



CITY OF INDUSTRY

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TRANSMITTAL

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To: Mr. Lorne Prescott
California Energy Commission
1516 Ninth Street MS 15
Sacramento, CA 95814-5512

Date: August 28, 2006

Job No. 6214

Re: Walnut Creek Energy Park

We are sending you the following via: ☒ First Class ☐ Overnight ☐ Messenger

Description: one (1) copy - City of Industry Municipal Code – Title 17 - Zoning

For: ☒ Your use ☒ Your files ☒ Per your request

☐ Returned for corrections ☐ Return ☐ sets of corrected prints

By:

Mike Kissell
Planning Director

MK:jm

Title 17

ZONING

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Chapter 17.04

GENERAL PROVISIONS

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17.04.010 Zones—Classifications.

In order to classify land uses and to restrict the location of trades, industries and buildings designed for various uses, and the use of area and premises within the city, the area within the city may be divided into zones as follows:

- A. C—Commercial;
- B. M Manufacturing;
- C. M-A—Manufacturing-Agricultural;
- D. M-PB—Manufacturing-Public Buildings;
- E. M-C Overlay—Manufacturing-Commercial Overlay;
- F. P-D Overlay—Planned-Development Overlay;
- G. A-B Overlay—Adult Business Overlay. (Ord. 669 § 3, 2001; Ord. 542 § 2, 1987; Ord. 178 § 101, 1961)

17.04.020 Declaration of policy.

It is declared that in the creation by this title of the respective zone classifications set forth in Section 17.04.010, the city council has given due and special consideration to the particular uses enumerated therefor, the area requirements, density of land occupancy and the necessary, proper and comprehensive groupings and arrangements of the various industries, businesses and population of the area of the city, both within said area and in relation with established plans in the surrounding areas of Los Angeles County. (Ord. 178 § 102, 1961)

17.04.030 Zones—Best suited for purpose.

It is further declared that the city council deems the zones established pursuant to this title to be best suited to provide for and promote the public safety, health and welfare and to carry out the purposes of the planning law of the state. (Ord. 178 § 103, 1961)

17.04.040 Interpretation.

In interpreting and applying the provisions of this title, they shall be held to be the, minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. (Ord. 178 § 104, 1961)

17.04.050 Action by authorized agent.

Whenever a power is granted to, or a duty imposed upon, a public officer by this title, the power may be exercised or the duty may be performed by the city council, a deputy of the officer or a person authorized pursuant to law or ordinance by the officer, unless this title expressly provides otherwise. (Ord. 178 § 105, 1961)

17.04.060 Reference.

Whenever reference is made to any portion of this title or of any other law or ordinance, the reference applies to all amendments and additions now or hereafter made. (Ord. 178 § 106, 1961)

17.04.070 Penalty for violation.

Every person violating any provision of this title or of any permit, license or exception granted hereunder is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed five hundred dollars, or by imprisonment in the county jail for not to exceed six months, or by both such fine and imprisonment. Each separate day or any portion thereof during which any violation of this title occurs or continues constitutes a separate offense and upon conviction therefor shall be punishable as provided in this section. (Ord. 178 § 111, 1961)

17.04.080 Statute of limitations for actions attacking general plan or zoning decisions.

Any court action or proceeding to attack, review, set aside, void or annul any decision regarding the general plan or any matter mentioned in this title or concerning any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached thereto, shall not be maintained by any person unless such action or proceeding is commenced within thirty days after the effective date of such decision. Thereafter all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of such decision or of such proceedings, acts or determinations. (Ord. 445 § 1, 1979)

17.04.090 Appeals.

The actions and decisions of the planning commission to approve or disapprove an application for discretionary permit authorized pursuant to the provisions of this code including, but not limited to, conditional use permits, zone exceptions, general plan amendments, the denial of a re-zoning, etc., together with any action to revoke such permits, may be appealed to the city council by the applicant or any interested person, subject to the following:

A. Appeal Period. An action of the planning commission may be appealed at any time prior to its effective date. An action of the planning commission shall be effective ten days following the mailing of a notice of decision to the applicant at the address shown on the application. An appeal filed as set forth herein shall stay the effective date of the action until the decision on the appeal is final.

