets.

c. Approval of a Mills Act Contract will be by resolution and will reference the specific criteria and/or findings on which the approval is based.

Sec. 11100. **Nonconformities**

Nonconforming lots, uses, structures, and improvements within the City are detrimental to orderly development, and the health, safety, peace, comfort and welfare of persons and property within the city.

11100.A. **Purpose**

1. To provide relief from the requirements of this Zoning and Development Code for any existing nonconformity, defined as any lot, building or structure, or use that conformed to the zoning regulations at the time they were established, but do not conform to current requirements of this Code.

2. To provide for the orderly termination of nonconforming rights for lots, uses, structures, and improvements that were previously legally established, but no longer comply with the Zoning and Development Code. The orderly termination nonconforming lots, uses, structures, and improvements is necessary to promote the public health, safety and welfare, and to bring nonconforming lots, uses, and structures into conformity with current Zoning and Development Code provisions, and the goals and policies of the General Plan.

11100.B. **Intent**

1. To limit the expansion of nonconforming lots, uses, structures and improvements, establish the circumstances under which they may be continued, and provide for their correction, maintenance, and removal.

2. To provide for the elimination of nonconforming lots, uses, structures, and improvements as rapidly as possible, without infringing upon the constitutional rights of their owners.

11100.C. **Applicability**

1. Nonconforming lots, uses, structures, and improvements may be maintained, expanded, altered, and/or abated only in accordance with the provisions of this section. It must be the property owner's responsibility to provide evidence or information to justify the establishment of the nonconforming rights provided under this section.

2. Any designated historic landmark, contributing structure within a designated historic district, or any property listed on the California Register of Historical Resources or National Register of Historic Places, must be exempt from the provisions of this Chapter with respect to the restoration and maintenance of structures, provided that all construction plans are approved through a Certificate of Appropriateness by the Historic Preservation Commission.

3. A lot, use, structure, or improvement that becomes nonconforming due to a change in zoning district boundary or Zoning and Development Code regulation, the period prescribed for abatement of the use or improvement of the lot or structure must begin on the effective date of the change in zoning district boundary or Zoning Code regulation.

4. **General Rules**

The following general rules apply to all nonconformities. Specific rules in the following Sections may provide additional standards or exceptions to these general rules:

a. A nonconforming building, structure, or use may conduct renovation and maintenance and repair project activities, as defined in *Sec. 1200.K. Project Activities*, without triggering any of the standards of this Section.

b. No new construction, addition, site modification, facade modification, change of use, major renovation project activities, as defined in *Sec. 1200.K. Project Activities*, may occur on any nonconforming lot or to any nonconforming building or structure, or nonconforming use, that increases the degree of nonconformity with any individual standard in this Code, except where allowed in the following Sections.

c. Demolition that reduces compliance with the standards or rules in any zoning district is not allowed, except in conjunction with a project activity that allows the project to meet the minimum requirements.

11100.D. **Nonconforming Uses**

A use that lawfully occupied a building or land at the time an ordinance codified in this Zoning and Development Code became effective and does not conform to the Use Module regulations of the zoning district in which it is located, must be deemed a "nonconforming use." A nonconforming use may continue, subject to the following:

1. Discontinuance of Nonconforming Use

a. General

1. A building or structure, portion of a building or structure, or any land that contained a nonconforming use that has been discontinued for a continuous period of time outlined in *Sec. 11110.D.1.b. Discontinuance and Abandonment of Use, and Loss of Nonconforming Status* must only be occupied by a use that conforms to the current use regulations of the applied zone.

2. A nonconforming use of land that is accessory or incidental to the nonconforming use of a building must be discontinued on the same date the nonconforming use of the building is discontinued.

b. Discontinuance and Abandonment of Use, and Loss of Nonconforming Status

1. Without further action by the City, a use must lose its nonconforming status and must not be reestablished if the nonconforming use is abandoned for any reason.

   i. Residential Uses

   A nonconforming residential use must be deemed abandoned if the use is discontinued for a period of 365 or more consecutive days.

   ii. Nonresidential Land Uses

   A nonconforming nonresidential use must be deemed abandoned if the use is discontinued for a single period of 180 or more consecutive days.

2. Wherein the determination of abandonment of a use is in question, the determination of abandonment must be made by the Zoning Administrator, based upon satisfactory evidence. If there are no business receipts, records, or necessary licenses available to provide evidence

that the use in question has been in continual operation, the Zoning Administrator may make a determination of "abandonment of use" based upon consideration of:

i. The rem oval, without replacement, of equipment, furniture, machinery, fixtures, structures, or other components necessary to business operation, and/or

ii. The shut-off or disconnect of utilities (water, electricity, and/or natural gas).

3. Following the discontinuance of a nonconforming use, the use of a property must comply with all current requirements of this Zoning and Development Code and the applicable zoning district.

c. Change in Ownership, Tenancy or Management

A change in ownership, tenancy or management of a nonconforming use must not affect its nonconforming status, provided the use is not discontinued pursuant to *Sec. 1160.1.b. Discontinuance and Abandonment of Use, and Loss of Nonconforming Status*, above, or the type of use and/or intensity of use does not change.

d. New Development

New development on any lot upon which a nonconforming use exists must require that all uses on the property conform to the provisions of this Zoning and Development Code.

e. Alterations and Expansion of Use

1. A nonconforming use must not be enlarged or extended in such a way as to occupy any part of any structure or property that the use did not occupy prior to the creation of the nonconformity.

2. For nonconforming use alteration exceptions, see *Sec. 11110.K.1. Use Not Allowed Exceptions*.

f. Intensification of Use

A nonconforming use must not be intensified in such a way as to increase the discrepancy between existing conditions and the standards set forth in this Zoning and Development Code.

g. Abatement of Nonconforming Use

Nonconforming uses must be abated as follows:

1. A use must be discontinued upon the issuance of a cease and desist order by the City if:

i. The use is nonconforming due to an operation or process that poses a threat to the public health, safety or welfare, as determined by the Planning Manager or Building Official; and

ii. The owner fails to discontinue the operation or process, or to fully mitigate the hazard(s) involved.

2. A nonconforming use that has been discontinued or abandoned must comply with *Sec. 1160.1.b. Discontinuance and Abandonment of Use, and Loss of Nonconforming Status*.

11100.E. Nonconforming Structures and Improvements

A structure or improvement that was lawfully constructed or installed at a time an ordinance codified in this Zoning and Development Code became effective, and does not conform to the Form Module, Frontage Module, and Site standards of this Zoning and Development Code in which it is located, must be deemed a "nonconforming structure" or "nonconforming improvement," as applicable. A nonconforming structure or improvement may continue, subject to the following:

1. Damage or Destruction of a Nonconforming Structure

a. A nonconforming structure that is damaged or partially destroyed by fire or other calamity, or the public enemy, or other cause which is beyond the control of the property owner, and which could not otherwise have been prevented by reasonable care and maintenance of the structure, may be reconstructed, restored, or rebuilt up to the original size, placement and density, provided that total cost of the reconstruction, restoration, or rebuilding does not exceed more than 50 percent of the structure's fair market value prior to said damage or destruction. Structure reconstruction, restoration, or rebuilding must commence within 180 days following the occurrence of damage, unless extended by the Zoning Administrator, and must be diligently pursued to completion.

b. In the event that the cost of reconstructing, restoring, or rebuilding a structure exceeds 50 percent of the fair market value of the structure prior to such damage occurring, the structure may be reconstructed, restored, or rebuilt up to its original size, placement, and density prior to such damage occurring, and the use of the structure resumed, subject to the following:

1. The Zoning Administrator, at a duly noticed public hearing, must first find that the reconstruction, restoration, or rebuilding of the nonconforming structure:

i. Will not be detrimental or injurious to the health, safety or general welfare of persons residing or working in the neighborhood;

ii. Will not be detrimental or injurious to property and improvements in the neighborhood; and

iii. Continuation of the nonconforming structure will not result in an annoyance to and/or reduction of any surrounding property.

2. The public hearing and findings prescribed in *Sec. 1160.E.1.b.1.*, above, must not be required for the reconstruction, restoration, or rebuilding of a legal nonconforming single-unit dwelling located on a lot that is designated for "single-family dwellings" by *Figure 6.3: POMONA TOMORROW (Place Types) in the General Plan*.

3. The reconstruction, restoration, or rebuilding must be commenced within 180 days following the date that the damage or destruction occurred, unless extended pursuant to *Sec. 11100. Nonconformities*, and diligently pursued to completion.

4. Nothing in this section must be construed to permit the continuation of conditions that will endanger the health, safety, or welfare of building occupants, the residents of the area, or which constitute a public or private nuisance.

11100.F. **Calculation of Time**

Whenever a period of time related to a nonconformity is specified in this Code, the period of time is computed from the effective date of the ordinance that created the nonconformity.

11100.G. **Compliance with Other Laws**

Nothing in *Sec. 11100. Nonconformities* relieves any person or entity from the obligation to comply with the requirements of any Federal, State, County, or other local law.

11100.H. **Relief**

1. Relief from the requirements of this Section are available through *Sec. 1130. Appeals*.
2. The Zoning Administrator may allow for relief through *Sec. 1170.E. Alternative Compliance* to bring a project into conformity if the project meets or exceeds the intent of the standards of this Zoning and Development Code.
3. When relief is granted through any discretionary action taken consistent with this Section, the element that is the subject of the discretionary action is no longer considered nonconforming under this Zoning and Development Code.

11100.I. Form Exceptions

1. Coverage Exceptions

a. Building Setbacks

Where a building is nonconforming as to building setbacks, an addition is allowed, provided that:

1. Additions located in the nonconforming setback do not encroach to a greater extent than the existing encroachment or reduce the nonconforming setback to less than 50% of that required by the dimensional requirements of the applied zone.
2. The total of all additions made since the building became nonconforming do not exceed, in height or length, the height or length of that portion of the adjoining nonconforming building that extends into the same setback.

2. Building Exceptions

a. House Form Modules

1. An addition to a building or structure that is nonconforming as to floor area is allowed, provided that the addition conforms to all current regulations of the applied zone and other applicable current land use regulations, except as may be approved or permitted pursuant to a discretionary approval.
2. Modifications to existing buildings other than additions are allowed.

b. Addition to Building Exceeding Maximum Height

Where an existing building or structure is nonconforming only as to maximum height, additions that conform to all the current regulations of the applied zone and other applicable current land use regulations are allowed, except that the total aggregate floor area included in all the separate additions must not exceed 50% of the floor area of the ground story of the building or structure.

c. Existing Structures with an Industrial-Oriented Use

Any legally established building or structure containing an industrial-oriented use, that is nonconforming as to maximum building width and depth, may be rebuilt and exceed the maximum building width and depth specified in the applied *Subpart 3B. Form Modules*, subject to the following standards:

1. The building must be constructed to meet, at a minimum, LEED Gold certification.
2. The building must not exceed the existing gross floor area.

11100.J. **Frontage Exceptions**

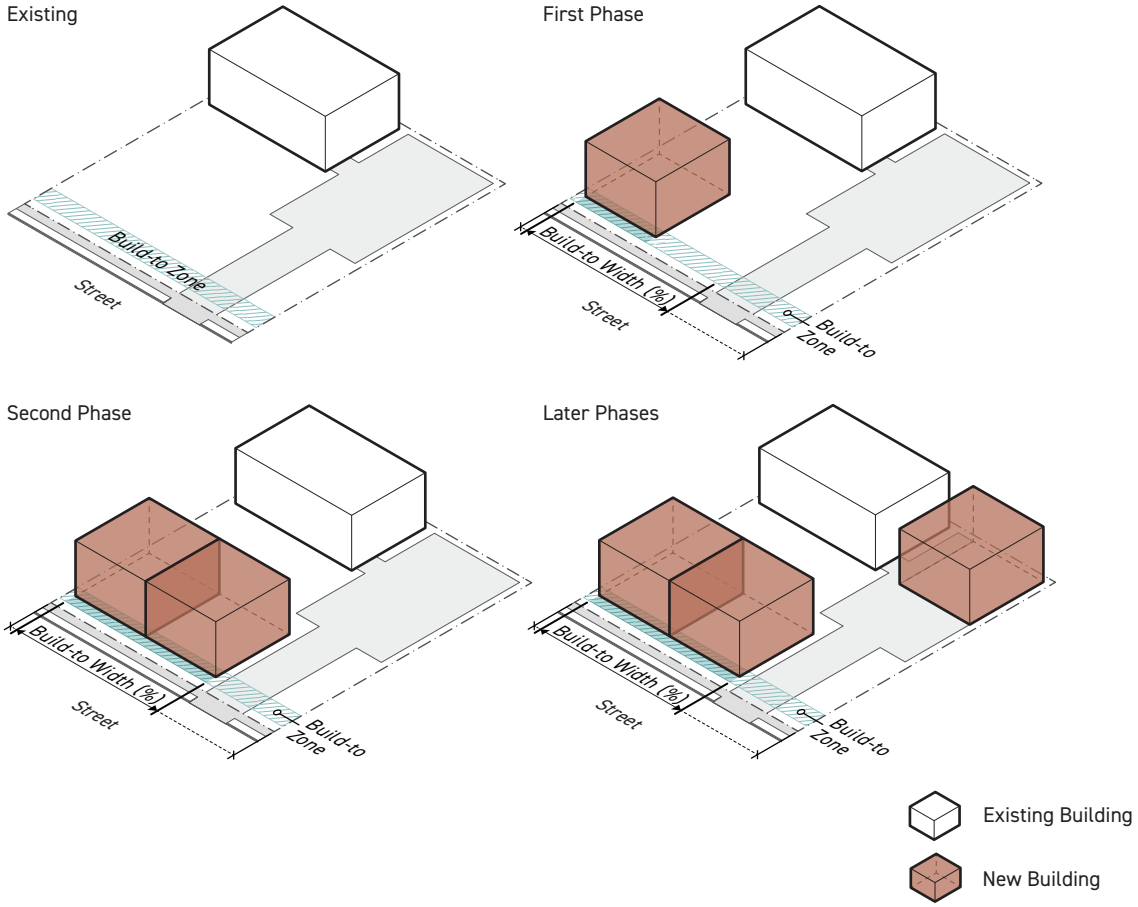
1. Build-to Exceptions

a. New Construction or Additions on a Lot with an Existing Non-Residential Use or Residential Use with 4 or more units

On a lot with an existing building where the lot is nonconforming as to the maximum build-to depth or minimum build-to width requirements, any new construction or addition must meet the minimum build-to width between the minimum and maximum build-to depth in one or more of the ways outlined below.

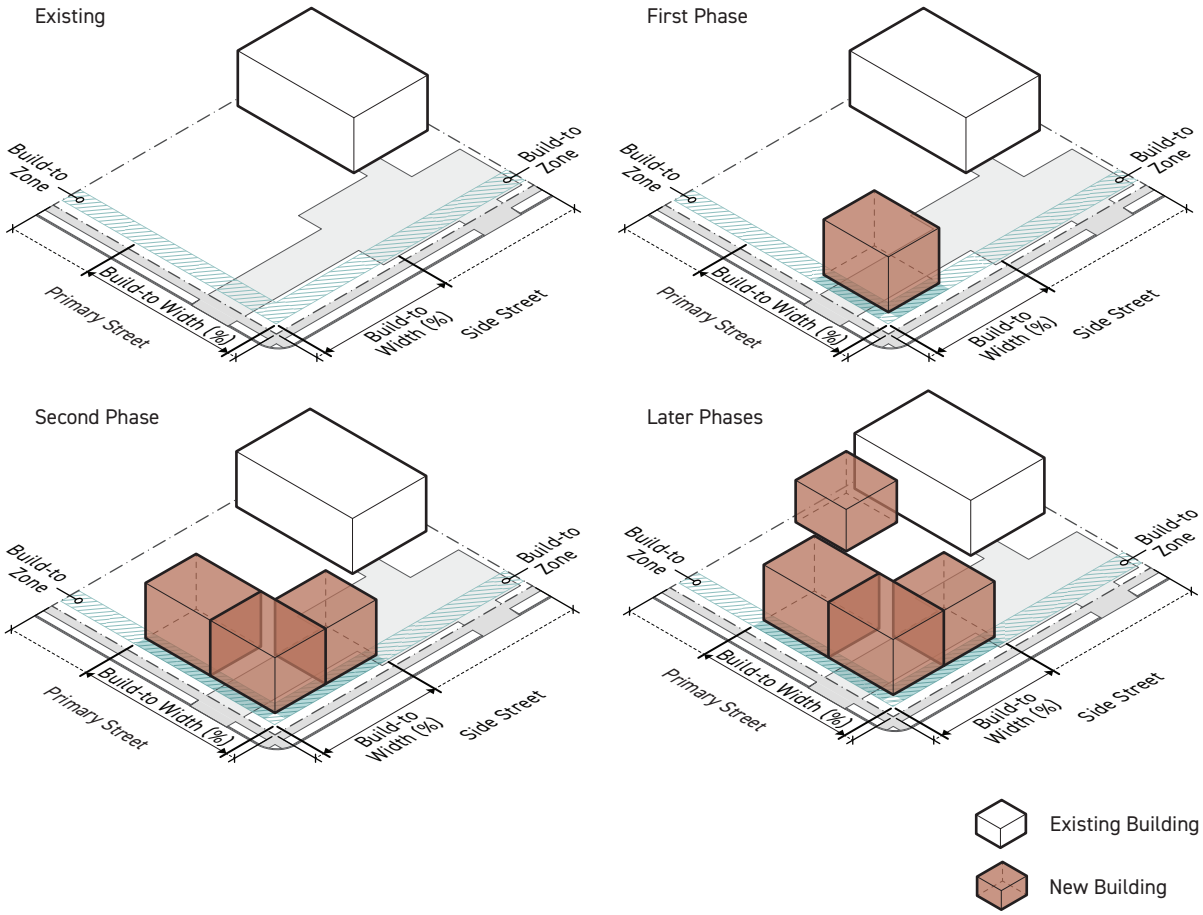
1. New Construction on an Interior Lot

All new construction must occupy the build-to depth until the build-to width has been met, except that buildings may be provided in phases - each new building is not required to meet the entire required build-to width for the lot.



2. New Construction on a Corner Lot

All new construction must occupy the build-to depth until the build-to width for both streets has been met, except that buildings may be provided in phases - each new building is not required to meet the entire required build-to width for the lot. The initial new building must begin at the corner and be located within the build-to-depth on both streets. Additional new buildings may be placed anywhere within the build-to zone.



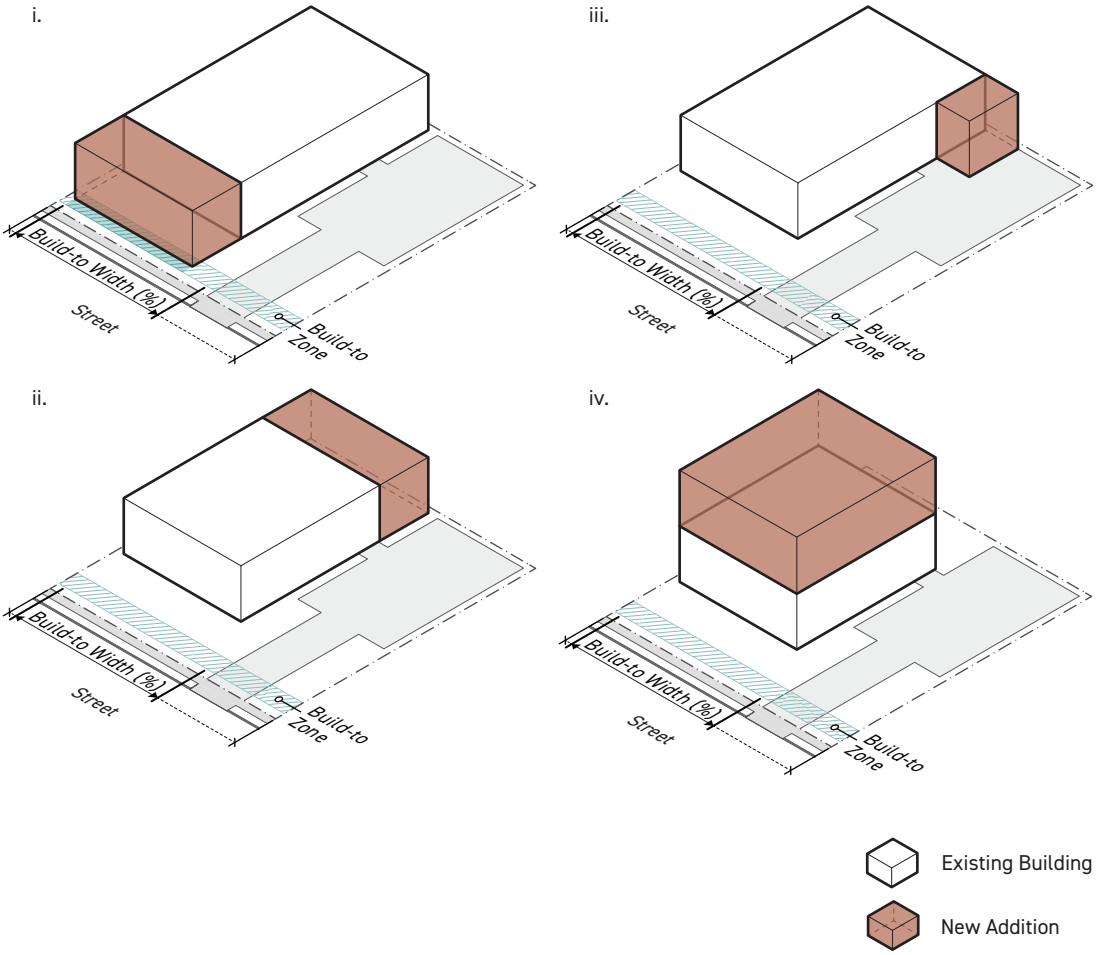
3. Additions on an Interior Lot

i. Any addition to the street lot line-facing facade of a building that is nonconforming as to build-to depth or build-to width must occupy the build-to depth, except that the addition does not have to meet the entire required build-to width for the lot.

ii. Additions of any size that extend a building that is nonconforming as to build-to depth or build-to width between the existing building and the rear lot line are allowed.

iii. Additions that extend a building that is nonconforming as to build-to depth or build-to width between the existing building and the side lot line are allowed, except that they must have a floor area less than 20% of the existing ground story.

iv. Additions on top of a building that is nonconforming as to build-to depth or build-to width are allowed, except that they must not increase the existing building footprint by more than 50 square feet and must not exceed the height limit for the applied zone.



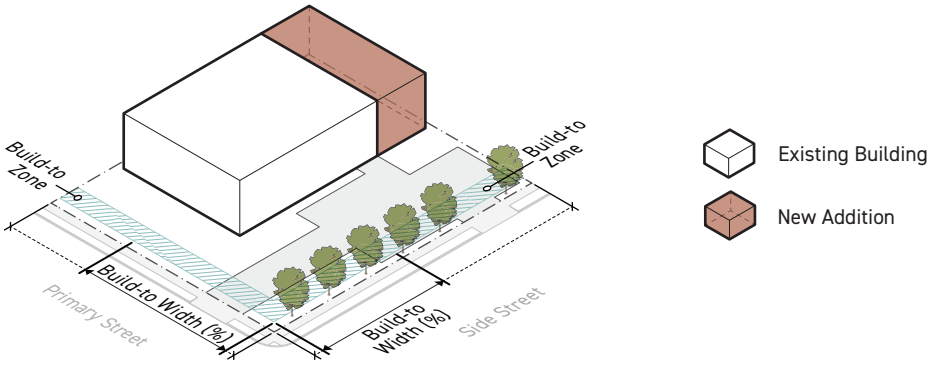
4. Additions on a Corner Lot

i. Any addition to the primary street-facing facade of a building that is nonconforming as to build-to depth or build-to width must be located within the build-to depth on the primary street, except that the addition does not have to meet the minimum build-to width for the entire lot.

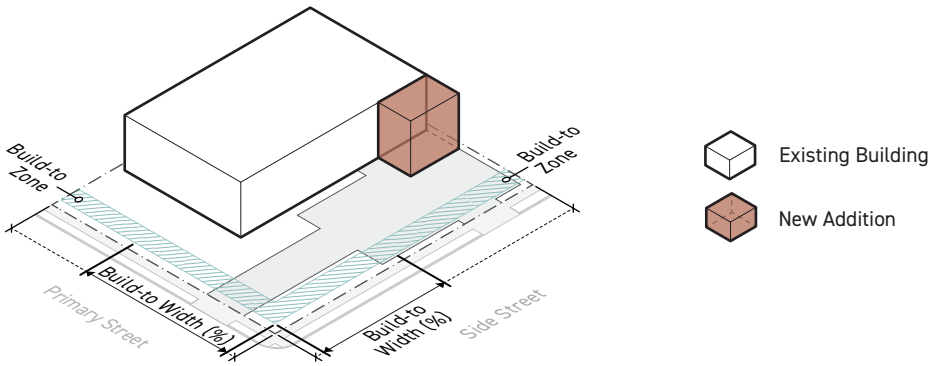
ii. Additions of any size that extend a building that is nonconforming as to build-to depth or build-to width between the existing building and the rear lot line, but not any wider than the existing building, and are located behind the build-to depth are allowed, except that:

a) A planting area must be provided as required in *Sec. 620.F.3.c. Planting Areas*, at least 6 feet wide, abutting the side street lot line, and installed across the entire length of the side street frontage where no building occupies the build-to zone. Breaks for pedestrian, bicycle and vehicular access are allowed.

b) The planting area with large species trees, must be provided as required in *Sec. 620.F.3.d.1. Trees*, planted at a rate of 1 tree per 30 feet along the entire length of the planting area. Trees should be planted offset from street trees to maximize space for canopy growth.



iii. Additions that extend a building that is nonconforming as to build-to depth or build-to width between the existing building and the side lot line are allowed, except that the floor area must be no greater than 20% of the existing ground story.



iv. Additions on top of a building that is nonconforming as to build-to depth or build-to width are allowed, except that they must not increase the existing building footprint by more than 50 square feet.

b. New Construction or Additions on a Lot with an Existing Residential Use with up to 3 units

On a lot meeting the following criteria, any new construction or addition must only meet the standards of *Sec. 480. (Parking Location)* and *Sec. 490. (Landscaping)*:

1. A residential lot with an existing building where the lot is nonconforming as to the maximum build-to depth or minimum build-to width requirements.
2. The proposed improvements do not require the approval of a Development Plan pursuant to *Sec. 1160.G. (Development Plan)*.
3. The proposed improvements are not located within the build-to-zone.

c. Where a building or structure does not meet the build-to width requirement and an existing plaza or similar open space located in the build-to zone does not meet the standards for pedestrian amenity allowance, the existing open space may be maintained, but not expanded. Any new construction, facade modification, or site modification must increase conformity with the pedestrian amenity allowance standards.

d. Additions to any street-facing facade of a building that is nonconforming as to build-to depth or build-to width are allowed behind the build-to depth, except that they must not exceed 10% of the ground story area of the existing building.

e. On lots with an existing building that is nonconforming as to build-to depth or build-to width, except where the existing building is a residential building, and new construction of additional dwelling units that are detached from the existing building located in a rear yard, the build-to depth and build-to width requirements do not apply.

11100.K. Use Exceptions

1. Use Not Allowed Exceptions

a. Where an existing use is nonconforming in the applied Use Module:

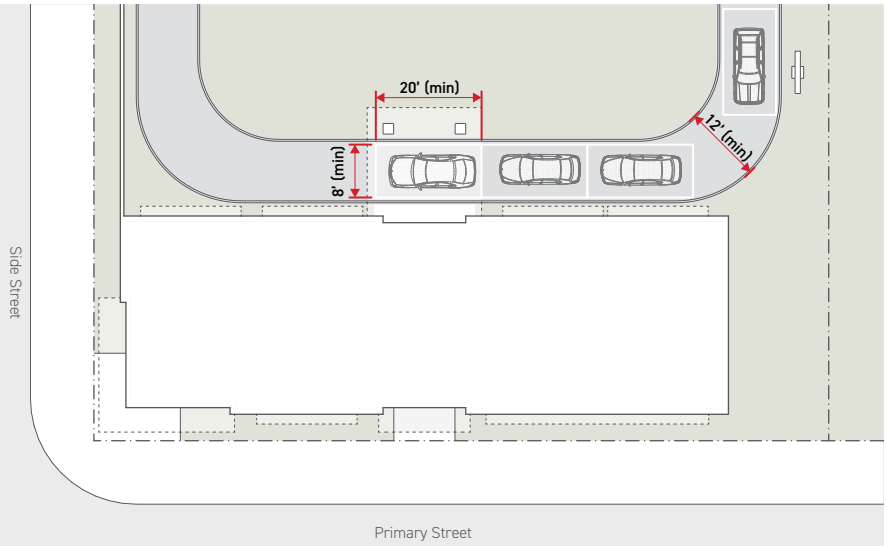
1. It may be relocated within the existing building, provided the move does not cause a net increase in the floor area of the nonconforming use.

2. It will not be reestablished after it has been abandoned. A nonconforming use is considered abandoned pursuant to *Sec. 1160.D.1.b. Discontinuance and Abandonment of Use, and Loss of Nonconforming Status*.

b. Where an existing drive-through use is nonconforming in the applied Use Module, an expansion of existing drive-through facilities may be allowed and must meet the following standards:

1. Must not encroach on or interfere with the use of sidewalks, drive aisles or parking areas.

2. Each queuing space in a drive-through lane must be a minimum of 20 feet in length and 8 feet in width along straight segments of the drive-through lane. Drive-through lanes must be a minimum of 12 feet in width along curved segments.



3. Drive-through lanes are regulated as a motor vehicle use area and subject to the standards specified in *Sec. 480. Parking Location*.

4. Drive-through lanes that take access directly from the public right-of-way are regulated as a driveway and subject to the standards for driveways as specified in *Sec. 610.A. Vehicle Access*.

5. Require review and approval by the Public Works Director to ensure the site design does not create detrimental impacts on pedestrians, bicyclists, transit vehicles or riders, micro mobility device users, and automobile traffic and circulation on the abutting right-of-way.

c. Where an existing fueling station use is nonconforming in the applied Use Module, an expansion of existing fueling facilities may be allowed and must meet the following standards:

1. Must not include more than 2 additional fuel pumps or 'multiple product dispensers'.

2. Must conform to current air or stormwater quality control regulations, and replace any single-walled underground storage tanks.

3. Must remediate any existing contamination of soil or groundwater.

4. Must be not be located within 300 feet of any residential, assembly, child day care, medical clinic, or urban agricultural use.

d. In the Industrial Use Modules, the nonconforming use of land where no buildings are occupied in connection with the use or where the only buildings occupied are accessory to or incidental to the use, may be continued, subject to the following limitations:

1. The nonconforming use must not be enlarged in any way beyond the limits of what was originally permitted.

2. The nonconforming use must be completely enclosed within a building or within an area enclosed on all sides with a Buffer Type II Transition Buffer pursuant to *Sec. 620.B.3.c.2.ii., Buffer Type II*, within 1 year from the date the use becomes nonconforming.

2. Use Standard Exceptions

Where a temporary use is nonconforming as to Use Module standards it may be continued until the expiration of the temporary use permit. When a nonconforming temporary use is subject to a new temporary use permit, it must meet all of the Use Module standards.

11100.L. Site Exceptions

1. Parking Exceptions

a. When parking is required, the currently-provided parking stalls must be considered the required parking for an existing nonconforming use where the parking stalls are less than what is specified in *Sec. 710.C.3.a., Required Parking*.

b. The Building and Safety Division of the Development Services Department may reduce the number of required parking stalls by the number of stalls the Building and Safety Division of the Development Services Department determines are needed to provide accessible parking stalls as required by State access laws.

11100.M. Street Exceptions

[Reserved]

Sec. 11110. **Violations and Enforcement**

See *Div. 5. (Enforcement)* of the City Code.

PART 12.

GENERAL RULES

Sec. 1200. General Standards and Measurement 12-2
1200.A. Distance 12-2
1200.B. Enclosure 12-2
1200.C. Encroachments 12-3
1200.D. Facing Facades 12-7
1200.E. Frequency 12-10
1200.F. Irregular Lot Line 12-11
1200.G. Lot 12-11
1200.H. Lot Line Categories 12-12
1200.I. Lot Line Designation 12-12
1200.J. Opacity 12-13
1200.K. Project Activities 12-14
1200.L. Residential and Nonresidential Uses 12-16
1200.M. Street Designation 12-16
1200.N. Story 12-16
1200.O. Yard Categories 12-18
1200.P. Yard Designation 12-19
Sec. 1210. General Terminology 12-22

Sec. 1200. General Standards and Measurement

1200.A. Distance

1. Distance

The shortest horizontal dimension between two points.

2. Walking Distance

Distance measured as the most direct path of travel for a pedestrian.

a. Measurement

1. Walking distance is measured horizontally along the most direct route of travel on the ground in the following manner:

   i. Starting at the nearest street-facing entrance accessible to the majority of tenants or residents on the subject lot;

   ii. In a straight line to the nearest public sidewalk, walkway, street, or road;

   iii. Along a public sidewalk, walkway, street, or road; and

   iv. In a straight line ending at the nearest pedestrian access point to the destination use.

1200.B. Enclosure

The measurement of how closed off an occupiable space is to its surroundings.

1. Standards

a. Enclosed

A space is considered to be enclosed when the perimeter of the space has an enclosure of at least 65%.

b. Unenclosed

A space is considered to be unenclosed when the perimeter of the space has an enclosure of less than 65%.

c. Perimeter Plane

An imaginary vertical plane along the perimeter of a space used to measure the enclosure of a space. A perimeter plane must be projected for a height of 8 feet measured from the floor or ground surface of the space.

d. Solid Area

The portions of the perimeter planes that have a permanent structure or component obstructing the space from its surroundings. For the purpose of measuring the enclosure of a space, portions of the perimeter plane are considered solid area where a permanent structure or component is

located within 5 feet of the perimeter plane, measured perpendicular to the perimeter plane and away from the subject space.

e. Non-Solid Area

The portions of the perimeter planes along the perimeter of a space that have no permanent structure or component obstructing the space from its surroundings. For the purpose of measuring the enclosure of a space, portions of the perimeter plane are considered non-solid area where no permanent structure or component is located within 5 feet of the perimeter plane, measured perpendicular to the perimeter plane and away from the subject space.

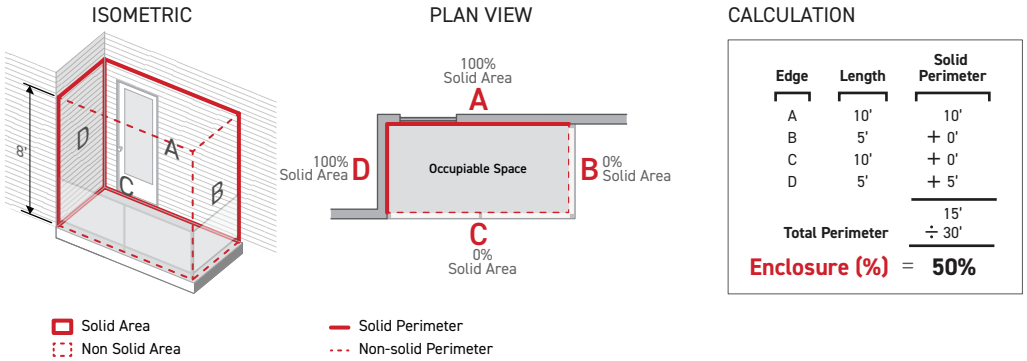
f. Solid Perimeter

The length of a perimeter of a space that consists of solid area for the entire height of the perimeter plane.

2. Measurement

a. Enclosure is measured as a percentage, calculated by dividing the cumulative length of the perimeter of a space that is solid perimeter by the total perimeter of the space.

b. For spaces with perimeter planes that do not contain a mixture of solid area and non-solid area for the full height of the perimeter plane, enclosure must be calculated as the length of the solid portion of the perimeter divided by the total perimeter.



3. Exceptions

a. Safety barriers 45 inches in height or less, measured from finished floor elevation, having an opacity of no more than 40% do not count toward solid area or solid perimeter.

b. Safety barriers 45 inches in height or less, measured from finished floor elevation, that are transparent with a minimum visual light transmittance of 60% and maximum external reflectance of 20% do not count toward solid area or solid perimeter.

1200.C. Encroachments

1. General

Modifications to existing structures may encroach beyond the limitations of the zoning district only where such limitations prohibit compliance with ADA standards or the Fire Code. When greater

encroachments are necessary, the encroachment must extend the minimum amount necessary to achieve compliance.

2. Horizontal Encroachments

A structure or assembly that extends horizontally into a space where structures are typically prohibited.

a. Standards

1. Architectural Details

Building elements attached to or integrated into the structure of a building, not intended for human occupation. Includes cornices, belt courses, sills, lintels, pilasters, pediments, and chimneys.

2. Roof Projections

Roof elements that overhang or cantilever beyond the footprint of a building and do not include posts or columns. Includes eaves, roof overhangs, gutters, awnings, and canopies.

3. Unenclosed Structures: Ground Story

Structures having all finished floors and ground surfaces at or below the maximum finished floor elevation of the ground story listed in Frontage and having a total structure height less than 15 feet, measured from surrounding finished grade. Includes porch, deck, stoop, landing platform, gazebo, trellis, arbor, pergola, basketball hoop, and volleyball net.

4. Unenclosed Structures: Above Ground Story

Structures having finished floors or ground surfaces above the maximum finished floor elevation of the ground story specified in *Subpart 4B. Frontage Modules* or having a total structure height of 15 feet of greater, measured from surrounding finished grade, and meets the standards in *Sec. 1200.L.1.b. Unenclosed*. Includes balcony, upperstory light shelf, and exterior stairway.

5. Enclosed Structures: Projecting

Structures that overhang or cantilever beyond the footprint of the building that meet the definition of enclosed. Enclosed projecting structures must have a cumulative length less than 25% of the width of the building. Each story is measured separately. Includes bay window, oriel window, sleeping porch, overhanging volume, and enclosed balcony.

6. Mechanical/Electrical Equipment: Ground Mounted

Equipment supported by the ground related to privately operated systems, including related wires, conduits, and pipes. Includes gas meter, water softener, pool equipment, HVAC equipment, gas tank, cistern, wind turbine, and solar panel.

7. Mechanical/Electrical Equipment: Wall Mounted

Equipment attached to a wall related to privately operated systems, including related wires, conduits, and pipes. Includes gas meter, electric meter, electrical panel, water heater, HVAC equipment, and gas tank.

8. **Waste Enclosure**

   Waste areas and their required screening structures. Includes trash compactor, garbage, recycling, and food waste.

9. **Utility Equipment**

   Equipment related to publicly-operated or utility-operated systems, including related wires, conduits and pipes. Includes hydrant, transformer, utility cabinet, water utility device, cable television box, internet box, or phone box.

10. **Underground Structures**

    Covered structures located entirely below finished grade. Includes cellar, basement, underground parking structure, stormwater storage, and cistern.

11. **Flatwork**

    Structures 2.5 feet in height or less, measured from finished grade. Includes pavement, sidewalk, multi-use path, patio, low deck, and stairs or ramp 2.5 feet in height or less.

12. **Fences, Walls, Hedges, and Screening**

    Fences, walls, and hedges, including allowed frontage yard walls and fences, allowed rear and side yard fences and walls, and required screening, may encroach into any required setback up to the lot line, provided that fences and walls in any frontage yard are allowed by the frontage yard fence and wall standards specified in *Subpart 3B. Form Modules*.

13. **Vegetation**

    Living organisms, absorbing water and organic substances through its roots and synthesizing nutrients. Includes tree, shrub, flower, herb, vegetable, grass, fern, and moss. Vegetation encroachments also include LID planters within 10 feet of a building and less than 4 feet in height, measured from finished grade.

14. **Outdoor Furniture**

    Permanent or movable furniture may encroach into any required setback up to the lot line. Includes bench, table, and bike or scooter parking rack.

15. **Signs**

    See *Sec. 630. Signs*.

b. **Measurement**

1. **Encroachment**

   Encroachment is measured as the horizontal distance from the edge of the area where structures are restricted.

2. **Distance from Lot Line**

   Distance from lot line is measured as the horizontal distance from a lot line. Distance from lot line is measured toward the interior of the lot along the full perimeter of the lot line.

c. Exceptions

Modifications to existing structures may encroach beyond the limitations in *Sec. 370.C.5. Exceptions* only where such limitations prohibit compliance with California State Accessibility Standards or Fire Code. When greater encroachments are necessary, the encroachment must extend the minimum amount necessary to achieve compliance.

3. Vertical Encroachments

A structure or assembly that extends vertically into a space where structures are typically prohibited.

a. Standards

1. General

i. No vertical encroachments that contribute to floor area are allowed.

ii. Modifications to existing structures may encroach beyond the limitations of this Zoning and Development Code only where such limitations prohibit compliance with California State Accessibility Standards or Fire Code. When greater encroachments are necessary, the encroachment must only extend the minimum amount necessary to achieve compliance.

2. Mechanical/Electrical Equipment: Roof Mounted

Equipment supported by a roof related to publicly-operated or privately-operated systems, including related wires, conduits, pipes and visual screens. Includes HVAC equipment, cistern, water tank, wind turbine, solar panel, solar water heater, exhaust duct, smokestack, wireless mast, communication equipment, satellite dish, ventilation fan, chimney, flue, vent stack, and generator. Roof Mounted also includes required screening according to *Sec. 620.D.2. Roof-Mounted Equipment*.

3. Architectural Elements

Building elements attached to or integrated onto the roof of a building, not intended for human occupation. Includes skylight, steeple, spire, belfry, cupola, dome, flagpole, and lighting.

4. Vertical Circulation

Enclosed and covered structures used for building circulation and rooftop access. Includes elevator room and associated equipment, and stair access to roof.

5. Safety Barriers

Vertical barriers required for safety and protection. Includes fence, wall, parapet, and railing.

6. Unenclosed Structures

Unenclosed areas attached to or integrated onto the roof of a building, intended for human shelter or activity. Includes shade structure, cabana, pergola, rooftop bar, outdoor dining, permanent seating, beehive, sports court, and cooking facility.

7. **Flatwork**

   Constructed objects 2.5 feet in height or less. Includes decking, walkway, patio, and planter.

8. **Vegetation**

   Living organisms, absorbing water and organic substances through its roots and synthesizing nutrients. Includes tree, shrub, flower, herb, vegetable, grass, fern, and moss. Vegetation encroachments also include LID planters within 10 feet of a building and less than 4 feet in height, measured from finished grade.

9. **Signs**

   See *Sec. 630. Signs*.

b. **Measurement**

1. **Encroachment**

   i. **Height in Feet**

      For any Form Modules with a maximum height in feet standard, encroachment is measured as the vertical distance from the maximum allowed height in feet to the topmost point of the encroaching object.

   ii. **Height in Stories Only**

      For Form Modules where height is regulated only in stories, encroachment is measured as the vertical distance from the top of the roof deck to the topmost point of the encroaching object.