1. The action of the planning commission on an application for general plan amendment shall be effective five days after planning commission action on the matter. Unless the matter is forwarded by law to the city council, any person may file an appeal prior to such effective date.

2. The action of the planning commission for denial of an application for zone change shall be effective five days after the planning commission action on the matter is forwarded to the city clerk. All recommendations for approval of a zone change shall be forwarded by law to the city council for consideration; however, any person may file an appeal of the denial of such request prior to the effective date.

B. Appeal Format. All appeals shall be made in writing and filed with the city clerk. The appeal shall include a statement setting forth the portion(s) of the decision with which the appellant disagrees and the reason and/or basis for such disagreement, including a description of the claimed errors made by the planning commission. Before accepting an appeal for filing, the city clerk shall collect from the appellant a non-refundable filing fee in the amount of two hundred fifty dollars or as may be set by resolution of the city council.

1. The city clerk shall transmit one copy of the appeal to the secretary of the planning commission and, if the appeal has been submitted by someone other than the applicant, one copy to the applicant.

2. The planning commission secretary shall transmit a copy of the adopted minutes of the proceedings on the matter, together with all documents of record submitted to the planning commission at the time of proceedings (e.g., application, staff report, correspondence received into record, etc., if any), to the city clerk within ten business days from the time minutes are adopted for the matter.

C. Notice and Hearing. The city clerk shall place the matter on the agenda of the city council no less than forty business days following the receipt of the information from the secretary of the planning commission. Appeals to the city council shall be noticed, and a public hearing conducted, in accordance with the provisions of California Government Code Section 65091, or as later may be amended, for all matters subject to a public hearing.

1. An appeal may be withdrawn at any time prior to or during the public hearing. The withdrawal of an appeal shall cause the action or decision appealed from to become immediately effective and final.

2. The city council may by resolution approve, deny or modify, in whole or in part, the decision of the planning commission.

3. Within ten days of the city council's decision, the city clerk shall transmit one copy of the decision on appeal to the appellant and, if the appeal has been submitted by someone other than the applicant, one copy to the applicant. Notice shall be provided by first class mail, postage prepaid, including a copy of the affidavit or certificate of mailing, at the appropriate addresses listed in the city records.

D. Appeals by City Council. One or more members of the city council may appeal any decision of the planning commission to the city council for review within the time limits and procedures listed above; however, without the required filing fee. (Ord. 669 § 4, 2001)

17.04.100 Expiration of permits.

Any discretionary permit granted pursuant to the provisions of this code including, but not limited to, conditional use permits, zone exceptions, etc., shall lapse and thereafter become null and void if the exercise and use of the rights granted by such permit are discontinued for a consecutive period of one hundred eighty days. (Ord. 669 § 4, 2001)

Chapter 17.08

DEFINITIONS

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17.08.020	Automobile storage space.
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17.08.005 Adult business.

“Adult business” means:

A. Any business conducted for the entertainment of adults, engaged in the selling, renting or displaying of publications depicting the specified anatomical areas or specified sexual activities described herein or other material of a sexually explicit nature. Included in the definition is any business that as a substantial or significant course of conduct, sells, offers for sale, rents, exhibits, shows or displays publications depicting the specified anatomical areas or specified sexual activities described herein or other material of a sexually explicit nature. Also included in this definition is any business selling, renting, or displaying sexually oriented devices intended for use in the specified sexual activities.

B. A particular business at a particular location that sells, offers for sale, rents, exhibits, shows or displays specified anatomical areas or specified sexual activities in the form of a book, newspaper, pamphlet, film, video or other form or medium, or sexually oriented devices intended for use in the specified sexual activities, which receives fifty percent or more of the gross revenue from, or devotes twenty-five percent or

more of the stock on hand or twenty-five percent or more of the gross floor area to such activity, is presumed to be engaging in "substantial or significant" conduct with respect to such activity.