2. **Setback from Roof Edge**

   Setback from roof edge is measured as the horizontal distance from the outermost edge of the roof structure. Setback from roof edge is measured inward along the full perimeter of the roof structure.

1200.D. **Facing Facades**

The exterior portions of a structure that are exposed to a specified object or site element.

1. General

a. **Measurement**

Where the exterior portions of a structure are specified as exposed to an area or an object/site element (such as a building or structure) all portions of a subject structure visible from any of the 4 building elevations projected parallel to each side of and oriented away from the smallest rectangle that circumscribes the footprint of the object or site element, are considered to be facing the specified object or site element. Building elevations projected that include no visible portions of the structure do not need to be included. See *Sec. 410.B.3.b. Frontage Applicable Facades* for applicability related to frontage standards.

b. Exceptions

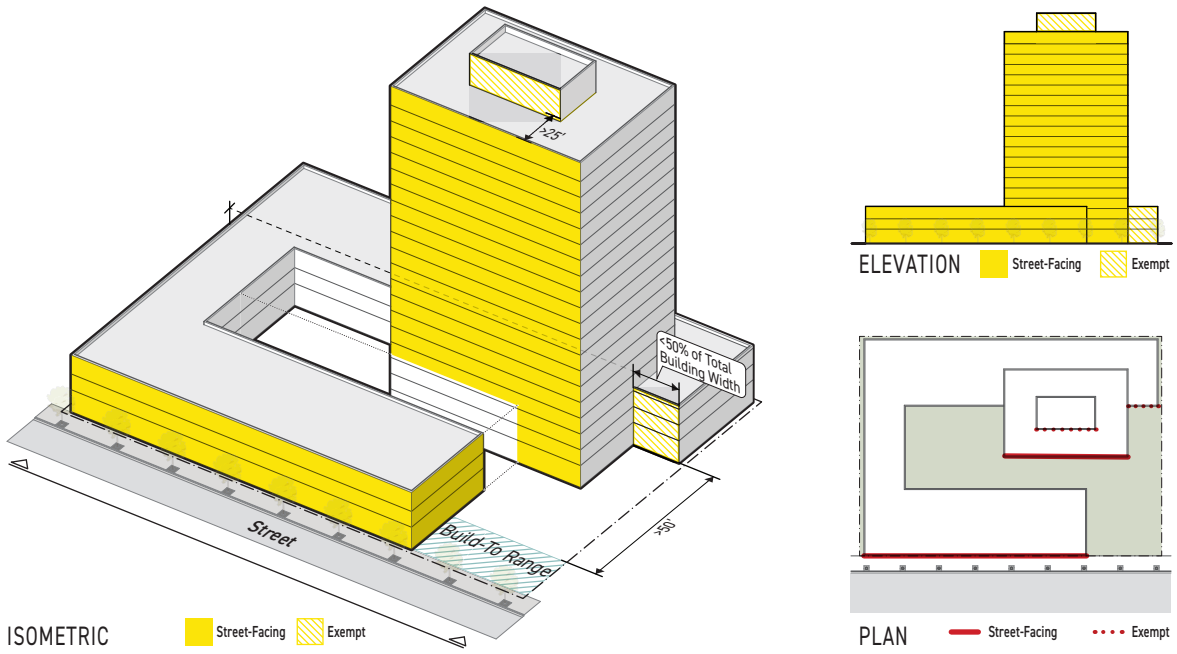
Portions of a structure that would otherwise be considered to be facing a specified object or site element which are located more than 50 feet from the specified object or site element, are not included, provided they are less than 50% of the total width of the specified object or site element measured parallel to the building elevations required.

2. Street Lot Line-Facing Facades

The portions of any Frontage Applicable Facades (Sec. 410.B.3.) having no permanent structure located between the building facade and a street lot line.

a. Measurement

The portion of a building facade (when projected parallel to the primary or side street lot line) with no permanent structure located between the building facade and the applicable primary or side street lot line are considered street lot line-facing facades.



b. Exceptions

Portions of a facade that would otherwise be considered to be street-facing that meet the following conditions are exempt from any requirements of street-facing facades:

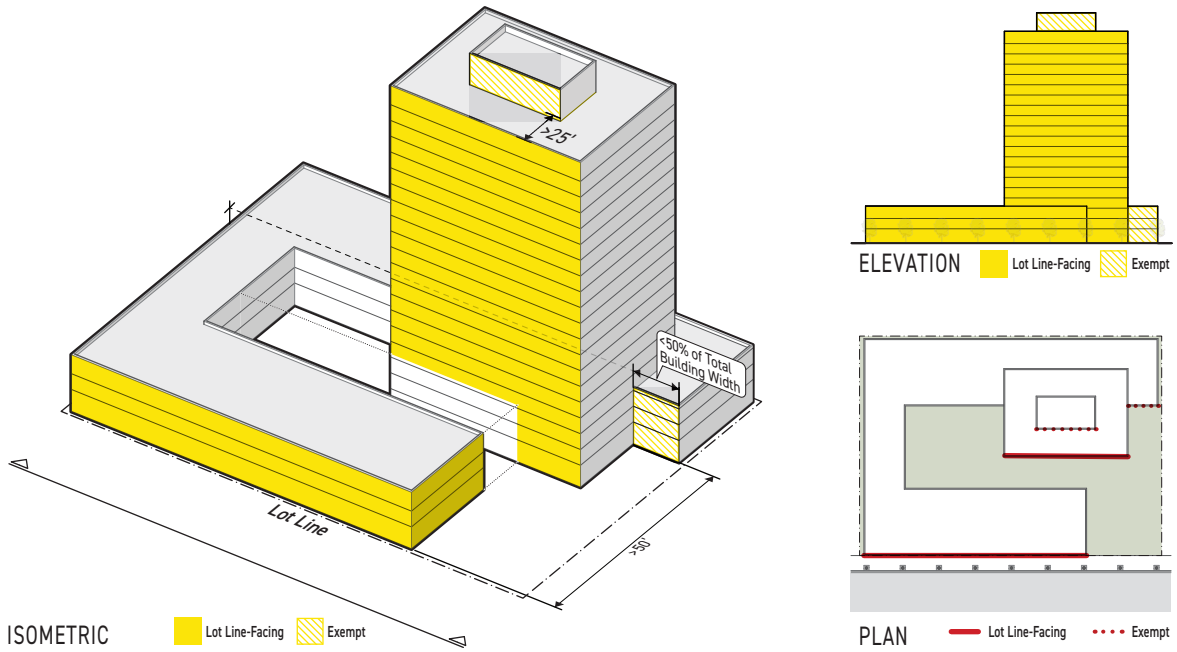
1. Facades more than 50 feet from the build-to zone are not included, provided they are less than 50% of the total building width.
2. Facades that are located entirely above the 6th story and are stepped-back more than 25 feet from the exterior perimeter of the story below are not included.

3. Lot Line-Facing Facades

The portions of any Frontage Applicable Facades (Sec. 410.B.3.) having no permanent structure located between the building facade and a common lot line.

a. Measurement

All facades visible from a building elevation projected parallel to the lot line are considered lot line-facing.



b. Exceptions

Portions of a facade that would otherwise be considered to be lot line-facing that meet the following conditions are exempt from any requirements of lot line-facing facades:

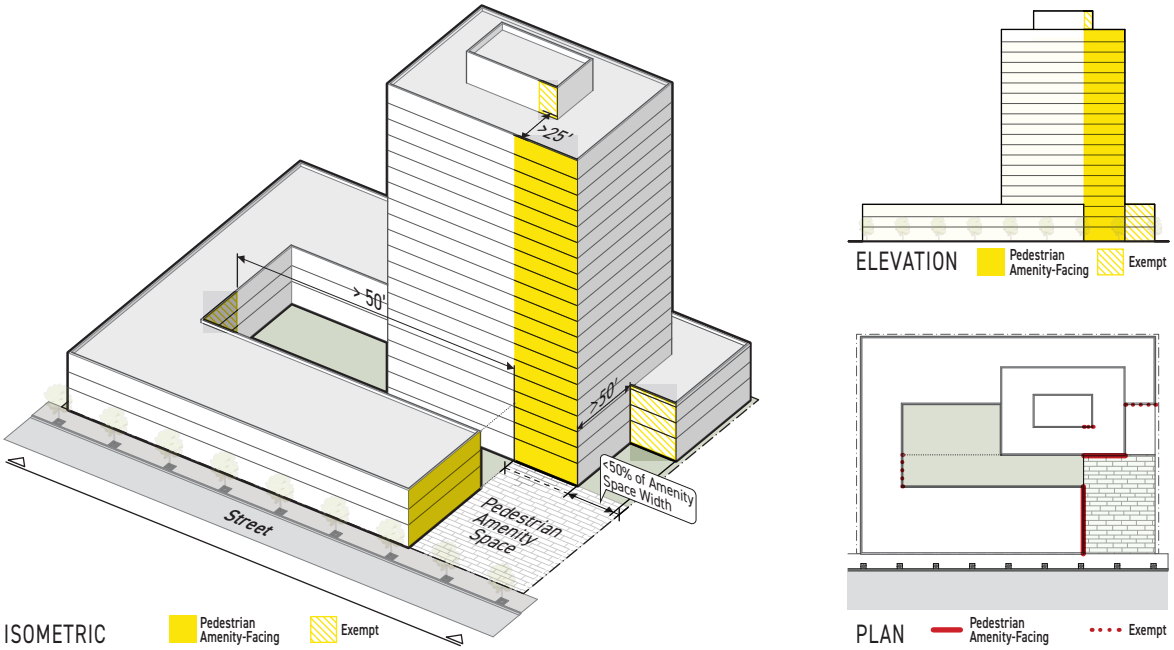
1. Facades set back 50 feet greater than the facade nearest to the lot line, are not included, provided they are less than 50% of the total building width.
2. Facades that are located entirely above the 6th story and are stepped-back more than 25 feet from the exterior perimeter of the story below are not included.

4. Pedestrian Amenity-Facing Facades

The portions of any Frontage Applicable Facades (Sec. 410.B.3.) having no permanent structure located between the building facade and a pedestrian amenity space.

a. Measurement

1. All portions of a facade visible from the three required building elevations below are considered pedestrian amenity-facing.



i. A building elevation from the pedestrian amenity space projected parallel to the frontage lot line,

ii. A building elevation from the pedestrian amenity space projected perpendicular to the frontage lot line oriented to the right of the frontage lot line, and

iii. A building elevation from the pedestrian amenity space projected perpendicular to the frontage lot line oriented to the left of the frontage lot line.

b. Exceptions

Portions of a facade that would otherwise be considered to be pedestrian amenity space-facing that meet the following conditions are exempt from any requirements of pedestrian amenity space-facing facades:

1. Facades set back 50 feet greater than the facade nearest to the lot line, are not included, provided they are less than 50% of the total width of the pedestrian amenity space.

2. Facades that are located entirely above the 6th story and are stepped-back more than 25 feet from the exterior perimeter of the story below are not included.

1200.E. **Frequency**

The rate at which something occurs or is repeated over a given distance.

1. Measurement

a. Spacing frequency is a ratio measured as the number of required occurrences of an object over a specified distance (displayed as occurrences:distance or occurrences per distance).

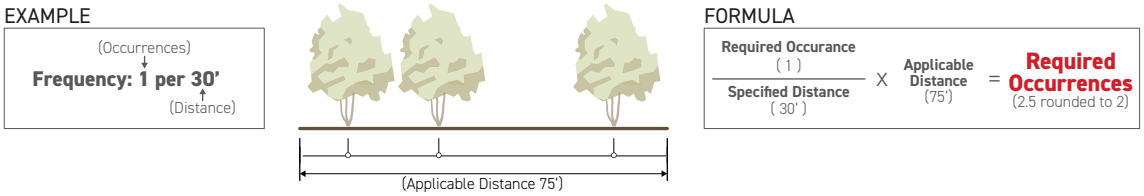
1. Occurrences of an object are measured as the total quantity of a required object located within the specified distance.

2. Specified distance is measured horizontally.

b. To calculate the number of required objects over a provided distance, divide the required occurrence of an object by the specified distance in the frequency ratio, then multiply this quotient by the applicable distance.

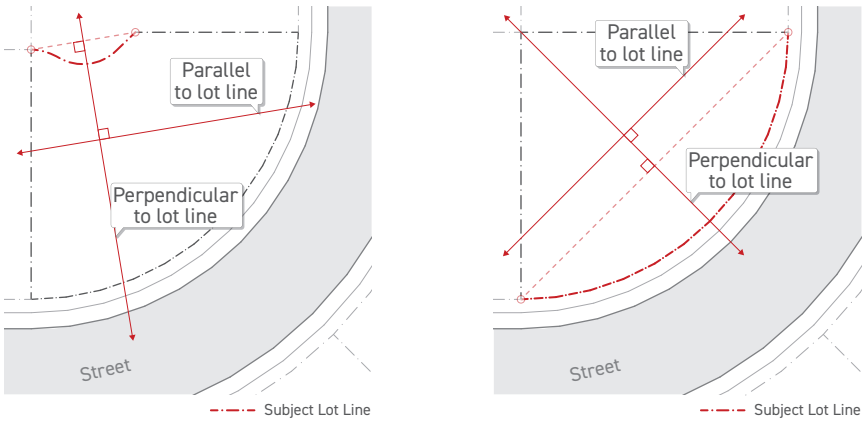
c. When calculating the number of required objects results in the requirement of a fractional occurrence, any fraction greater than 0.5 must be rounded up to the nearest whole occurrence and any fraction of 0.5 or less may be may be rounded down to the nearest whole occurrence so long as at least 1 occurrence is provided.

d. Frequency standards do not preclude irregular spacing.



1200.F. **Irregular Lot Line**

Where a street lot line is curved and only abutting one street, standards measured parallel or perpendicular to that street lot line assume the angle of the lot line to be the same as a straight line connecting the endpoints of the curved lot line segment.



1200.G. **Lot**

One or more parcels of land identified for the purpose of development.

1. A lot may be composed of one or more contiguous parcels.

2. All parcels composing a lot must be owned by the same person or entity.

3. All parcels composing a lot must be identified on either a tract map according to *Sec. 1000.B.2. Tract Map (Major Subdivision)* or a parcel map according to *Sec. 1000.B.1. Parcel Map (Minor Subdivision)*, and filed with the Los Angeles County Registrar-Recorder/County Clerk.

4. For the purpose of meeting standards associated with an applied zone string, a lot composed of multiple parcels may meet all applicable standards independently for each parcel or the lot may meet the standards treating the collection of contiguous parcels as a single parcel.

1200.H. Lot Line Categories

1. Frontage Lot Line

Any lot line that triggers Frontage Module requirements. Frontage lot lines include all primary street lot lines and side street lot lines in *Part 4. Frontage*.

2. Street Lot Line

Any lot line that abuts a street right-of-way. Street lot lines include all primary street lot lines and side street lot lines.

3. Common Lot Line

Any lot line shared by multiple lots. Common lot lines, including all side lot lines and rear lot lines.

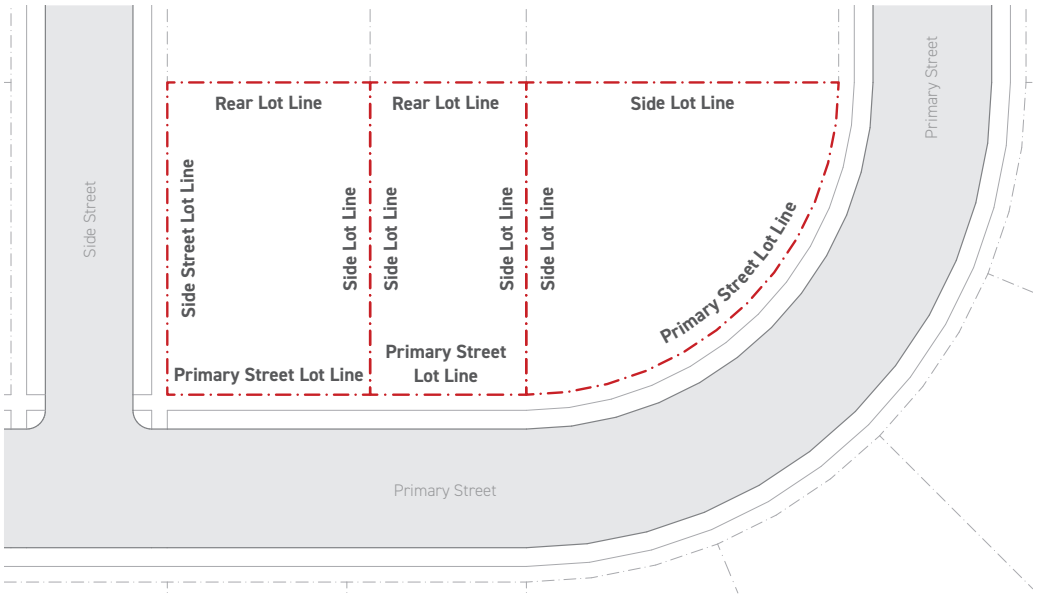
1200.I. Lot Line Designation

1. General

a. A lot line can have only one designation.

b. Each lot line must have one of the following designations:

1. primary street lot line;
2. side street lot line;
3. rear lot line;
4. side lot line; or
5. alley lot line.



2. Primary Street Lot Line

a. A lot line separating a lot from a primary street right-of-way.

b. Each lot must have at least one primary street lot line. A lot may have more than one primary street lot line.

c. For sites that abut multiple streets, a primary street lot line is determined using the following:

1. the street or streets with the highest classification;
2. the established orientation of the block;
3. the street abutting the longest face of the block;
4. the street parallel to an alley within the block;
5. the street that the site takes its address from; and
6. the primary street designation of adjacent development, either existing or approved.

d. A lot line abutting a park, open space, river, trail or pedestrian path can be designated as a primary street lot line.

e. Once designated for a site, a primary street lot line cannot be changed (e.g., a primary street lot line cannot, for purposes of subsequent development, be re-designated a side street lot line) unless all standards of the applicable zoning district are met based on the proposed change in street lot line designation.

3. Side Street Lot Line

A lot line separating a lot from a side street right-of-way. Any street lot line not determined to be a primary street lot line is considered a side street lot line.

4. Rear Lot Line

A lot line that does not abut a street or alley right-of-way and is opposite and most distant from a primary street lot line.

a. A lot may have no more than one lot line designated as a rear lot line.

b. In the case of a lot that fronts two streets on opposite sides, there may be no rear lot line.

c. Where no lot line is clearly opposite to the primary street lot line or where there are multiple primary street lot lines, the lot line having the highest portion of its length serving as the rear lot line of abutting lots is the rear lot line.

5. Side Lot Line

Any lot line not determined to be a primary street, side street, rear or alley lot line.

6. Alley Lot Line

Any lot line separating a lot from an alley right-of-way. Even when a lot line qualifies as a rear lot line or side lot line, all lot lines that abut an alley right-of-way are considered an alley lot line.

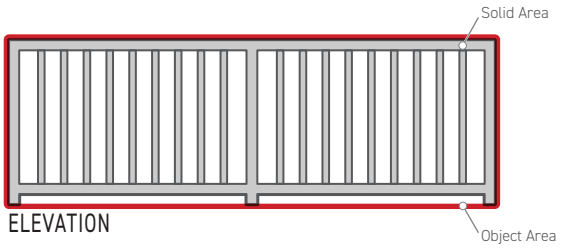
1200.J. **Opacity**

The degree to which an object or material is impervious to rays of light or obstructs visibility.

1. Measurement

a. Opacity is measured as a percentage, calculated by dividing the solid portion of the object area by the total area of the object.

b. The total area of the object is measured as the smallest convex polygon containing all elements of the object or assembly.



FORMULA

$$\frac{\text{Solid Area}}{\text{Object Area}} = \textbf{Opacity (\%)}$$

2. Standards

a. Equivalent Transparency

Where an assembly includes materials or objects that are solid but transparent (including glass), the transparent portion of the solid area may be weighted by multiplying it by the visual light transmittance of the material specified by the manufacturer.

SAMLE CALCULATION

1 - 0.6 (VT) = 0.4 = 40% **(Opacity%)**

b. Visual Obstructions

Any permanent visual obstructions within a distance of 5 feet of the subject object, measured horizontal and perpendicular to the object area, renders otherwise non-solid areas solid for the purpose of measuring opacity.

1200.K. Project Activities

A project involving any of the activities listed below. A project may or may not require a building permit. The definition of project may be modified by a Specific Plan.

1. Subdivision

See *Part 10. Division of Land*.

2. New Construction

Any activity that includes the construction of a new building or structure, or establishes new housing units within an existing building or structure.

3. Addition

a. Any nonresidential expansion or enlargement of an existing building ~~or structure~~ that does not exceed 50% of the existing building footprint or 10,000 square feet, whichever is less. Includes activity that increases the floor area or the height of an enclosed space within an existing building.

b. Any expansion or enlargement of an existing residential building.

4. Site Modification

Any substantial modification to a site, including to landscaping, trees, fencing, walls, lighting, grading, flatwork, and parking lots ~~including resurfacing and restriping of existing parking lots~~. A modification must not increase the level of nonconformity on a site.

5. Facade Modification

a. Any substantial change to the exterior envelope of a building ~~Facade modifications include changes to any of the following: The facade of a building; The amount of exterior foundation wall that is exposed above finished grade; or An architectural element (including a balcony, porch or deck) attached to a facade. Facade modification includes~~ or any change to a facade that goes beyond the definition of maintenance and repair ~~-~~ as determined by the Development Services Director.

6. Change of Use

a. A change in use or a modification of an area designed and intended for a specific use from the previously approved use.

b. Change of use includes a change in the permanent use of any portion of a building or lot from one of the uses specified in *Part 5. Use*, to another.

c. Change of use does not include any uses requiring event-based permission from the City. For these uses, see *Sec. 560. Temporary Uses and Structures*.

d. Change of use includes the expansion of floor area or lot area dedicated to a use or an increase in the intensity of a use, such as an increase in seating capacity or the number of persons in care.

7. Renovation

a. Modification of the interior of any building or structure that does not expand the building or structure, but includes more than 50% of the floor area of any story of the structure.

b. Renovation does not include interior modifications to meet fire, life safety, and ADA requirements, regardless of the amount of floor area included.

c. Renovation includes any change that goes beyond the definition of maintenance and repair.

8. Maintenance and Repair

Activity done to correct the deterioration, decay of, or damage to, any part of a building, structure, or lot, that does not involve a change or modification of the existing design, outward appearance or applicable zoning requirements. In-kind replacement of deteriorated or damaged parts of a building is considered maintenance and repair. Maintenance and repair includes repair of site components such as parking lots or landscaping.

1200.L. **Residential and Nonresidential Uses**

1. Residential uses include all uses listed in the residential use category within *Part 5. Use*.
2. Nonresidential uses include all uses not listed in the residential use category within *Part 5. Use*.

1200.M. **Street Designation**

1. Public rights-of-way adjacent to a lot are classified as either primary streets, side streets or alleys. Rivers, bike paths and trails are public rights-of-way but are not considered streets.
2. When a lot abuts only one street, the street is considered a primary street.
3. A lot that abuts multiple streets must designate at least one as a primary street.
4. A lot may abut more than one primary street.
5. For lots that abut multiple streets, the following will be used to determine a primary street:
   a. the pedestrian orientation of the street;
   b. the established orientation of buildings on the block;
   c. the street or streets abutting the longest face of the block;
   d. the street or streets parallel to an alley within the block;
   e. the street from which the lot takes its address; and
   f. the street with the highest classification or highest traffic counts.

1200.N. **Story**

The portion of a building or structure included between the upper surface of a floor and the upper surface of the floor next above, except that the topmost story is that portion of a building or structure included between the upper surface of a floor and the upper surface of the ceiling structure above.

1. **Ground Story**

The story of a building that meets the criteria below:

a. A ground story must be designated for all portions of a building footprint.

b. The ground story is the lowest story of a building or structure meeting the following standards:

   1. The ground story facade must be exposed a minimum of 6 feet above finished grade along the full width of each *Frontage Applicable Facades (Sec. 410.B.3.)*.
   2. The ground story structural floor must be no more than 6 feet above finished grade for at least 75% of its applicable building perimeter, measured cumulatively.
   3. The ground story must comply with the ground story *Ground Story Height (Sec. 4120.A.)* and *Ground Story Elevation (Sec. 4120.B.)* standards specified by the applicable Frontage Module.

2. Ground Story Facade

The portions of the exterior building envelope at the perimeter of the ground story for the full height of the ground story.

3. Ground Floor

The finished floor elevation of the ground story.

4. Upper Story

Any story of a building located above the ground story.

5. Upper Story Facade

The portions of the exterior building envelope at the perimeter of the each upper story for the full height of the story.

6. Attic

The space between the ceiling framing of the top story and the underside of the roof structure.

a. An attic that includes an occupiable floor area less than 50% of the floor area located on the story immediately below is not considered a story.

b. An attic that includes an occupiable floor area greater than or equal to 50% of the floor area located on the story immediately below is considered a story and must comply with all standards applicable to upper stories and upper story facades.

7. Basement

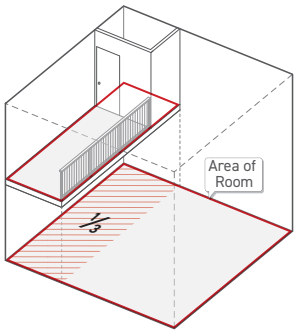
An occupiable portion of a building located below the ground story.

8. Mezzainine

An intermediate level within a story of a building.

a. A mezzanine is not considered a story provided it meets the following standards:

1. The mezzanine floor area must not be greater than 1/3 of the floor area of the room or enclosed space it is included within.

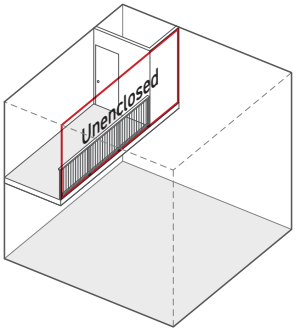


2. The perimeter planes of the mezzanine must consist of non-solid area, as defined in *Sec. 1200.B.1.e Non-Solid Area*, with the following exceptions:

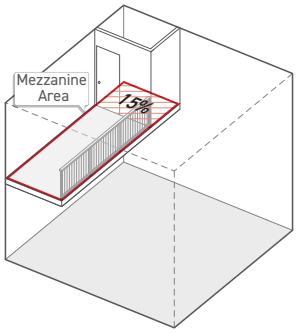
   i. Those portions of the mezzanine perimeter that are formed by the walls enclosing the larger room or space the mezzanine is included within;

   ii. Walls or structures enclosing permitted enclosed spaces within the mezzanine floor area, as described in *Sec. 1200.N.8.a.3.* below;

   iii. Safety barriers, meeting the standards of *Sec. 1200.B. Enclosure*.



3. Within the mezzanine floor area, a maximum of 15% of the mezzanine floor area may be enclosed.



b. Where a mezzanine does not meet the standards above, it is considered an additional story.

1200.O. **Yard Categories**

1. **Frontage Yard**

Frontage yard is a category of yards referring to all yards that abut a frontage lot line including front yards and side street yards.

2. **Street Yard**

Street yard is a category of yards referring to all yards that abut a street right-of-way including front yards and side street yards.

1200.P. **Yard Designation**

1. General

a. All portions of a lot not within the exterior walls of a building must be designated as either a primary street yard, side street yard, side yard or rear yard.

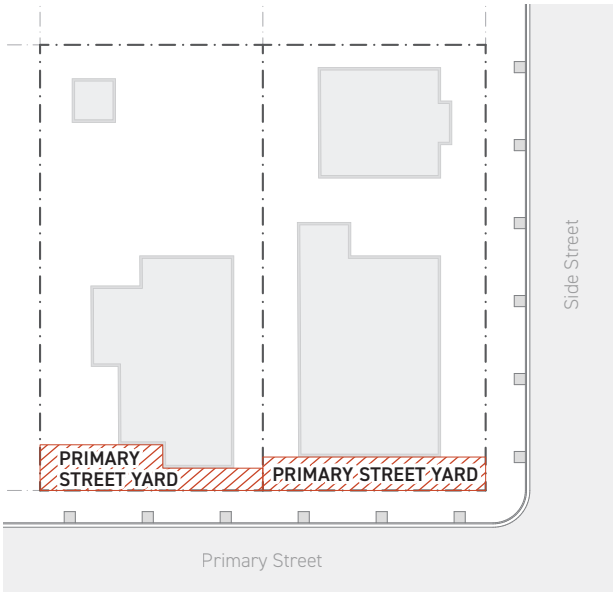
b. No portions of a lot may have more than one yard designation.

c. Yards are determined in the following order: (1) primary street yard; (2) side street yard, if any; (3) rear yard; and (4) any side yard.

2. Primary Street Yard

a. A primary street yard includes the full width of a lot that is located between a primary street lot line and the principal building.

b. A primary street yard does not include any building facade set back at least 20 feet from the principal building's street lot line-facing facade.

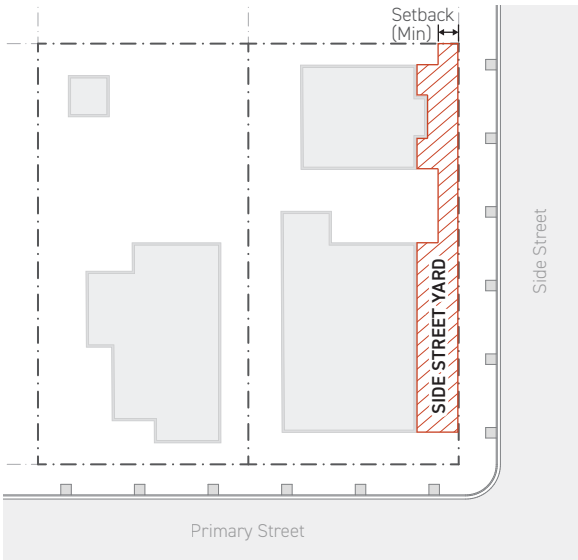


3. Side Street Yard

a. A side street yard includes the full depth of a lot that is located between a side street lot line and the principal or accessory building.

b. For portions of the lot width where there is no primary or accessory building, the side street yard includes only portions of the lot included in the side street setback.

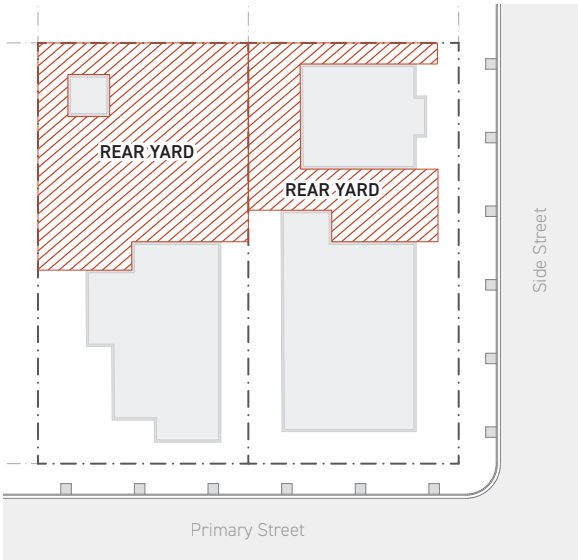
c. A side street yard does not include any building facade set back at least 20 feet from the principal or accessory building's street lot line-facing facade.



4. Rear Yard

a. A rear yard includes the full width of a lot that is located between a rear lot line and the principal building.

b. A rear yard does not include any building facade set back at least 20 feet from the principal building's rear facade.



5. Side Yard

The remaining portions of a lot between a side lot line and a principal building.

Sec. 1210. **General Terminology**

Abbreviations

". Inches

%. Percent

'. Feet

71SP. Mission 71 - Business Park Specific Plan (2005)

ABC. Department of Alcoholic Beverage Control of the State of California

ACD. Activity Center Districts

AC. Acres

ACU. Accessory Commercial Unit

ADA. Americans with Disabilities Act

ADU. Accessory Dwelling Unit

ANSI. American National Standards Institute

APN. Assessor Parcel Numbers

ASNS. American Standard for Nursery Stock

CAMTC. California Massage Therapy Council

CCHD. Civic Center Historic District

CD. Cannabis Overlay District

CDPH. California Department of Public Health

CERCLA. Comprehensive Environmental Response, Compensation and Liability Act

CEQA. California Environmental Quality Act

-C. Commercial Cannabis Permit Program Overlay District

COSP. Pomona Corridors Specific Plan (2020)

CPUC. California Public Utilities Commission

CRI. *Color Rendering Index*

CV. Civic

CX. Commercial Mixed

DBH. Diameter at Breast Height

DTSP. Downtown Pomona Specific Plan (2020)

EBT. Electronic Benefit Transfer

EDHD. Edison Historic District

EIR. Environmental Impact Report

EVCS. Electric Vehicle Charging Station

-F. Fairplex Overlay District (overlay district)

FD. Fairplex Overlay District (use)

FCC. Federal Communication Commission

FNS. Food and Nutrition Service

G. General

GRH. Guaranteed Ride Home

HB. House Broad

HM. House Medium

HN. House Narrow

HPHD. Hacienda Park Historic District

HVAC. Heating, Ventilation, and Air Conditioning

I. Industrial

ICC. International Code Council

ISA. International Society of Arboriculture

IX. Industrial Mixed

JADU. Junior Accessory Dwelling Unit

LID. Low Impact Development

LQHD. Landmark Quarter Historic District

LPHD. Lincoln Park Historic District

LRM. Low-Rise Medium

MCSP. Pomona Valley Hospital Medical Center Specific Plan (2010)

MMSP. Mountain Meadows Specific Plan (2020)

MND. Negative Declaration, Mitigated Negative Declaration

MPE. Maximum Permissible Exposure

MRB. Mid-Rise Broad

MRM. Mid-Rise Medium

MU. Multi-Unit

NED. Neighborhood Edge Districts

NIER. Non-Ionizing Electromagnetic Radiation

NY. Neighborhood Yard

OS. Open Space

P. Public

PK. Park

PLD. Parkland Districts

PRSP. Phillips Ranch Specific Plan (2016)

R. Residential

RF. Radio Frequency

RHNA. Regional Housing Needs Allocation

RND. Residential Neighborhood Districts

RVs. Recreational Vehicles

RX. Residential Mixed

SH. Shopfront

S. Special

SB330. Senate Bill 330

SCD. Special Campus Districts

SHBC. California State Historic Building Code

TDM. Transportation Demand Management

TEUs. Twenty-Foot Equivalent Units

TOD. Transit Oriented Districts

UND. Urban Neighborhood Districts

W. Wireless Communication Facility Permit

WD. Workplace Districts

WHHD. Wilton Heights Historic District

A

Adult-Oriented Business. See *Sec. 530.F. General Commercial Uses*

Alcohol, Off-Sale. See *Sec. 530.F.3. Food and Beverage*

Alcohol, On-Sale. See *Sec. 530.F.3. Food and Beverage*

Animal Keeping. See *Sec. 530.M. Urban Agricultural Uses*

Alcoholic Beverage Manufacturing. See *Sec. 530.F.3. Food and Beverage*

Animal Products Processing. See *Sec. 530.H. Production-Oriented Industrial Uses*

Artisanal Manufacturing. See *Sec. 530.H. Production-Oriented Industrial Uses*

Assembly Line. See *Sec. 530.H.1. Production*

Assessor. The county assessor of the County of Los Angeles.

Attic. See *Sec. 1200.N. Story*

Automated Car Wash. See *Sec. 530.G.2. Motor Vehicle Services*

Automobile Dismantling Facility. See *Sec. 530.K. Waste-Oriented Industrial Uses*

B

Backlot/Outdoor Facility. See *Sec. 530.H.6. Media Production*

Bank or Finance Institution. See *Sec. 530.F.5. Banking and Financial Services*

Basement. See *Sec. 1200.N. Story*

Boardinghouse/Roominghouse. See *Sec. 530.B.3. Transient Occupancy*

Building. The word "building" includes the word "structure."

C

Calendar. A Gregorian calendar that organizes time into days, weeks, and months.

California Massage Therapy Council (CAMTC). The California Massage Therapy Council created pursuant to the California Business and Professions Code *(Sec. 4600.5.)*.

Campus Format. See *Sec. 530.C.1. Civic and Institutional:*

Cemetery. See *Sec. 530.D. Open Space and Recreation Uses*

Certified Massage Practitioner. A person who is currently certified as a massage practitioner by the CAMTC, and who administers massage for compensation.

Certified Massage Therapist. A person who is currently certified as a massage therapist by the CAMTC, and who administers massage for compensation.

City. The City of Pomona.

Cold Storage. See *Sec. 530.I. Distribution-Oriented Industrial Uses*

Commissary Kitchen. See *Sec. 530.F. General Commercial Uses*

Commission. The Planning Commission of the City of Pomona.

Community Care Center. See *Sec. 530.B. Residential Uses*

Council. The City Council of the City of Pomona.

County. The county of Los Angeles.

County Recorder. The county recorder of the County of Los Angeles.

D

Data Center. See *Sec. 530.E. Infrastructure Uses*

Day. A period of 24 hours.

Deferred Deposit Originator (Payday Lender) Office. See *Sec. 530.F.5. Banking and Financial Services*

Development Services Director. The Director of the Development Services Department of the City of Pomona.

Distance. See *Sec. 1200. General Standards and Measurement*

Drive-Through Facility. See *Sec. 530.G. Auto-Oriented Commercial Uses*

Dwelling Unit. See *Sec. 530.B.1. Household Living*

E

Electric Vehicle Charging Station. See *Sec. 530.G.2. Motor Vehicle Services*

Enclosure. See *Sec. 1200. General Standards and Measurement*

Entertainment Venue. See *Sec. 530.F. General Commercial Uses*

F

Facing Facades. See *Sec. 1200. General Standards and Measurement*

Family Day Care, Large. See *Sec. 530.B.1. Household Living*

Family Day Care, Small. See *Sec. 530.B.1. Household Living*

Federal. The government of the United States of America.

Flood Control Facility. See *Sec. 530.E. Infrastructure Uses*

Food and Beverage Manufacturing. See *Sec. 530.H. Production-Oriented Industrial Uses*

Fortuneteller. See *Sec. 530.F.9. Personal Services*

Freight Terminal. See *Sec. 530.E. Infrastructure Uses*

Frequency. See *Sec. 1200. General Standards and Measurement*

Fueling Station. See *Sec. 530.G.2. Motor Vehicle Services*

G

General Motor Vehicle Services. See *Sec. 530.G.2. Motor Vehicle Services*

General Personal Services. See *Sec. 530.F.9. Personal Services*

General Production. See *Sec. 530.H.1. Production*

General Public Utility Infrastructure. See *Sec. 530.E. Infrastructure Uses*

General Retail. See *Sec. 530.F.11. Retail*

General Office. See *Sec. 530.F. General Commercial Uses*

Ghost Kitchen. See *Sec. 530.G. Auto-Oriented Commercial Uses*

Ground Floor. See *Sec. 1200.N. Story*

Ground Story. See *Sec. 1200.N. Story*

Ground Story Facade. See *Sec. 1200.N. Story*

H

Hand Car Wash. See *Sec. 530.G.2. Motor Vehicle Services*

Heliport. See *Sec. 530.E. Infrastructure Uses*

Hotel/Motel. See *Sec. 530.B.3. Transient Occupancy*

Hookah Lounge. See *Sec. 530.F.11. Retail*

Horizontal Encroachments. See *Sec. 1200.C. Encroachments*

I

Indoor Self-Service Facility. See *Sec. 530.F. General Commercial Uses*

Indoor Support Facility. See *Sec. 530.H.6. Media Production*

Indoor Recreation, Commercial. See *Sec. 530.D. Open Space and Recreation Uses*

L

Large Format Retail. See *Sec. 530.F.11. Retail*

Live/Work Unit. See *Sec. 530.B.1. Household Living*

Lot. See *Sec. 1200. General Standards and Measurement*

Lot Line-Facing Facades. See *Sec. 1200.D. Facing Facades*

Low-Barrier Navigation Center. See *Sec. 530.B.1. Household Living*

M

Manufactured Housing Park. See *Sec. 530.B.1. Household Living*

Massage. Any method of applying pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating the external parts of the body with the hands or with the aid of any mechanical or electrical apparatus, or other appliances or devices, with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment, herb infused water or other similar preparations.

Massage Establishment. Any business, parlor, room, place or institution, where massage is given or administered by a Massage Technician as a service of the business establishment.

Massage Technician. Any person that is a Certified Massage Therapist or Certified Massage Practitioner, and gives, performs or administers a massage for any form of consideration.

May. An expression of possibility, a permissive choice to act or not, and ordinarily implies some degree of discretion.

Medical Clinic. See *Sec. 530.F. General Commercial Uses*

Mezzainine. See *Sec. 1200.N. Story*

Microbusiness. See *Sec. 530.J. Fulfillment-Oriented Industrial Uses*

Mortuary Services. See *Sec. 530.F. General Commercial Uses*

Monopole Facility. See *Sec. 530.E.4. Wireless Telecommunications Facility*

Must. Imposes a legal obligation about a mandatory rule.

N

Nature Reserve. See *Sec. 530.D. Open Space and Recreation Uses*

Non-Campus Format, Large. See *Sec. 530.C.1. Civic and Institutional:*

Non-Campus Format, Small. See *Sec. 530.C.1. Civic and Institutional:*

O

Opacity. See *Sec. 1200. General Standards and Measurement*

Open Space, Public. See *Sec. 530.D. Open Space and Recreation Uses*

Outdoor Recreation, Commercial. See *Sec. 530.D. Open Space and Recreation Uses*

Outdoor Sales. See *Sec. 530.F.11. Retail*

P

Pallet Yard. See *Sec. 530.H. Production-Oriented Industrial Uses*

Pawnshop. See *Sec. 530.F.11. Retail*

Pedestrian Amenity-Facing Facades. See *Sec. 1200.D. Facing Facades*

Planning Manager. The Manager of the Planning Division of the Development Services Department of the City of Pomona.

Planning Division. The Planning Division of the Development Services Department of the City of Pomona.

Plasma Center. See *Sec. 530.F. General Commercial Uses*

Product Distribution. See *Sec. 530.I. Distribution-Oriented Industrial Uses*

Product Maintenance, Restoration, and Repair Services. See *Sec. 530.H. Production-Oriented Industrial Uses*

Production Fulfillment. See *Sec. 530.J. Fulfillment-Oriented Industrial Uses*

Production Transportation. See *Sec. 530.J. Fulfillment-Oriented Industrial Uses*

Project Activities. See *Sec. 1200. General Standards and Measurement*

Public Utility Substation/Facility. See *Sec. 530.E. Infrastructure Uses*

R

Railway Facility. See *Sec. 530.E. Infrastructure Uses*

Recreation, Public. See *Sec. 530.D. Open Space and Recreation Uses*

Recycling. See *Sec. 530.K. Waste-Oriented Industrial Uses*

Research and Development. See *Sec. 530.H. Production-Oriented Industrial Uses*

Resource Extraction. See *Sec. 530.K. Waste-Oriented Industrial Uses*

Restaurant/Drinking Establishment. See *Sec. 530.F.3. Food and Beverage*

S

Salvage Yard. See *Sec. 530.K. Waste-Oriented Industrial Uses*

Short-Term Rental. See *Sec. 530.B.3. Transient Occupancy*

Smoke and Vape Shop. See *Sec. 530.F.11. Retail*

Soundstage. See *Sec. 530.H.6. Media Production*

Specified Anatomical Areas. Includes any of the following human anatomical areas: genitals, pubic regions, anuses or female breasts below a point immediately above the top of the areola.

Specified Sexual Activities. Includes all of the following:

- Fondling or other erotic touching of specified anatomical areas;
- Sex acts including, without limitation, intercourse, or oral copulation;
- Masturbation; or
- Excretory functions as part of or in connection with any specified sexual activity listed in this definition.

Sports Arena and Stadium. See *Sec. 530.C.1. Civic and Institutional:*

State. The state of California.

Stealth Facility. See *Sec. 530.E.4. Wireless Telecommunications Facility*

Storage. See *Sec. 530.L. Outdoor-Oriented Industrial Uses*

Story. See *Sec. 1200. General Standards and Measurement*

Street Lot Line-Facing Facades. See *Sec. 1200.D. Facing Facades*

Swap Meet (Concession Mall). See *Sec. 530.F.11. Retail*

T

Tasting Room. See *Sec. 530.F.3. Food and Beverage*

Transit Station. See *Sec. 530.E. Infrastructure Uses*

Tow Yard. See *Sec. 530.G. Auto-Oriented Commercial Uses*

U

Urban Farm. See *Sec. 530.M. Urban Agricultural Uses*

Upper Story. See *Sec. 1200.N. Story*

Upper Story Facade. See *Sec. 1200.N. Story*

V

Vehicle Rental. See *Sec. 530.G.3. Motor Vehicle Sales and Rental*

Vehicle Sales. See *Sec. 530.G.3. Motor Vehicle Sales and Rental*

Vertical Encroachments. See *Sec. 1200.C. Encroachments*

Veterinary Care. See *Sec. 530.F. General Commercial Uses*

W

Waste. See *Sec. 530.K. Waste-Oriented Industrial Uses*

PART 13.

APPENDIX

Sec. 1300. Landscape (Formerly Sec. 503-J) 13-3
1300.A. Purpose 13-3
1300.B. Intent 13-3
1300.C. Applicability 13-3
1300.D. Definitions 13-5
1300.E. Implementation Guidelines 13-11
1300.F. General Landscape Standards 13-11
1300.G. Landscape Of Unused And Undeveloped Portions Of A Site 13-14
1300.H. Edge Treatment Landscaping In For Privately-Owned Vacant Lots 13-14
1300.I. Residential Landscape Standards 13-14
1300.J. Nonresidential Landscape Standards 13-15
1300.K. Landscape Plan Approval Required 13-16
1300.L. Landscape Documentation Package 13-16
1300.M. Elements of Landscape Documentation Package 13-17
1300.N. Plant List 13-19
1300.O. Water-Efficient Landscape Criteria 13-22
1300.P. Landscape And Irrigation Maintenance 13-23
1300.Q. Cooperation with Water Purveyor(s) 13-24
1300.R. Minor Modifications to Approved Landscape and Irrigation Plans 13-25
1300.S. Oak Tree Preservation 13-25
Sec. 1310. Public Art Requirement (Formerly .5809-24) 13-31
1310.A. Purpose and Intent 13-31
1310.B. Definitions 13-31
1310.C. Projects Subject to the Public Art Requirement 13-33
1310.D. Exemptions 13-33
1310.E. [Reserved] 13-34
1310.F. Requirement to Provide Public Art 13-34
1310.G. Application & Approval Procedures for Public Art Placement on Private Property . . . 13-35

Sec. 1320. Original Artwork Murals (Formerly .5809-25) 13-38
1320.A. Purpose and Intent 13-38
1320.B. Original Artwork Mural Permit Requirement 13-38
1320.C. Exemptions 13-38
1320.D. Definitions 13-38
1320.E. Development Standards 13-39
1320.F. Prohibited Murals 13-40
1320.G. Guidelines for Original Artwork Murals 13-40
1320.H. Application Requirements 13-41
1320.I. Application Procedure 13-41
1320.J. Permit Expiration and Extensions 13-42
1320.K. Maintenance 13-42
1320.L. Mural Alterations 13-43
1320.M. Removal of a Permitted Mural 13-43
1320.N. Nonconforming Murals 13-43

Sec. 1300. **Landscape (Formerly Sec. 503-J)**

1300.A. **Purpose**

The City promotes the value and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible. In compliance with applicable State standards and guidelines, this Section establishes minimum landscape standards for all uses for the purpose of enhancing the appearance of developments, reducing heat and Blare, controlling soil erosion conserving water, establishing a buffer and or screen between residential and nonresidential land uses and ensuring the ongoing maintenance of landscape areas. Water conservation measures must be addressed through landscape and irrigation design.

1300.B. **Intent**

The intent of the water-efficient landscape/ irrigation ordinance is:

1. That this Section be at least as effective in conserving water as the State Model Water Efficient Landscape Ordinance and consistent with Governor Brown' s April 1, 2015 *Drought Executive Order B- 29- 15*;
2. Establish a structure for planning, designing, installing, and maintaining and managing water efficient landscapes in new construction and rehabilitated projects;
3. Establish provisions for water management practices and water waste prevention for existing landscapes;
4. To assure beneficial efficient and responsible use of water resources;
5. To retain the land' s natural hydrological role and promote the infiltration of surface water into the ground water;
6. To recognize that landscapes enhance the aesthetic appearance of developments and communities;
7. To encourage the appropriate design, installation maintenance and management of landscapes so that water demand can be decreased runoff can be retained and flooding can be reduced without a decline in the quality or quantity of landscapes;
8. To reduce or eliminate water waste.

1300.C. **Applicability**

1. Beginning April 1 2017, all landscaping projects subject to this Section must obtain a permit from the Development Services Department prior to installation of any landscaping. All planting, irrigation, and landscape related improvements required by this Section apply to the following landscape projects:
    a. New landscape projects with an aggregate landscape area equal to or greater than 500 square feet requiring a building or landscape permit, plan check or design review;
    b. Rehabilitated landscape projects with an aggregate landscape a area equal to or greater than 25,000 square feet requiring a building or landscape permit, plan check or design review;

c. New or rehabilitated landscape projects between 500 and 2,500 square feet may comply with the performance requirements of this ordinance or conform to the prescriptive measures contained in *Appendix A of the Guidelines*;

d. New or rehabilitated projects using treated or untreated graywater or rainwater capture on site any lot or parcels within the project that has less than 2,500 square feet of landscape area and meets the lot or parcel's landscape water requirement Estimated Total Water Use entirely with the treated or untreated graywater or though stored rainwater capture on site is subject only to *Appendix A of the Implementation Guidelines*;

e. Special Landscaped Areas with an area greater than 500 square feet such as areas dedicated to edible plants, irrigated with recycled water, or dedicated to active play or a Recreational Area, must prepare a water efficient landscape worksheet and landscape documentation package according to specifications for Special Landscaped Areas;

f. Cemeteries

Recognizing the special landscape management needs of cemeteries new and rehabilitated cemeteries are limited to *Sections 2. 2 and 2. 9 of the Guidelines*; and existing cemeteries are limited to *Section 3 of the Guidelines*.

g. Vacant lots in all zoning districts and Specific Plan areas.

h. Undeveloped pad areas of a new or existing commercial or industrial development project that is located along a public street, or undeveloped pad areas of a new or existing commercial or industrial project reserved for a future phase of the development or a future use that is located along a public street.

2. Other Considerations

The requirements of the Guidelines may be partially or wholly waived at the discretion of the Director of Development Services or their designee, for landscape rehabilitation projects that are limited to replacement plantings with equal or lower water needs and where the irrigation system is found to be designed, operable and programmed consistent with minimizing water waste in accordance with local water purveyor regulations.

3. Exempt Activities

The provisions of this Section do 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. Existing plant collections as part of botanical gardens and arboretums open to the public.

4. Project Continuation

Any landscape projects conducted on the same parcel of land within a 12-month period from the first landscape project submittal will be aggregated for the purposes of determining a project's applicability to the requirements of this Section.

5. Relationship To Private Covenants

The architectural guidelines of a common interest development, which includes community apartment projects, condominiums, planned developments, and stock cooperatives, must not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.

1300.D. Definitions

Aggregate. A concept that pertains to production home neighborhoods, common interest developments, or other situations where multiple parcels are undergoing landscape development as one project, but may eventually be individually owned or maintained.

Applied water. The portion of water supplied by the irrigation system to the landscape.

Artificial turf. A man-made material which simulates the appearance of live turf, organic turf, grass, sod, or lawn.

Automatic irrigation controller. A timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers are able to self-adjust and schedule irrigation event using either evaportranspiration weather-based or soil moisture data.

Backflow Prevention device. A back flow prevention device is used to protect potable water supplies from contamination or pollution due to the reverse flow of water through plumbing. This public health safety device is used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system. The required type of irrigation back flow device is a reduced pressure principle assembly (RP).

Certification of Completion or Landscape Installation Certificate of Completion. The certification included as *Exhibit E of the Implementation Guidelines* that must be provided to the City prior to Planning and Building Divisions' final inspection pursuant to *Section 2.7 of the Guidelines*.

Certification of Design or Certificate of Landscape Design. The certification included as *Exhibit B of the Implementation Guidelines* that must be included in the Landscape Documentation Package pursuant to *Section 2.1 of the Guidelines*.

Certified landscape irrigation auditor. A person(s) certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization, or other program such as the *US Environmental Protection Agency's WaterSense irrigation auditor certification program* and *Irrigation Association' s Certified Landscape Irrigation Auditor program*.

Check valve or anti- drain valve. A valve or valves located under a sprinkler head or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

City. Refers to the City of Pomona.

Common interest developments. Refers to community apartment projects, condominium projects, planned developments, and stock cooperatives per *Civil Code Section 1351*.

Conversion factor. The number that converts acre-inches per acre per year to gallons per square foot per year.

Drip irrigation. Any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are especially designed to apply small volumes of water slowly at or near the root zone of plants.

Drought-tolerant landscaping. Landscaping that utilizes little or no irrigation through the use of water conserving materials and techniques, including but not limited to, native drought-tolerant plants, mulch and efficient irrigation.

Drought-tolerant plants. Plants that require less water because they are adopted to regions with frequent drought or soils with low water-holding capacity.

Ecological restoration project. A project where the site is intentionally altered to establish a defined indigenous, historic ecosystem.

Emitter. A drip irrigation emission device that delivers water slowly from the system to the soil.

Estimated Applied Water Use EAWU. The annual total amount of water estimated to keep plants in a healthy state. It is based on factors such as reference evapotranspiration rate, the size of the landscaped area, plant water use factors, and the irrigation efficiency within each hydrozone.

Evapotranspiration. The quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

Evapotranspiration adjustment factor (ETAF). A factor of 0.55 for residential areas and 0.45 for nonresidential areas that when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. The ETAF for new and existing non-rehabilitated Special Landscape Areas must not exceed 1.0. The ETAF for existing non-rehabilitated landscapes is 0.8.

Evapotranspiration rate. The quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

Flow rate. The rate at which water flows through pipes, valves and emission devices measured in gallons per minute gallons per hour, or cubic feet per second.

Front yard area. The required front yard setback area and any other areas between the front property line and the outline of the main building that is visible from the public right of way. For unique lot configurations, the Director of Development Services or their designee will determine front yard area.

Front yard landscaped area. The front yard area that is not occupied by driveways leading directly to a required off-street parking facility or necessary walkways leading to a building structure that is required to be landscaped with live vegetation, drought tolerant landscaping, hardscape or a combination of the four subject to the requirements of this Section and the Guidelines.

Graywater. A system containing untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious contaminated or unhealthy bodily wastes and does not present a threat from contamination by unhealthy processing, manufacturing, or operating wastes. Graywater includes, but is not limited to: wastewater from bathtubs; showers; bathroom washbasins; clothes washing machines; and laundry tubs; but does not include wastewater from kitchen sinks or dishwashers as per the *Health and Safety Code* (*Section 17922. 12.*). Graywater systems promote the efficient use of water and are encouraged to assist in on-site landscape irrigation. All graywater systems must conform to the *California Plumbing Code* (*Title 24*, *Part 5*, *Chapter 16*) and any applicable local ordinance standards.

Hardscape. Any durable material (pervious and non-pervious).

Hydrozone. A portion of the landscaped area having plants with similar water needs and rooting depth. A hydrozone may be irrigated or non-irrigated.

Implementation Guidelines or Guidelines. Refers to the Water Efficient Landscape Ordinance Guidelines which will be adopted by resolution of the Planning Commission. The purpose of the Guidelines is to provide procedural and design guidance for applicants proposing new landscape or landscape rehabilitation projects that are subject to this Section.

Infiltration rate. The rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour)

Invasive and or Noxious plants species. Species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive plant species may be regulated by county agricultural agencies as noxious species.

Irrigation audit. An in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not limited to: inspection; system tune-up; system test with distribution uniformity or emission uniformity; reporting over spray or runoff that causes overland flow, and preparation of an irrigation schedule.

Irrigation efficiency (IE). The measurement of the amount of water beneficially used divided by the amount of water applied to a landscaped area. 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 and the Guidelines is 0.71. Greater irrigation efficiency can be expected from well designed and maintained systems. The following irrigation efficiency may be obtained for the listed irrigation heads with an IME of 90%:

Irrigation Method	DU_{La}	DU_{LL}*	EU	IE**
Spray nozzles	65%	85%		71%
High efficiency spray nozzles	75%	82%		73%
Multi stream/ Multi trajectory rotary(MSMT) nozzles	75%	85%		76%
Stream rotor nozzle	70%	82		73%
Microspray	75%	85%		76%
Bubblers			85%	77%
Drip emitter			90%	81%
Subsurface drip			90%	81%

Legend:
*DU_{LH} =.386+(.614)(DU_{LQ}) | **IE(spray)=(DU_{LH})(IME) | **IE(drip)= Emission uniformity(EU)(IME)

Irrigation Management Efficiency (IMF). The measurement used to calculate the irrigation efficiency of the irrigation system for a landscaped project. A 90% IME can be achieved by using evapotranspiration controllers, soil moisture sensors, and other methods that will adjust irrigation run times to meet plant water needs.

Landscape coefficient (K_L). The product of a plant factor multiplied by a density factor and a micro climate factor. The landscape coefficient is derived to estimate water loss from irrigated landscaped areas and special landscaped areas.

Landscape documentation package. The package of documents that a project applicant is required to submit to the City pursuant to *Section 2.1 of the Guidelines*.

Landscape professional. A licensed landscape architect licensed landscape contractor, 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*.

Landscaped area. Refers to all 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 non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

Landscaping. Any combination of native or exotic plants, lawn, artificial turf, groundcover, trees, shrubs, and other plant materials, plus decorative outdoor and complementary elements such as pools, fountains, water features, paved or decorated walkways or surfaces of rock, stone, brick, block, or similar material (excluding driveways, parking, loading, or storage areas), and sculptural elements. With the exception of the Corridor Specific Plan area, plants on rooftops or porches or in boxes attached to structures typically are not considered landscaping.

Lateral line. A water delivery pipeline that supplies water to the emitters or sprinklers from the valve.

Low volume irrigation. The application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

Low volume overhead irrigation. Aboveground irrigation heads with an upper flow limit of 0.5 GPM.

Main line. A pressurized pipeline that delivers water from the water source to the valve or outlet.

Manual isolation valve. A valve such as a gate valve, ball valve, or butterfly valve installed downstream of the point of connection of the water supply to shutdown water flow through mainline piping for routine maintenance and emergency repair.

Master shut-off valve. An electronic valve such as a solenoid valve installed as close as possible to the point of connection and is used in conjunction with a flow sensor and flow monitoring controller technology to automatically shutdown system wide water flow in the event of high flow conditions such as mainline pipe break.

Maximum Applied Water Allowunce MAWA . Refers to 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 ETAF, and the size of the landscaped area. The Estimated Applied Water Use must not exceed the Maximum Applied Water Allowance.

Microclimate. The climate of a small, specific area that may contrast with the climate of the overall landscaped area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.

Mined-land reclamation projects. Any surface mining aeration with a reclamation plan approved in accordance with the *Surface Mining and Reclamation Act of 1975*.

Mulch. Any organic material such as leaves, bark, straw or compost, or inorganic mineral materials such as rocks, gravel or decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

Non-pervious or Impervious. Any surface or material that does not allow for the passage of water through the material and into the underlying soil.

Operating pressure. The pressure at which the parts of an irrigation system of sprinklers are designed to operate at by the manufacturer.

Overspray. The irrigation water which is delivered beyond the target area.

Parkway. That portion of the public right-of-way between the curb and sidewalk or, where no sidewalk is provided, between the curb and adjacent private property line. A parkway generally includes landscape improvements.

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 agent or institution, school district, college, university, any other user of water provided by the City or the local water purveyor, 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.

Pervious. Means any surface or material that allows the passage of water through the material and into the underlying soil.

Plant actor or Plant water use factor. A factor, when multiplied by ETo, that estimates the amount of water needed by plants. For the purposes of this Water Efficient Landscape Ordinance, the plant factor range for very low water use plants is 0 to 0.1; 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 the Guidelines are derived from the Department of Water Resources 2000 publication, *"Water Use Classification of Landscape Species."*

Precipitation rate. The rate of application of water measured in inches per hour.

Project applicant. The individual or entity submitting a Landscape Documentation Package required under *Section 2.1 of the Guidelines* to request a permit, plan check, or design review from the City. A project applicant must be the property owner or his or her designee.

Property owner. The record owner of real property as shown on the most recently issued equalized assessment roll.

Rain sensor or Rain sensing shutoff device. A component which automatically suspends irrigation when it rains.

Recreational area. An area(s), excluding private single family residential areas, designated for active play; recreation or public assembly in parks, sports fields, picnic grounds, amphitheaters; golf

course tees, fairways, roughs, surrounds and greens; private recreational or assembly space as part of a comprehensive project that otherwise meets the intent of this Section, and other active or recreational play areas as determined by the Development Services Director.

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. This water is not intended for human consumption.

Reference evapotranspiration (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 C of the Guidelines*, and is an estimate of the evapotranspiration of a large field of four to even-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowances.

Rehabilitated landscape. Any re-landscaping project that requires a permit, plan check, or design review, meets the requirement of *Section 1.2 of the Guidelines*, and the modified landscape area is equal to or greater than 2,500 square feet.

Runoff. Water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

SMART irrigation controller or Soil moisture sensor. A weather-based or soil moisture-based irrigation controller that monitors and uses information about the environmental conditions at a specific location and landscape to automatically adjust watering schedules.

Soil texture. The classification of soil based on its percentage of sand, silt, and clay.

Special Landscaped Areas (SLA). Area(s) of the landscape dedicated solely to edible plants such as orchards and vegetable gardens, areas irrigated with recycled water, water features using recycled water, and areas designated as a Recreational Area.

Sprinkler head. A device which delivers water through a nozzle.

Static water pressure. The pipeline or municipal water supply pressure when water is not flowing.

Station. An irrigated area served by one valve or by a set of valves that operate simultaneously.

Swing joint. An irrigation component that provides a leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

Turf. A ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial rye grass, 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.

Visible street side yard. For the purposes of this Section and the Guidelines, means any street side yard that is visible from the public right-of-way, that must be improved as further described in this Section and the Implementation Guidelines.

Water-efficient irrigation system. A system which is scheduled and managed to supply moisture to a landscape without excess or waste.

Water-efficient landscape. Landscaping materials that are designed and maintained to function in a healthful and visually pleasing manner with limited water use, including plants which have minimal water requirements for subsistence, plants native to hot/dry environments, and xeriscape plants.

Water efficient landscape ordinance. Refers to *Sec. 1300. Landscape (Formerly Sec. 503-J)*.

Water efficient landscape worksheet. The worksheet required to be completed pursuant to *Section 2.2 of the Guidelines* and which are included in *Appendix C of the Guidelines*.

Water feature. A design element or elements where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). 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 on landscaped surfaces.

WUCOLS. Refers to the Water Use Classification of Landscape published by the University of California Cooperative Extension, the Department of Water Resources, and the Bureau of Reclamation, 2000.

1300.E. **Implementation Guidelines**

Water Efficient Landscape Ordinance Guidelines will be adopted by resolution of the Planning Commission.

1300.F. **General Landscape Standards**

These standards apply to all parcels within the City.

1. Water Efficient Landscape Ordinance Guidelines (Implementation Guidelines), adopted by resolution of the City of Pomona Planning Commission, establish criteria for the design and review of landscape and irrigation plans, and such criteria must be adhered to in the design of landscape and irrigation plans as required by this Section.

2. Trees may be planted in any required yard area. All required trees must be of a minimum size of 15 gallons, unless a larger size is specified in project conditions of approval. In limited cases, smaller tree sizes may be approved if the Director determines that long-term tree growth potential is improved by smaller specimens.

3. With the exception of properties within the Downtown Pomona Specific Plan and the Corridor Specific Plan areas, landscaping must be maintained in all yard areas viewable from adjacent public right of way along any property line, and all yard areas that are viewable from an adjacent public right of way that are between structures. In all zones, a permanent irrigation system must also be maintained in the yard areas.

4. For properties facing an alleyway along the rear or the side property line(s), landscaping must be maintained in all yard areas and areas between structures that are viewable from the alleyway.

5. Landscape planting must emphasize drought-tolerant and native species, complement the architectural design of structures on the site, and be suitable for the soil and climatic conditions of the site, consistent with the requirement of this Section.

6. Transformers must be screened with dense landscaping or walls similar to those required for trash enclosures, and must not be located within open space recreation areas. They must be located away from public view wherever possible and must not impede pedestrian or vehicular circulation. Where feasible, transformers should be placed underground.

7. Use of artificial turf is regulated by both standards within this Section and in the *Implementation Guidelines*. The use of artificial turf requires Development Services Department approval before installation. The use of artificial turf is not permitted within a parkway, front yard, side yard, or tree drip line.

8. All required landscape setback areas, including front, rear, side, street side and landscaped areas within parking lots must meet the following requirements:

    a. All landscaped areas that may be counted toward required landscaping must have a minimum width of three feet, not inclusive of curb or wall.

    b. A minimum of six percent of the total off-street parking area must be landscaped with at least one fifteen-gallon minimum size tree per each five parking stalls (which may be clustered or grouped) and appropriate shrubs and groundcover. Setback areas required to be landscaped by other sections of this Code must not be considered part of the required parking lot landscaping.

    c. A minimum of a ten-foot wide planter area must be provided between the parking area and all property lines adjacent to a public street.

    d. All landscaping must be continuously maintained free of weeds, debris, litter, or temporary signage.

    e. All landscaped areas except designated hydrozones must be provided with an automatic irrigation system.

    f. Landscape materials, trees, shrubs, groundcover, turf and other vegetation, and planting symbols must be clearly drawn and plans labeled by botanical name, common name, container size, spacing and quantities of each group of plants indicated.

    g. For multifamily projects of five units or more and for new commercial, industrial and institutional projects, a landscaping maintenance bond must be required and held for a period of one year to ensure the project's compliance with the approved landscaping plan. Amount will be determined by the Development Services Director or their designee.

    h. The percentage of turf for commercial and industrial development must not exceed forty-five percent of the required landscaping area, and multifamily residential development must not exceed seventy-five percent of the required landscaping area.

9. All planting of trees must meet the following requirements:

    a. Trees must not be planted under any eave overhang or balcony.

    b. All trees in landscape planters ten feet in width or less, and located closer than five feet from any permanent structure, must be provided with tree root barriers.

    c. All trees must be staked as determined by the standards maintained by the Development Services Department.

d. Minimum width of all planters must not be less than five feet clear, interior dimensions, not inclusive of retaining curb or wall. All areas which require twenty-four-inch box trees must have planters of not less than five feet not inclusive of retaining curb or wall.

e. Number of trees:

i. Parking Area: One per five spaces.

ii. Street setbacks: One per twenty feet

iii. Balance of site: One per six hundred square feet (less parking area buildings, and structures).

10. The planting of groundcover and shrubs, and the use of groundcover materials must meet the following requirements:

a. All areas required to be landscaped must be covered with turf, non-deciduous groundcover, shrubs or other types of plants which are predominantly drought tolerant.

b. Minimum of two five-gallon size shrubs must be provided every six feet of distance along perimeter planter areas.

c. Groundcover must be used throughout and be planted at least six inches on center. No artificial groundcover will be accepted.

d. Materials such as crushed rock, wood chips, pebbles and stone may be allowed up to fifteen percent of the total required landscaping area. Artificial plants and synthetic ground covers are prohibited.

11. Landscaping must screen storage areas, trash enclosures, parking areas, public utilities, freeways, highways and other similar land uses or elements that do not contribute to the aesthetic enhancement of the natural environment surrounding area. Where plants are required for screening, such screening must consist of the use of evergreen shrubs or trees closely spaced. Berming will be encouraged as an effective screening measure for parking lots and where adjacent site areas are contiguous to street frontages. Such berming must not exceed thirty-six inches above the highest adjacent curb.

12. Where parking areas are adjacent to other properties along the side and rear lot lines, perimeter landscaping with a minimum depth of four feet, not inclusive of retaining curbs and walls, is required.

13. Landscape at vehicular intersections must meet the following requirements:

a. Landscaping at major entry points are considered the focal points for landscaping emphasis and must contain accent landscaping through a variety of trees, flowers and shrubs with special concern for visibility and safety.

b. Within twenty feet of street/driveway intersections, landscaping material other than trees must not exceed a maximum height of thirty-six inches above the adjacent concrete curb.

c. Berming at street entrances and parking lot access way intersections must not exceed a height of thirty-six inches above the highest adjacent curb.

d. All trees, whether singularly placed or placed in clusters must not inhibit visibility for vehicular and pedestrian movement.

e. Parking may be designed to overhang landscaped areas. Maximum permitted overhang is three feet where planter areas have a minimum dimension of five feet or more. Otherwise, concrete wheel stops must be installed. Any broken or damaged wheel stops must be replaced.

1300.G. Landscape Of Unused And Undeveloped Portions Of A Site

All areas of a site not intended for a specific use or purpose in conjunction with a current application, including vacant or undeveloped pad sites in shopping centers held for future development, must be fully landscaped and irrigated with an automatic irrigation system. Landscaping must include a combination of trees, shrubs, ground cover, turf, and/or approved decorative landscape materials, as approved by the Development Services Director or their designee, and in compliance with this Section.

1300.H. Edge Treatment Landscaping In For Privately-Owned Vacant Lots

Privately-owned vacant lots in all zoning districts and Specific Plan areas must be fully landscaped, irrigated, and maintained along the edge area abutting any public right of way. The landscaped areas must extend at least ten feet into the lot. Landscaping, irrigation, and maintenance must meet the requirements of this Section and the *Implementation Guidelines*. Said landscaping must be installed within a year from the effective date of this Section. For privately-owned vacant lots with an active entitlement application, edge treatment landscaping must be installed within one year after the building permit's final inspection, or as otherwise stated in the conditions of the entitlement approval. The remainder of the site must be secured with approved fencing material, must be maintained free of weed and debris at all times, and must meet all fence and maintenance requirements of this Code and City Code.

1300.I. Residential Landscape Standards

The following standards apply to all parcels in all residential zones.

1. A minimum of 20 percent of the entire parcel must be fully landscaped with plant materials.
2. The front yard landscaped area and visible street side yard must be landscaped with live vegetation, drought-tolerant landscaping, or a combination of the three, as further described below:
   a. Live vegetation may include turf, trees, shrubs, groundcover, flowers, or other similar vegetation.
   b. The use of artificial turf is not permitted within a parkway, front yard, side yard, or tree drip line.
   c. Drought tolerant landscaping must include native water conserving plants. See *Section 4.3 of the Guidelines*.
3. For properties facing an alleyway along the rear or the side property line(s), landscaping must be maintained in all yard areas and areas between structures that are viewable from the alleyway.
4. The use of artificial turf is not permitted within a parkway, front yard, side yard, or tree drip line.

5. Bare dirt is not permitted within the front yard, visible street side yard or within the parkway. All bare dirt areas must be finished with a minimum three inch thick layer of mulch, organic bark or earth-toned colored rubber bark.

6. Parking lots for multi-family developments providing 10 or more parking spaces must be landscaped per the requirements of *Sec. 1300.I. Residential Landscape Standards*.

1300.J. **Nonresidential Landscape Standards**

With the exception of properties within Specific Plan areas where the nonresidential landscape standards are defined in the Specific Plans, all new and rehabilitated landscaping plans undertaken in conjunction with any private development project on commercial, industrial, mixed-use, and other nonresidential properties, or those projects requiring a grading, building, use permit, or site plan and design review, as required by this Section, must comply with the following standards.

1. All unpaved areas including those portions of required yard areas not utilized for vehicular and pedestrian access, must be landscaped with plant material, including some combination of trees, shrubs, groundcover, and turf. Mulch, bark, and similar landscaping materials may be incorporated into the landscape design.

2. A minimum of 15 percent of the parcel area must be landscaped, exclusive of the parking lot area and any landscaping required within the parking lot.

3. A minimum of 75% of the landscape area must be landscaped with live plants. The remaining area may utilize boulder, rocks decomposed granite, water features or other hardscapes subject to approval from the Development Services Department.

4. All landscaped areas must be provided with an automatic irrigation system, unless the Director finds that such an irrigation system, due to the size, location, or configuration of the landscaped area, cannot reasonably be installed and maintained.

5. To achieve an immediate effect of a landscape installation and to allow sustained growth of planting materials, plant material sizes and plant spacing must comply with the following standards, unless the Director finds that alternative sizes and planting will achieve the same or similar desired effects:

    a. The minimum plant size for trees is 15 gallons, unless otherwise specified by the provisions of this Section. Trees planted within 10 feet of a street, sidewalk, paved trail, or walkway must be a deep- rooted species or must be separated from paved surfaces by a root barrier to prevent physical damage to public improvements. A minimum distance of 15 feet is required between the center of trees to street light standards, water meters, back- flow prevention systems, sewer clean-outs, and fire hydrants.

    b. The minimum plant size for shrubs is five gallons.

    c. Groundcover, including turf, must be planted in a manner to provide 100 percent coverage within one year of initial planting.

6. Lots with freeway frontage must provide and maintain freeway frontage landscaping.

7. Parking lot landscaping must be provided per the requirements of *Sec. 1300.I. Residential Landscape Standards*, except where the property is located in a Specific Plan area, and parking lot development standards are specified in the Specific Plan.

8. The use of artificial turf is not permitted within a parkway, front yard, side yard, or tree drip line.
9. Artificial turf is discouraged on non-residential properties. Use of artificial turf is only allowed in special circumstances as approved by the Development Services Director.
10. Bare dirt is not permitted within the front yard, visible street side yard or within the parkway. All bare dirt areas must be finished with a minimum three inch thick layer of mulch, organic bark or earth-toned colored rubber bark.

1300.K. **Landscape Plan Approval Required**

1. Required landscape plan. Except as otherwise specified in this Section any application for any development that requires a grading permit, building permit, use permit, or site plan and design review must include landscape and irrigation plans which provide for the utilization of low-water usage irrigation systems and a landscape design consistent with the requirements of this Section. The plans must be prepared by a licensed landscape architect or other licensed professionals as allowed by the State law.
2. Review required. The plan must contain the information described in the *Implementation Guidelines* and is subject to review and approval by the Director for compliance with the landscape design criteria contained in this Section. The review process represents the basis for approval or denial of a landscape design proposal. No grading, building, use permit, or site plan and design approval will be issued until a project has received approval from the Director.
3. Full construction drawings required. Following the granting of all required planning and subdivision approvals, full construction drawings must be submitted to the Building Division for plan check approval. Drawings submitted for plan check must include the entire Landscape Documentation Package described in the *Implementation Guidelines*, including the approved Preliminary Landscape Design Plan. The Landscape Design Plan must be in substantial conformity with the approved Preliminary Landscape Design Plan prior to issuance of building permits.

1300.L. **Landscape Documentation Package**

1. A copy of the landscape documentation package conforming to this Section and landscape plan check fee as set forth by the City Council must be submitted to the City. No grading or building permits will be issued until the City reviews and approves the landscape documentation package.
2. For multifamily developments of five units or more, and for all new commercial, industrial, or institutional developments, a copy of the approved landscape documentation package must be provided to the property owner or site manager along with the record drawings, and any other information normally forwarded to the property owner or site manager. All installed landscaping and irrigation systems must be maintained according to the approved landscape documentation package.
3. Each landscape documentation package must include the following elements:
    a. Landscape design plan pursuant to *Sec. 1300.M.1. Landscape Design Plan*;
    b. Irrigation design plan pursuant to *Sec. 1300.M.2. Irrigation Design Plan*;

c. Certificate of substantial completion, pursuant to *Sec. 1300.M.3. Certificate of Substantial Completion*, signed and sealed by licensed landscape architect (to be submitted after installation of the project as a requirement prior to certificate of occupancy); and

d. Such other information as deemed necessary by the Director of Community Development or designee including, but not limited to, a grading design plan and soil analysis.

1300.M. Elements of Landscape Documentation Package

1. Landscape Design Plan

A landscape design plan meeting the following requirements must be submitted as part of the landscape documentation package:

a. Plant Selection and Grouping

1. Plants having similar water use must be grouped together in distinct hydrozones.
2. Plants must be selected appropriately based upon their adaptability to the climatic, geological and topographical conditions of the site. Protection and preservation of native species and natural areas is encouraged. The planting of trees is encouraged wherever it is consistent with other provisions of this Section.
3. Changes to planting materials appearing on the approved landscaping plans may be permitted during construction of the project, after completion of the project, or during the course of normal landscape maintenance provided that all requested alternate plant materials are contained on the list of acceptable planting materials in this Section and provided further, that equivalent size, type, coverage, and appearance is approved by the Community Development Director or designee.
4. Fire prevention needs must be addressed in areas that are fire prone. Fire-resistant landscaping buffers must be provided between commercial and residential building developments and naturally vegetated but fire-prone areas, as identified by the Community Development Department.

b. Water Features

1. Recirculating water must be used for decorative water features.
2. Pool and spa covers are encouraged.

c. Landscape Design Plan Specifications

The landscape design plan must be drawn on project base sheets at a scale that accurately and clearly identifies the following:

1. Designation of hydrozones and a description of water usage within said hydrozones (low, moderate, and high irrigation water requirements);
2. Landscape materials, trees, shrubs, groundcover, turf and other vegetation. Planting symbols must be clearly drawn and plants labeled by botanical name, common name, container size, spacing, and quantities of each group of plants indicated;
3. Property lines and street names;

4. Streets, driveways, walkways, and other paved areas;
5. Pools, ponds, water features, fences, and retaining walls;
6. Existing and proposed buildings and structures including pad elevations, if applicable;
7. Natural features including but not limited to rock outcroppings, existing trees, and shrubs that will remain;
8. Tree staking, plant installation, soil preparation details, and any other applicable planting and installation details;
9. A calculation of the total landscaped area and percentage of turf area; and
10. Designation of recreational areas.

2. Irrigation Design Plan

a. All landscaped areas must be provided with an approved irrigation system that must include an automatic master control with multi-calendar, timer, and multi-station capabilities when the project is zoned commercial, institutional or industrial, or when the project is multiple-family residential with more than five dwelling units.

b. Irrigation must be performed in conformance with the *City Code*, or with standard water conservation practices.

c. An irrigation design plan meeting the following requirements must be submitted as part of the landscape documentation package:

1. Runoff and Overspray

i. Soil types and infiltration rate must be considered when designing irrigation systems. All irrigation system must be designed to avoid runoff, low head drainage, over-spray or other similar conditions where water flows onto adjacent property, nonirrigated areas, walks, roadways, or structures. Proper irrigation equipment and schedules, including features such as repeat cycles, must be used to closely match application rates to infiltration rates, therefore minimizing runoff.

ii. Special attention must be given to avoid runoff on slopes and to avoid overspray in planting areas with a width less than ten feet and in median strips.

2. Equipment

i. Water Meters

A separate landscape water meter must be installed for all projects except for single family dwellings or any project with a landscaped area of less than five thousand square feet.

ii. Controllers

An automatic control systems is required for all irrigation systems and must be able to accommodate all aspects of the design.

iii. **Valves**

Plants which require different amounts of water must be irrigated by separate valves. If one valve is used for a given area, plants with similar water use must be used in that area. Anti-drain (check) valves must be installed in strategic points to minimize or prevent low-head drainage.

iv. **Sprinkler Heads**

Heads and emitters must have matched precipitation rates within each control valve circuit. Sprinkler heads must be selected for proper area coverage, application rate, operating pressure, adjustment capability, and ease of maintenance.

v. **Rain-Sensing Override Devices**

Rain-sensing override devices are required on all irrigation systems.

vi. **Soil Moisture-Sensing Devices**

Soil moisture-sensing devices must be considered where appropriate.

d. **Irrigation Design Plan Specifications**

1. Irrigation systems must be designed to be consistent with hydrozones.
2. The irrigation design plan must be drawn on project base sheets. It must be separate from, but use the same format as, the landscape design plan. The scale must be the same as that used for the landscape design plan described in *Sec. 1300.M.1. Landscape Design Plan*.
3. The irrigation design plan must accurately and clearly identify:
   i. Location and size of separate water meters for the landscape;
   ii. Location, type, and size of all components of the irrigation system, including but not limited, to automatic controllers, main and lateral lines, valves, sprinkler heads, moisture-sensing devices, rain switches, quick couplers, and backflow prevention devices;
   iii. Static water pressure at the point of connection to the public water supply;
   iv. Flow rate (gallons per minute), application rate (inches per hour) and design operating pressure (psi) for each station; and
   v. Estimated annual water use expressed in inches per square foot of landscaped area per year.

3. Certificate of Substantial Completion

Prior to the final of building permits, the applicant must submit a certificate of substantial completion to the City utilizing forms designated for this purpose.

1300.N. Plant List

Other plant materials not included in this list but suitable in climate zones overlaying the City of Pomona are subject to review and approval by the Planning Division.

Scientific Name	Common Name	Water Usage
Groundcovers		
Achillea tomentosa	Woolly Yarrow	L
Ajuga reptans	Carpet Bugle	H
Drosanthemum spp.	Ice Plant (Drosanthemum)	L
Mesembryanthemum crystallinum	Ice Plant (Memsembryanthemum)	L
Armeria maritima	Sea Pink	M
Atriplex semibaccata	Australian Saltbrush	L
Carissa macrocarpa (pros. cvs.)	Natal Plum	M
Ceanothus spp.	California Lilac	L
Ceratostigma plumbaginoides	Dwarf Plumbago	M
Cistus spp.	Rockrose	L
Hedera helix	English Ivy	M
Lantana montevidensis	Lantana	L
Phyla nodiflorra	Lippia	L
Potentilla verna	Cinquefoil	M
Rosemarinus "Prostratus"	Trailing Rosemary	L
Santolina spp.	Lavender Cotton	L
Trachelosperum jasminoides	Star Jasmine	M
Verbena peruviana	Peruvian Verbena	L
Vinca minor	Periwinkle	M
Vines		
Bougainvillea spp.	Bougainvillea	L
Cissus antarctica	Kangaroo Treebine	M
Clytostoma callistigioides	Violet Trumpet Vine	M
Distictis buccinatoria	Blood Red Trumpet Vine	M
Ficus pumila	Creeping Fig	M
Gelsemium sempervirens	Carolina Jessamine	M
Hedera helix	English Ivy	M
Lonicera hildebrandiana	Giant Burmese Honeysuckle	L
Lonicera japonica	Japanese Honeysuckle	L
Macfadyena unguis-cati	Cat's Claw	L
Pandorea jasminoides	Bower Vine	M
Parthenocissus quinquefolia	Virginia Creeper	M
Parthenocissus tricuspidata	Boston Ivy	M
Passiflora spp.	Passion Vine	M

Legend:
L - Low water usage plants | **M** - Medium water usage plants | **H** - High water usage plants

Scientific Name	Common Name	Water Usage
Rosa banksiae	Lady Banks Rose	M
Rosa., other climbing spp.	Climbing Roses	M
Solanum jasminoides	Potato Vine	L
Tecomaria capensis	Cape Honeysuckle	M
Trachelospermum jasminoides	Star Jasmine	M
Wisteria spp.	Wisteria	M
Shrubs		
Callistemon citrinus	Bottle Brush	L
Cassia artemisioides	Feathery Cassia	L
Ceanothus spp.	California Lilac	L
Dietes bicolor	Fortnight Lily	M
Elaeagnus angustifolia	Russion Olive	L
Feijoa sellowiana	Pineapple Guava	M
Fremontedendron spp.	Flannel Bush	L
Grevillea spp.	Grevillea	L
Heteromeles arbutofolia	Toyon	L
Mahonia aquifolium	Oregon Grape	M
Nandina domestica	Heavenly Bamboo	M
Nerium oleander	Oleander	L
Phormium tenax	New Zealand Flax	M
Pittosporum tobira	Mock Orange	M
Punica granatum "Nana"	Dwarf Pomegranate	M
Raphiolepsis spp.	Indian Hawthorne	M
Ribes sanguineum	Red Flowering Currant	M
Ternstroemia gymnanthera	Ternstroemia	M
Viburnum tinus	Laurustinus	M
Xylosma congestum	Shiny Xylosma	L
Trees		
Acacia longifolia	Sydney Golden Wattle	L
Acacia melanoxylon	Blackwood Acacia	L
Agonis flexuosa	Peppermint Tree	M
Albizia julisbrissin	Silk Tree	M
Areccastrum romanzoffianum	Queen Palm	M
Bauhinia variegata	Purple Orchid Tree	M
Brachychiton acerifolius	Flame Tree	L

Legend:
L - Low water usage plants | **M** - Medium water usage plants | **H** - High water usage plants

Scientific Name	Common Name	Water Usage
Brachychiton populneus	Bottle Tree	L
Cedrus deodora	Deodar Cedar	M
Ceratonia siliqua	Carob	L
Cercis occidentalis	Western Redbud	L
Chilopsis linearis	Desert Willow	M
Cinnamomum camphora	Camphor Tree	M
Citrus spp.	Orange, Lemon, etc.	M
Cupaniopsis anacardiodides	Carrotwood	M
Eryobotrya japonica	Loquat	M
Eucalyptus ficifolia	Red Flowering Gum	M
Eucalyptus polyanthemos	Silver Dollar Gum	L
Ficus microcarpa	Indian Laurel Fig/Laurel Fig	M
Ficus rubiginosa	Rusty Leaf Fig	M
Fraxinus oxycarpa "Raywood"	Raywood Ash	M
Gleditsia triacanthos	Honey Locust	M
Hymenosporum flavum	Sweet Shade	M
Jacaranda mimosifolia	Jacaranda	M
Koelreuteria paniculata	Golden Rain Tree	L
Lagerstroemia indica	Crape Myrtle	M
Liquidambar styraciflua	Sweet Gum	M
Phoenix Canariensis	Canary Island Date Palm	L
Pinus canariensis	Canarian Island Pine	M
Podocarpus gracilior	Fern Pine	H
Pyrus calleryana cultivars	Callery Pear	M
Quercus ilex	Holly Oak	L
Washington filifera	California Fan Palm	L

Legend:
L - Low water usage plants | M - Medium water usage plants | H - High water usage plants

1300.O. **Water-Efficient Landscape Criteria**

1. Landscape and irrigation plans must be reviewed for compliance with the water-efficient landscape criteria. These comprise a point system with points awarded for both landscape and irrigation techniques.

2. A minimum of one hundred points out of one hundred forty available, must be achieved in each technique category in order for the Community Development Director or designee to approve the plans.

Landscape Techniques	Points
Water conserving plants, and/or plants native to hot/dry summers, utilized in seventy-five percent of the total plant area of the landscape.	40
Turf limited to forty percent of the total landscape area in residential projects; twenty percent of the total landscape in all other projects. In no case will turf make up more than fifty percent of the total landscape.	30
Use of creative, thoughtful and diverse hydrozones to enhance the overall landscape design, with plants grouped based on the amount of water needed to sustain them.	30
Mulch utilized in the landscape (two inches minimum, three inches preferred).	20
Hardscape, or non-irrigated surfaces use in at least ten percent of the total landscape.	10
Where turf is utilized, the use of a proven water-conserving turf (e.g., "marathon" or equivalent).	10
	Total 140

Irrigation Techniques	Points
The total amount of irrigation water applied to all landscaped areas does not exceed forty-two inches per square foot of landscaped area per year.	40
Low-water volume irrigation system equipped with a multi-station and multi-schedule master control panel.	30
Irrigation system designed to water different areas of the landscape based on watering need (drip/trickle for shrubs, separate valves, etc.).	20
Sensitive to slope factors.	20
Soil moisture sensors used in conjunction with the automatic irrigation system.	10
Wind sensors and rain sensors used in conjunction with the automatic irrigation system.	10
Uses of reclaimed or recycled water in accordance with Health and Safety Codes.	10
	Total 140

3. Additional comparable points (not to exceed thirty) may be awarded for the use of any water-conserving method not listed above which the Community Development Director or designee finds to be in accordance with the purposes of this Section.

1300.P. **Landscape And Irrigation Maintenance**

1. Landscaping and vegetation must be maintained as follows:

    a. All landscaped areas must be kept and maintained in a manner that does not detract from the appearance of the immediate neighborhood, and that protects the health, safety, and welfare of the user, occupants, and general public.

    b. Landscaped areas must be kept and maintained in a neat and clean condition, free of weeds, debris and dead, diseased, or dying vegetation, and broken or defective decorative elements.

    c. Vegetation in landscaped areas must be mowed, groomed, trimmed, pruned, and watered to maintain a healthy, growing condition.

d. Vegetative overgrowth is not permitted in a manner that is likely to harbor rodents, vermin, insects, or other nuisances; or impedes, obstructs, or denies pedestrian or other lawful travel on sidewalks, walkways, or other public rights-of-way.

e. All property owners must water, weed, and otherwise maintain landscaping in the parkway portions of adjoining streets, including street trees.

2. Irrigation systems must be maintained as follows:

a. Irrigation systems must be kept in good working condition and repair to prevent leaks or public health hazards.

b. Water waste 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, or structures, must be minimized.

c. Irrigation systems and their components must be maintained in a fully functional manner consistent with the originally approved design and the provisions of this Section.

d. Landscapes must be maintained to ensure water efficiency. A regular maintenance schedule must include at least: checking, adjusting and repairing irrigation equipment; resetting the automatic controller; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning; and weeding in all landscaped areas.

3. Artificial turf must be maintained as follows:

a. All artificial turf areas must be kept and maintained in a manner that does not detract from the appearance of the immediate neighborhood, and that protects the health safety, and welfare of the user, occupants, and general public.

b. Artificial turf areas must be kept free of animal waste, rubbish, leaves, sand, rocks, algae, mold, fungi, natural grass and weeds.

c. Artificial turf seams, joints and edges must be inconspicuous and not allowed to cause tripping or other hazards.

d. Artificial turf that is discolored, deteriorated, matted, torn, stained, shows excess wear or is otherwise unsightly or neglected must be repaired or replaced to the satisfaction of the City.

e. Artificial turf infill material must be maintained at adequate levels to allow proper use of the turf. Infill materials is not allowed to accumulate within the artificial turf area or otherwise be visible from the public right-of-way. Sweeping, raking or otherwise redistributing infill material on a regular basis is required.

1300.Q. **Cooperation with Water Purveyor(s)**

Local agencies may collaborate with water surveyors to define each entity's specific responsibilities relating to this *Sec. 1300. Landscape (Formerly Sec. 503-J)*. The City of Pomona is the water surveyor for this service area to implement all of the requirements contained in *Sec. 1300. Landscape (Formerly Sec. 503-J)*.

1300.R. Minor Modifications to Approved Landscape and Irrigation Plans

The Director may approve minor changes to approved landscape, irrigation, and related plans, subject to the following criteria:

1. Minor modifications to approved landscaping and irrigation, or grading plans which comply with the spirit and intent of this Section, including but not limited to, revising or substituting plant varieties, container sizes, plant locations, irrigation specifications, hardscape components, berm heights, berm locations, slope features, and the like.

2. Modifications of planting, installation, and soil preparation details.

1300.S. Oak Tree Preservation

1. Purpose and Intent

a. The purpose of this Section is to promote the public health, safety and welfare by providing for the preservation of mature Oak trees located within the city. Such Oak trees enhance neighborhood aesthetics, provide shade, aid in erosion control, and generally enhance the quality of life.

b. It is the intent of this Section to establish regulations for the protection of mature Oak trees located on public and private property that are not currently protected under existing regulations, so as to retain as many of these trees as possible consistent with the reasonable enjoyment of such property.

2. Definitions

Deadwood. Means any limbs, branches or portion of a tree that contains no green leaves during a period of the year when they should be present.

Historic District. Means any area that has been designated as a historic district pursuant to *Sec. 800.D. Established Historic Districts and Landmarks* and placed on the historic register.

Historic Landmark. Means any improvement or natural feature that has been designated a single historic landmark of the City of Pomona pursuant to *Sec. 800.D. Established Historic Districts and Landmarks* and placed on the historic register.

Specimen Tree. Means any tree designated as a "specimen tree" pursuant to *City Council Resolutions No. 62-65 and No. 73-68*.

Table 1: Oaks Currently Designated as Specimen Trees

Number	Common Name	Location	Address
4	California Live Oak	Old City Hall	Old 200 block W. Mission
1	California Live Oak	Mt. San Antonio Gardens yard	900 E. Harrison
1	Deciduous Oak	Old City Hall	200 block W. Mission
1	Southern Live Oak	Front yard	1837 Berkshire

3. Applicability

The provisions of this Section apply to Oak trees of all species that have a diameter greater than eight (8) inches as measured 4.5 feet above the mean natural grade, are located outside of designated Historic Districts and Historic Landmarks and have not been designated as Specimen Trees. Such Oak trees may be located on either public or private property.

4. Permit Process

A person must not trim, prune, cut, relocate or remove any Oak tree subject to the provisions of this Section unless a valid Major or Minor Oak Tree Permit has been issued by the City pursuant to provisions of this Section.

a. Major and Minor Oak Tree Permits

Minor Oak Tree Permits are subject to administrative review by the Planning Manager and City Arborist. Major Oak Tree Permits are subject to a public hearing before the Planning Commission. Not less than ten (10) days before the date set for the Planning Commission hearing, notice of the hearing will be published in a daily newspaper of general circulation and mailed to owners and occupants of property located within a radius of four hundred (400) feet from the external boundaries of the property described in the OTP application.

Table 2: Required Oak Tree Permits (OTPs)

Project Type	Private Property	City Property
Trim one or more Oaks	Minor OTP	Exempt*
Relocate one or more Oaks	Major OTP	Major OTP
Remove one or more Oaks	Major OTP	Major OTP

*Exemption applies to City Arborist initiated trimming. For additional exemptions, see Subsection E below.

b. Review and Recommendation by City Arborist

All applications for Major and Minor Oak Tree Permits are subject to review and recommendation by the City Arborist before final approval of an Oak Tree Permit by the Planning Commission or Planning Manager.

c. Trimming

All Oak trees subject to the provisions of this Section must be trimmed under the direction of a certified arborist in a manner that is consistent with the adopted trimming policies outlined in the *City of Pomona Street Tree Policy Manual* and *ISA standards*.

d. Application Requirements for Minor Oak Tree Permits

On forms available in the Planning Division, an application for a Minor Oak Tree Permit for trimming must be submitted, together with any required fee, to the Planning Division. The application must include recent photos of each Oak tree proposed to be trimmed.

e. Application Requirements for Major Oak Tree Permits

An application for a Major Oak Tree Permit for relocation or removal must be submitted, together with any required fee, to the Planning Division. The application must contain the following information and items:

1. A statement as to the reasons for the proposed relocation or removal;
2. The number, species and size (diameter measured 4.5 feet above the mean natural grade) of the Oak tree(s) proposed to be relocated or removed;
3. A site plan showing the location of all trees on the subject property in relation to existing and proposed structures and improvements such as buildings, streets, sidewalks, fences, slopes, retaining walls, public right-of-way or improvement, etc.;
4. Photographs of the Oak tree(s) proposed to be relocated or removed;
5. Proposed method of removal or relocation;
6. Identification of the relocation site and methods of site preparation; and
7. Verification by the City Arborist of the health of any Oak tree declared diseased, infested or dying.

f. Findings for Major Oak Tree Permits

A Major Oak Tree Permit for relocation or removal will only be approved based on the following findings:

1. The proposed relocation or removal of the Oak tree(s) will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated;
2. The proposed relocation or removal of the Oak tree(s) is necessary as continued existence at the present location impedes the planned improvement or proposed use of the subject property to such an extent that:
    i. Alternative development plans cannot achieve the same permitted density or the cost of such alternative would be prohibitive, or
    ii. Placement of the Oak tree(s) precludes the reasonable and efficient use of such property for a use otherwise authorized;
3. The proposed trimming, cutting and pruning will be limited to the minimum necessary to promote the health of the tree and protect the public safety, and whenever possible trees should remain in place or be moved only the minimum distance necessary to preserve the health of the tree and protect the public safety.
4. The Oak tree(s) proposed for relocation or removal interferes with utility services or streets and highways, either within or outside of the subject property, and no reasonable alternative to such interference exists other than the relocation or removal of the Oak tree(s);
5. The condition of the Oak tree(s) proposed for removal with reference to seriously debilitating disease or danger of falling is such that it cannot be remedied through reasonable preservation procedures and practices; and

6. The proposed relocation or removal of the Oak tree(s) will not be contrary to or in substantial conflict with the purpose and intent of the Oak Tree Permit process.

g. Appeals

Within ten (10) calendar days of a determination on a Minor Oak Tree Permit by the Planning Manager or a determination on a Major Oak Tree Permit by the Planning Commission, the application for an Oak Tree Permit may be appealed to the Planning Commission in the case of the Planning Manager's decision or to the City Council in the case of the Planning Commission's decision. The appeal must be submitted to the Planning Division on forms available in the Planning Division.

5. Exemptions

a. The following activities are exempt from the requirements of the Oak Tree Permit process:

1. City Arborist initiated trimming of Oak trees located on City property only when the minimum amount of trimming needed will be carried out to foster and preserve the health and aesthetics of the tree, or to correct or prevent a potentially dangerous or hazardous condition posing an immediate threat to public health, safety and welfare subject to all provisions of *Sec. 1300.J.4.f. Findings for Major Oak Tree Permits*;

2. Removing the dead wood from Oak trees located on private and City property without damaging any living portions of the trees;

3. Trimming, relocation or removal of Oak trees planted, grown or held for sale by a licensed nursery or tree farm;

4. Trimming, relocation or removal of Oak trees located on property within a rail road right-of-way;

5. Trimming, relocation or removal of Oak trees located on property owned by Caltrans or the Los Angeles County Flood Control District; and

6. Trimming, relocation or removal of Oak trees that the City Arborist determines are dangerous or hazardous and pose an immediate threat to the public health, safety and welfare.

7. Utility company or utility service trimming, relocating or removal of an Oak tree(s) when the City Arborist or a State licensed, City approved arborist provides documentation that the trimming, relocation or removal is needed to correct or prevent a potentially dangerous or hazardous condition posing an immediate threat to the public health, safety and welfare. Said trimming, relocating or removal must be proposed and completed in a manner to preserve, to the fullest extent possible, the tree in place, with the minimum physical alteration needed to preserve the health of the tree and protect public safety.

b. Within ten (10) days of completing said trimming, the City Arborist or the State licensed, City approved arborist will perform a field inspection of the completed work on the tree(s) in question and will provide written documentation that the work was completed in conformance with all standards and requirements contained within *Sec. 1300.J. Nonresidential Landscape Standards*.

6. Permit Expiration

An approved Major or Minor Oak Tree Permit will be valid for not more than thirty (30) calendar days from the date of Permit approval. One (1) thirty (30) day extension may be granted by the Planning Manager without fee.

7. Final Oak Tree Permit Inspection

a. Within seventy-two (72) hours of the completion of any trimming, cutting, pruning, relocation or removal of an Oak tree(s) under an approved Major or Minor Oak Tree Permit, the permittee must contact the Planning Division to request a final inspection. Said inspection will be completed by the City Arborist within seventy-two (72) hours of the Planning Division's having received the inspection request to verify that all work was performed in conformance with the approved Oak Tree Permit and this Section.

b. Unless a final inspection is requested and completed within thirty (30) calendar days following the approval of a Major or Minor Oak Tree Permit, or an extension thereof, the City Arborist will perform a field inspection to verify that all work was completed in conformance with the approved Oak Tree Permit and this Section.

c. If the final inspection determines that the work performed was not completed in conformance with the approved Oak Tree Permit or the Ordinance, then the work must be corrected within seven (7) calendar days following written notice from the Planning Manager of said non-conformance, or within a time period approved by the Planning Manager. Failure of the permittee to complete the required corrections will be deemed to constitute a misdemeanor as noted in herein for each tree identified within the Oak Tree Permit which was not altered in compliance with said Permit and this Ordinance. Further, upon conviction of a misdemeanor for violation of this section, if any Oak tree identified within the approved Oak Tree Permit dies within three (3) years of the date of conviction, then the person so convicted must be required to pay to the City the dollar amount for a replacement tree of equal size, including installation costs. The dollar replacement value will be determined by the criteria set forth by the International Society of Arboriculture (ISA). Said dollar value must be remitted to the City and used only to install a new Oak tree(s) within the same City Council district where the dead tree(s) was originally located.

8. Oak Tree Replacement and Mitigation

a. The planting of replacement trees or other mitigation measures will be included as conditions of permit approval for the removal of Oak trees subject to the provisions of this Section.

b. For residential property, the removal of each Oak tree will require replacement with a minimum twenty-four (24)-inch-box Oak tree on a one-to-one basis. For institutional, commercial or industrial property, the removal of each Oak tree will require replacement with a minimum thirty-six (36)-inch-box Oak tree on a one-to-one basis. Additional or larger trees and other vegetation may be required as conditions of permit approval, if they are determined to be necessary to compensate for the loss of the original Oak tree(s) and/or to aid in erosion control or to otherwise protect the environment from the effects of the tree removal.

c. Replacement Oak trees must be planted on the property where the Oak trees were removed. However, if an appropriate replanting location does not exist, the replacement trees may be donated to the City or their monetary value may be paid to the City to the satisfaction of the City

Arborist. Any monies paid will be used to purchase an Oak tree(s) for planting within the City in a location(s) recommended by the City Arborist.

9. Penalties

Any person who trims, prunes, cuts, relocates or removes an Oak tree(s) tree with a diameter greater than eight (8) inches as measured 4.5 feet above the mean natural grade in violation of this Section will be deemed guilty of a misdemeanor and, upon conviction, may be punished as set forth in *Section 1-7 (c) of the Pomona City Code*. Further, if any Oak tree(s) so trimmed, pruned, cut, relocated or removed dies within three (3) years of the date of conviction, then the person so convicted will be required to pay to the City the dollar amount for a replacement tree of equal size, including installation costs. The dollar replacement value will be determined by the criteria set forth by the International Society of Arboriculture (ISA). Said dollar value must be remitted to the City and used only to install a new Oak tree(s) within the same City Council district where the dead tree(s) was originally located.

Sec. 1310. **Public Art Requirement (Formerly .5809-24)**

1310.A. **Purpose and Intent**

The City Council finds and declares as follows:

1. New development and redevelopment within the City of Pomona increases urbanization and decreases the amount of land available for development of cultural and artistic resources for the community.
2. Development of cultural and artistic asset should be financed by those whose development and redevelopment project decreases the availability of the community's resources for those opportunities and contributes to urbanization of the City.
3. The establishment of the Art in Public Places Program will promote the general welfare by balancing the community's physical growth and revitalization and its cultural and artistic resources.
4. This section establishes a public art requirement for private development that involves the provision of new public art on private development project sites within the City.
5. The public art requirement for private development provides exemplary art pieces installed in publicly accessible and visible areas such that the art pieces will enrich and enliven the community.
6. The requirement for the provision of well conceived and executed public art as part of private development will enhance the economic vitality of the City, develop community pride and identity, and improve the general welfare and quality of life in the City.
7. Maintenance of existing public art provides a benefit to the community by preserving existing public artworks that are freely available and viewable by the general public.

1310.B. **Definitions**

Applicant. A person who is overseeing or responsible for a Project that is subject to the requirements of this Section. An "Applicant" may include, but is not limited to, a developer or a property owner, or an art consultant retained by a developer or property owner.

Art in Public Places Program. The administrative division of the City responsible for Public Art, the Public Art Collection, Public Art Fund, In-Lieu Contributions, and Art in Public Places Program Policies and Procedures.

Artist. An individual, collective, non-profit organization, educational institution, or other entity that is qualified by the Commission to create Public Art.

Annual Reporting. The use of all in-lieu fees collected and deposited in the Fund, including identification of all income, expenditures, and resulting Fund Balance will be reported annually to the City Council by the Finance Director of the City.

Art in Public Places ~~Policy and Guidelines Manual (or the Manual)~~Program Policies and Procedures. A ~~manual approved by resolution of the City Council~~ set of administrative rules established by the Art in

Public Places Program, in consultation with the Commission, that contains submittal requirements; guidelines for the selection of artists, artwork and locations for public artworks~~;~~, and application procedures for the provision of Public Art.

Building Valuation. The total dollar amount of all construction permits for the same development project using the latest building valuation data as set forth by the International Conference of Building Officials (ICBO) building valuation.

Budget. The Art in Public Places Program will have an annual budget that will be included as a part of the City's budget.

City. The City of Pomona.

Commission. The City of Pomona Cultural Arts Commission.

Conceptual Design Plan. The initial phase of the approval of Public Art on private development sites that includes review of the artist's or artist design team's qualifications, conceptual artwork design, and artwork location.

Final Design Plan. The final phase of the approval of Public Art on private development sites that involves a highly defined proposal that conforms to the concept previously considered and approved by the Cultural Arts Commission.

In-lieu Contribution. An amount equal to one percent (1%) of the Building Valuation for a Project.

Institutional Project (as it pertains to this section). A project involving a nonprofit or quasi-public use, such as a religious institution, library, public or private school, hospital, museum or college or university.

Project. A project that is listed in *Sec. 1310.C. Projects Subject to the Public Art Requirement*, below, and that is subject to the requirements of this Section.

Public Art. ~~Any permanent display of a work of visual art that was specifically designed to be located on a site where it would to be accessible to public view on private or public property within the City of Pomona. Public Art may include, but need not be limited to, sculpture, murals, mosaics, fountains, stained glass, and earthworks.~~ Permanent visual art (including but not limited to sculpture, murals, mosaics), temporary and ephemeral art (including but not limited to installations, activations, projections, and digital media), and performative and social practice art (including but not limited to performance, events, literary arts, and community engagement), that is free and open to the public, commissioned or sanctioned by the City, and documented for the Public Art Collection. This definition includes physical spaces that support the acquisition, administration, commissioning, installation, improvement, maintenance, restoration, conservation, and preservation of the aforementioned categories, and that is free and open to the public. This definition does not include commercial messaging or advertising, mass productions, or architecture, landscape architecture, and wayfinding and infrastructure fixtures except when designed by a commissioned Artist.

Public Art Allocation. An amount equal to one percent (1%) of the Building Valuation for a Project.

Public Art Collection. The official record of all legally established public art in the City of Pomona.

Public Art Fund. An interest-bearing Fund of the City that is managed by the Finance Director, or designee, into which public art funds, including donated funds and in-lieu funds, are deposited.

1310.C. **Projects Subject to the Public Art Requirement**

1. Effective January 4, 2012 the following Projects, except as provided in *Sec. 1310.D. Exemptions*, below, are subject to the requirements of this Section:

    a. New commercial, institutional, and industrial development where the total building valuation for the project is $750,000 or more;

    b. New residential development of 10 units or more, whether detached single-family residences, condominiums, apartments, townhouses, or other dwelling units;

    c. Interior and exterior remodeling, repair, modifications, reconstruction, and additions to existing commercial, institutional and industrial property where the total building valuation for the project is $750,000 or more;

    d. Interior and exterior remodeling, repair, modifications, reconstruction, and additions to existing residential property of 10 units or more where the total building valuation is $750,000 or more; and

    e. Infrastructure improvements including telecommunications, natural resource development, and delivery systems valued at $3 million or more.

2. Two years from the effective date (January 4, 2014), the City Council will review *Sec. 1310. Public Art Requirement (Formerly .5809-24)*.

1310.D. **Exemptions**

Notwithstanding *Sec. 1310.C. Projects Subject to the Public Art Requirement*, above, the following projects are exempt from the requirements of this Section:

1. All mechanical, plumbing and electrical system upgrades, structural or seismic upgrades, and modifications for disabled access, unless occurring in conjunction with interior and exterior remodeling, repair, modifications, reconstruction, and additions to existing commercial and industrial property as provided in *Sec. 1320.C.1.c.*, above.

2. Remodeling, repair or reconstruction of structures solely for the purpose of repairing damage to such structures caused by fire, flood, wind, earthquake, or other natural cause.

3. City capital improvement projects that include the following:

    a. Basic road projects including, but not limited to, construction, curbing, drainage, striping and signalization;

    b. Public utility projects;

    c. Sewer and water main improvements;

    d. Projects funded by a revenue source that by law cannot be used for the acquisition of works of art;

    e. Acquisition of land; or

    f. Public improvements that are in progress upon the adoption of this section, and where the construction budget cannot be modified to allow for the funding allocation.

4. Projects approved through the Redevelopment Agency with current, valid development agreements in place (RDA to provide list of projects with addresses) prior to January 4, 2014.
5. Projects that have been approved prior to the effective date of the ordinance through entitlement applications through the Planning Commission and/or City Council and all of the entitlements granted are still valid and have not expired based on allowed timing of project commencement.
6. Projects that have complete building plan check applications submitted and are in review by the Building and Safety Division prior to January 4, 2014.
7. Projects that have approved plan checks prior to January 4, 2014, and such plan checks are still valid and have not expired, which would allow for issuance of a building permit.
8. Projects that have been issued building permits prior to January 4, 2014, and such permits have not been allowed to expire.
9. Any Planning Division project applications deemed to meet the minimum submittal materials for Planning Commission entitlements, prior to January 4, 2014.

1310.E. **[Reserved]**

1310.F. **Requirement to Provide Public Art**

For all Projects that are subject to the requirements of this Section, the Applicant must comply with one of the following two options:

1. **Placement of an Approved Public Art on the Project Site**

a. The Applicant may decide to place an approved Public Art on a private development site. The Public Art, and all eligible expenditures associated with installation of the Public Art (as described in the ~~Manual~~Art in Public Places Policies and Procedures), must be in an amount equal to or in excess of the Public Art Allocation.

b. A Final Design Plan of the Public Art to be installed on the Project site must be approved by the Commission before issuance of a building permit for the Project.

c. The Public Art must be installed on the Project site before issuance of a Certificate of Occupancy, including any temporary Certificate of Occupancy, for the Project. In cases where the Public Art cannot be installed on the Project site before issuance of a Certificate of Occupancy, the Applicant may post a cash bond to assure installation of the Public Art. The cash bond must be in an amount equal to the Public Art Allocation or an amount based on any remaining, unexpended artwork budget as determined by the Community Development Director. The bond must not be released until the Public Art has been completed and installed on the Project site in accordance with the approved Final Design Plan.

2. **Payment of an In-lieu Contribution**

Rather than place an approved Public Art on the Project site, the Applicant may choose to pay an In-lieu Contribution. The In-lieu Contribution must be submitted to the City and deposited into the Public Art Fund before issuance of any building permit for the Project.

3. Use of In-lieu Contributions

In-lieu Contributions will be deposited into the Public Art Fund and may only be used for expenses that are directly related to Public Art in the City of Pomona, including but not limited to acquisition, administration, commissioning, installation, improvement, licensing, maintenance, insurance, restoration, conservation, and preservation. Up to 20 percent of In-lieu Contributions may be used for Administration of the Art in Public Places Program. Up to 33 percent of In-Lieu Contributions may be used for preservation of the Public Art Collection. Criteria for the selection of artists, locations, and implementation of In-Lieu Contributions shall be established as Art in Public Places Policies and Procedures. When there is uncertainty on use of In-Lieu Contributions and whether it is directly related to Public Art in the City of Pomona, a written determination shall be made by the City Manager and added to the Art in Public Places Policies and Procedures. In-Lieu Contributions are subject to Annual Reporting and Budget setting.

a. ~~Use of In-lieu Contributions must comply with the following:~~

1. ~~In-lieu Contributions will be used for the acquisition and installation of Public Art on public or private property in the City, except that up to 1/3 of the In-lieu Contribution may be used for maintenance of the proposed Public Art or an existing Public Art that is listed on the City's registry of Public Art.~~

2. ~~In-lieu Contributions may be aggregated with other funds contained in the Public Art Fund for the purpose of providing a single qualifying Public Art project.~~

3. ~~Refunds of in-lieu fees are subject to the provisions of California Government Code's Mitigation Fee Act (Sec. 66000-66025.).~~

4. ~~Procedures for use of In-lieu Contributions to provide Public Art are established in the Manual.~~

1310.G. Application & Approval Procedures for Public Art Placement on Private Property

1. Staff Review

If a Project is subject to the requirements of this Section, the Applicant must submit a Conceptual Design Plan to the ~~City's Planning Division~~ Art in Public Places Program for preliminary review~~ by Planning staff~~. The review process and application submittal requirements shall be established under Art in Public Places Policies and Procedures. ~~Planning staff will make a determination on completeness of the Conceptual Design Plan within 30 days of submittal to the Planning Division. At a minimum, the Conceptual Design Plan must include the following:~~

a. ~~Artist, or artist team, biographical materials demonstrating how they meet the artist selection guidelines contained in the Manual.~~

b. ~~Preliminary sketches, photographs, or other documentation of sufficient descriptive clarity to indicate the nature of the proposed Public Art.~~

c. ~~An appraisal or other evidence of the value of the proposed Public Art, including acquisition and installation costs.~~

d. ~~Preliminary plans containing such detailed information as may be required by the Planning Division staff to adequately evaluate the location of the Public Art in relation to the proposed Project, and its compatibility with the proposed Project, including compatibility with the character of adjacent conforming developed parcels and existing neighborhood if necessary to evaluate the proposal.~~

e. ~~A narrative proposal with elevations, site plans, lines of sight studies, renderings, and other descriptive materials as deemed necessary by Planning staff to demonstrate that the Public Art will be displayed in an area open and freely available to the general public or otherwise provide public accessibility in an equivalent manner based on the characteristics of the Public Art or its placement on the Project site.~~

f. ~~Preliminary budget showing how the total value of the Public Art, and all eligible expenditures associated with installation of the Public Art (as described in the Manual), meets or exceeds the amount of the Public Art Allocation for the Project.~~

2. Commission~~/ Committee~~'s Review of Conceptual Design Plan

Once the Conceptual Design Plan has been determined to be complete, the Conceptual Design Plan will be considered by the Commission.~~:~~ Once the Commission has completed its review of the proposed project, it will provide recommendations to the Applicant for the development of the Final Design Plan.

1. ~~An Advisory Committee of the Commission; or~~

2. ~~In the event an Advisory Committee has not been formed, the Commission.~~

a. ~~The Committee or the Commission will meet with the Applicant and/or Applicant's art consultant and artist team to review the Conceptual Design Plan and the proposed Public Art. Once the Committee or Commission has completed its review of the proposed project, it will provide recommendations to the Applicant for the development of the Final Design Plan, pursuant to the procedures described in the Manual.~~

3. Commission's Review of Final Design Plan

~~Once the Conceptual Design Plan has been reviewed by either the Advisory Committee or the Commission, the Applicant must then submit a Final Design Plan of the Public Art that incorporates recommended changes by the Committee or the Commission.~~ The Commission will consider the Final Design Plan, and may either approve, approve with changes or deny the Final Design Plan for the Public Art. Consideration of the Final Design Plan will take place at a public hearing before the Commission. Notification of the public hearing will be sent to all property owners and occupants within 400 feet of the property where the artwork will be located at least 10 days before the meeting of the Commission on the Final Design Plan for the Public Art.~~ Detailed procedures for the approval of Public Art provided by the Applicant is established in the Manual.~~

4. Appeal of the Commission's Decision on the Final Design Plan

The applicant, one or more City Council Members, or any person owning property within 400 feet of the exterior boundaries of the proposed Project site may file a written request for an appeal to the City Council within 20 days of the decision of the Commission. Written appeals must be filed with the City Clerk. The City Clerk will set the public hearing date and notify the Applicant. The City Council will receive the original application, the Final Design Plan, any written reports and the appeal

request. The City Council may affirm, reverse or modify in whole or in part any Commission decision or requirement. The decision by the City Council will be final.

a. ~~Submittal requirements and additional application procedures are further described in the Manual.~~

5. Criteria for Artist Selection, Artwork Selection and Guidelines for Placement of Public Art

Criteria for the selection of an artist or artist design team, selection of the location for the public artwork and criteria for approval of artwork is established~~ in the Manual approved by resolution of the City Council~~ in Art in Public Places Policies and Procedures.

6. Ownership and Maintenance of Artwork

a. All Public Art placed on the site of the Applicant's Project pursuant to this Section must be the property of either the property owner or their successors in interest, or when applicable, the artist.

b. The property owner must maintain the Public Art in good condition, including protecting the artwork against physical defacement, mutilation, or alteration, and securing and maintaining fire and extended coverage insurance in an amount to be determined by the City's Risk Manager.

c. Prior to the placement of an approved Public Art on the Project site, the Applicant must execute and record a covenant in a form approved by the City Attorney for maintenance of the Public Art.

d. Failure to maintain the Public Art as provided herein is declared to be a public nuisance and may be summarily abated, demolished or repaired by the City with the owner's consent. The City may pursue additional remedies to obtain compliance with the provisions of this Section as appropriate.

e. In addition to other remedies provided by law, in the event the property owner fails to maintain the Public Art, upon reasonable notice, the City may perform all necessary repairs or maintenance to the Public Art or secure insurance, and all costs incurred by the City will become a lien against the property.

Sec. 1320. Original Artwork Murals (Formerly .5809-25)

1320.A. Purpose and Intent

1. The purpose of this Section is to permit and encourage Original Artwork Murals (as defined below), on a content-neutral basis, that:
   a. Are sufficiently durable and will be properly maintained;
   b. Are located on appropriate places on buildings, and constitute a particular scale of the building façade;
   c. Do not include any unsafe features, or would not pose any unsafe conditions to vehicular or pedestrian traffic;
   d. Provide avenues for artistic expression; and
   e. Are assets to the community.
2. It is the intent of this Section to establish regulations for the installation and application of Original Artwork Murals on private property.

1320.B. Original Artwork Mural Permit Requirement

An Original Artwork Mural may be located on any privately owned building in the City provided it is first approved by permit issued by the City's Planning Division in accordance with the procedures and criteria listed in this Section.

1320.C. Exemptions

The following murals are exempt from this Section:

1. Murals that are proposed as Public Art for private development as regulated by *Sec. 1310. Public Art Requirement (Formerly .5809-24)*.
2. Murals that are funded by In-Lieu Contributions and donations to the City's Public Art Fund and that are subject to the procedures established in the *Art in Public Places Policy and Guidelines Manual*.

1320.D. Definitions

Alteration. Any change to a permitted Original Artwork Mural including, but not limited to, any change in the image or images, materials, colors, or size of the mural. "Alteration" does not include:

a. Naturally occurring changes to the mural caused by exposure to the elements or the passage of time; and

b. Minor changes to the mural that result from the maintenance or repair of the mural, including, but not limited to, slight and unintended deviations from the original image, colors or materials.

Building Façade. That portion of any exterior elevation on the building extending from grade to top of the parapet, wall or eaves and the entire width of the building elevation.

Changing Image Mural. A mural that, through the use of moving structural elements, flashing or sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement or a change of mural image or message. "Changing Image Murals" do not include otherwise static murals where illumination is turned off and back on not more than once every 24 hours.

Character-Defining Feature. A prominent or distinctive physical feature of a structure that contributes significantly to its historic character.

Commission. The Cultural Arts Commission.

Historical Structure. A locally designated historic landmark structure or structure located within the boundaries of a locally designated historic district; or single landmark building or building located within a district listed on the National Register of Historic Places.

Nonconforming Mural. A mural in existence before January 4, 2014.

Original Artwork Mural. A painting that is applied to and made an integral part of an exterior wall, or a tiled artwork applied on an exterior building wall, with the property owner's permission or consent. For all future references to Original Artwork Mural(s) in this Section, the term "mural(s)" is used. An "Original Artwork Mural" does not include:

a. Mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl;

b. Murals containing electrical or mechanical components; or

c. Changing Image Murals, as defined above.

1320.E. **Development Standards**

Original Artwork Murals must comply with all of the following:

1. The mural must remain in place without alterations for a minimum of five years from the date the mural is completed. The Applicant must certify in the permit application that the Applicant agrees to maintain the mural in place for a minimum period of five years without Alterations.

2. The mural must not extend more than six inches from the plane of the wall to which it is attached.

3. The mural must not be applied to the principal building façade facing a public street. The principal building façade, in most cases, is distinguished from secondary building façades by its enhanced architectural treatment.

1320.F. **Prohibited Murals**

The following are prohibited in the City:

1. A mural that is placed on single-family residences or multiple-family residential buildings with fewer than five dwelling units.
2. A mural that is placed on historical structures, unless approved by a Major Certificate of Appropriateness (MCOA). The MCOA must be approved by the City's Historic Preservation Commission before approval of the Original Artwork Mural Permit by the Cultural Arts Commission. The Historic Preservation Commission will review the mural for consistency with the following:
    a. The mural will not obscure or cover character-defining features of the historical structure.
    b. The mural will not be painted over an existing historical mural.
    c. The application or installation of a mural will be done so that is does not result in any permanent physical damage to any historic material on the structure.
    d. The application or installation of a mural will be done so that it does not result in any permanent physical damage to any historic material on the structure.
3. A mural for which compensation is given or received for the display of the mural or for the right to place the mural on another's property. The Applicant must certify in the permit application that no compensation will be given or received for the display of the mural or the right to place the mural on the property.
4. A mural that contains obscene matters, as defined in *Section 311 of the California Penal Code*, or images that would incite immediate violence, so as to constitute "fighting words."

1320.G. **Guidelines for Original Artwork Murals**

Original Artwork Murals must comply with all of the following:

1. The Original Artwork Mural must demonstrate the highest aesthetic qualities, originality and artistic excellence.
2. The Original Artwork Mural is appropriate in scale, material, form, content and value with the immediate social and physical environment.
3. The mural must be durable, permanent, and easily protected from vandalism and weathering. Substantial consideration must be given to the structural and surface integrity and stability of the building facade, the permanence and durability of the mural, and the mural's resistance against weathering, theft, and vandalism.
4. The mural must not have any unsafe features or conditions that may affect public safety; and
5. The mural must not disrupt traffic, nor create any unsafe conditions or distractions to motorists and pedestrians.

1320.H. **Application Requirements**

An application for a mural permit must be filed with the Planning Division and must include the following:

1. Name of the artist(s);
2. Examples of previous work done by the artist(s) with references;
3. Description of the materials to comprise the proposed mural and manner of application;
4. Statement regarding durability of the materials considering the location and positioning of the proposed mural;
5. Plans and specifications for the proposed mural including an exact picture, graphic or other description;
6. Application fee as established by resolution of the City Council.

1320.I. **Application Procedure**

1. Staff Review

The application for an Original Artwork Mural permit must be submitted to the City's Planning Division for preliminary review by Planning staff. Planning staff will make a determination on completeness of the application within 30 days of its submittal to the Planning Division.

2. Advisory Committee Review

Within 30 days of the determination that the application is complete by the Planning Division, the application will be considered by the Advisory Committee of the Commission, as described in *Sec. 1310. Public Art Requirement (Formerly .5809-24)*. The Advisory Committee will review the application and make a recommendation to the Commission on whether to approve the application. The Committee will recommend approval of the application if all of the following findings are made:

a. The mural meets all of the Development Standards listed in *Sec. 1310.E. [Reserved]* and is consistent with all of the Guidelines listed in *Sec. 1320.G. Guidelines for Original Artwork Murals*.

b. The artist, or artist team, is capable of completing the work in accordance with the plans and specifications.

c. The information contained in the application regarding the durability and maintenance requirements of the mural is accurate.

d. The proposed materials to be used and the manner of application will not require excessive maintenance and repair costs by the owner.

3. Commission Review

Within 45 days of the submittal of the Advisory Committee's recommendation, the Commission will review the application at a public hearing. The scheduling of the public hearing for consideration of the application may be more than 45 days after the submittal of the Advisory Committee's recommendation with the Applicant's approval. Notice of the public hearing will be mailed to all

property owners and occupants of property immediately adjacent to and directly across the street from the property where the mural is to be placed. The notice of public hearing will be mailed not less than ten days before the date of the public hearing. The Commission will consider the application, and may either approve, approve with changes or deny the application, based on the findings set forth in *Sec. 1330.I.2. Advisory Committee Review*. The Commission will approve the application if all of the findings listed in *Sec. 1330.I.2. Advisory Committee Review* are made. The decision to approve or deny the permit will be made and announced at the public hearing. In making its decision, the Commission may consider evidence of property values and the opinions of the owners and occupants of adjacent properties. Within 15 days of the approval of the Commission, the Planning Manager will issue the mural permit.

4. Appeal

The Applicant may file a written request for an appeal to the City Council within 20 days of the decision of the Commission. The City Council will only review applications that have been denied by the Commission. The City Clerk will set the public hearing date and notify the Applicant. The City Council will receive the original application, written reports and the appeal request. The City Council may affirm, reverse or modify in whole or in part any Commission decision or requirement. The City Council will reverse the Commission's decision, and approve the original application, if all of the findings listed in *Sec. 1330.I.2. Advisory Committee Review* are made. The decision by the City Council will be final.

1320.J. Permit Expiration and Extensions

1. Except as provided in *Sec. 1330.J.2.*, below, if installation of the permitted Original Artwork Mural has not taken place within 12 months of the date of issuance of the mural permit, the permit is void and further work on the mural must not be done at the site until a new permit has be approved and new fee paid.

2. An approved mural permit may be extended by the Planning Manager for an additional period of no more than 12 months upon the Planning Manager's finding that the Applicant was unable to begin or continue the installation of the approved mural for reasons beyond their control. A request for permit extension must be in writing and must be received by the Planning Manager before the original permit's expiration date. If the approved mural has not been completed within this extended time period, the permit is void. A permit may be extended only once.

1320.K. Maintenance

1. The property owner is responsible for ensuring that a permitted Original Artwork Mural is maintained in good condition and fully repaired in the case of vandalism or accidental destruction.

2. Failure to maintain the Original Artwork Mural as provided herein is declared to be a public nuisance, and may be summarily abated or repaired by the City. The City may pursue additional remedies to obtain compliance with the provisions of this Section as appropriate.

3. In addition to other remedies provided by law, in the event the property owner fails to maintain the mural, upon reasonable notice, the City may perform all necessary repairs or maintenance to the mural or secure insurance, and all costs incurred by the City will become a lien against the property.

1320.L. **Mural Alterations**

Alterations to an Original Artwork Mural within five years from the date of completion must only occur pursuant to a new mural permit, approved and issued by the procedures described in *Sec. 1320.I. Application Procedure*. A new mural permit for Alterations will only be issued under the following circumstances:

1. The building on which the mural is located is sold, or
2. The building or property is substantially remodeled or altered in a way that precludes continuance of the mural.

1320.M. **Removal of a Permitted Mural**

1. Removal of an Original Artwork Mural within the first five years of the date of completion will only be approved under the following circumstances:
   a. The building on which the mural is located is sold; or
   b. The building or property is substantially remodeled or altered in a way that precludes continuance of the mural.
2. The removal of the mural will be in accordance with all federal and state laws and regulations pertaining to artists' rights.
3. Removal of the permitted mural for reasons other than the circumstances described above preclude approval of a new mural permit at the site for a five-year period after the date of the original mural permit completion.
4. Before removal of the mural, the Applicant or property owner must notify the Planning Division Manager with a letter stating intent to remove the mural and an explanation of the circumstances necessitating the removal. At that same time, the Applicant must also provide proof to the Planning Manager that the Applicant has notified the artist or artists who created the mural of the Applicant's intent to remove the mural.
5. Within 45 days of the Applicant's or property owner's notification, the Planning Manager will approve the request, provided it meets at least one of the circumstances described under *Sec. 1330.M.1.*, and that the Applicant has shown sufficient proof of notification of the artist or artists who created the mural of the Applicant's intent to remove the mural.
6. After the term of five years from the date of completion, an Original Artwork Mural may be removed without notification. Any associated materials that were used to secure the mural to the wall, including, but not limited to, mounting hardware, brackets, caulk, grout, adhesives or glues, must be removed at the time of removal of the mural, and the building wall surface must be fully restored to its original, pre-mural condition.

1320.N. **Nonconforming Murals**

1. A mural permit may be issued for a Nonconforming Mural, provided the Nonconforming Mural is otherwise in compliance with this Section.
2. Unless a mural permit has been issued to a Nonconforming Mural, the Nonconforming Mural existing before January 4, 2014 must be removed within six months of the date of notification by

the City pursuant to *Sec. 1320.N. Nonconforming Murals* that the mural is not in conformance with this Section. Additional time may be granted by the Commission.

3. The expansion of a Nonconforming Mural is prohibited.