C. Any business conducted for the entertainment of adults wherein an employee, patron or any other person engages in or is shown specified sexual activities or exhibits or engages in partial or total nudity or otherwise exposes specified anatomical areas. Included in this definition is any business, which as a substantial or significant portion of its business, provides live or filmed entertainment wherein specified anatomical areas of the human anatomy are exposed. Specified anatomical areas include any of the following, whether actual or simulated:

1. Less than completely and opaquely covered;
 - a. Human genitals or pubic region,
 - b. Buttock, and
 - c. Female breast below a point immediately above the top of the areola; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered. Specified sexual activities include any of the following:
 - a. Actual or simulated sexual intercourse, anal intercourse, oral or anal copulation, bestiality, pedophilia, necrophilia, direct physical stimulation of unclothed genitals, flagellation or torture in the context of sexual relationship, or the use of excretory functions in the context of sexual relationships; or
 - b. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
 - c. Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or
 - d. Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or
 - e. Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or
 - f. Erotic or lewd touching, fondling or other contact with an animal by a human being; or
 - g. Human erection, urination, menstruation, vaginal or anal irrigation. (Ord. 626 § 1, 1996)

17.08.010 Article.

"Article" means an article of this title unless some other ordinance or statute is mentioned. (Ord. 178 § 121, 1961)

17.08.015 Automobile.

"Automobile" means a passenger vehicle, as that term is defined in Section 465 of the California Vehicle Code, except that the term "automobile" shall also include any motor truck, as that term is defined by Section 410 of the California Vehicle Code, which has an unladen weight of less than twelve thousand-pounds. (Ord. 542 § 3 (part), 1987)

17.08.020 Automobile storage space.

"Automobile storage space" when required by this title means any permanently maintained space not less than one hundred forty-four square feet in area on the same lot or parcel of land as is located the structure which it is designed to serve, so located and arranged as to permit the storage of, and be readily accessible under its own power to, a passenger automobile of average size. (Ord. 178 § 122, 1961)

17.08.030 Building.

"Building" is any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. (Ord. 178 § 123, 1961)

17.08.040

17.08.040 Chapter.

“Chapter” means a chapter of this title unless some other ordinance or statute is mentioned. (Ord. 178 § 124, 1961)

17.08.050 Commission.

“Commission” means the planning commission of the city. (Ord. 178 § 125, 1961)

17.08.060 Dairy.

“Dairy” means any premises where three or more cows, three or more goats, one or more cows and two or more goats, or two or more cows and one or more goats are kept, milked, or maintained. (Ord. 178 § 127, 1961)

17.08.065 Dancing club.

“Dancing club” means any club or association of persons which conducts dances for its members or bona fide guests, other than dances at which members of the public are admitted. (Ord. 651 § 4, 2000)

17.08.067 Dancing school.

“Dancing school” means any school, class or classes wherein dancing is the principal subject taught. (Ord. 651 § 5, 2000)

17.08.070 Domestic animal.

“Domestic animal” is an animal which is commonly maintained in residence with man. (Ord. 178 § 128, 1961)

17.08.080 Dwelling unit.

“Dwelling unit” means a building or a portion thereof either designed or used as living quarters of one person living alone or a group of two or more persons living together whether related to each other by birth or not. (Ord. 178 § 129, 1961)

17.08.085 Entertainment.

“Entertainment” means any act, play, revue, pantomime, scene, live music, song, dance act, or song and dance act, participated in by one or more employees, guests, customers, or any other person or persons. “Entertainment” does not include the playing of mechanical or recorded music alone. (Ord. 651 § 6, 2000)

17.08.090 Front yard setback.

“Front yard setback” means a yard extending across the front of a lot measured between the side yard lines and being the minimum horizontal distance between the highway line and the main building and any projection thereof other than steps, and porches permitted within a front yard setback by Sections 17.32.010 through 17.32.030. On corner lots the council shall determine which is the front yard. In the absence of such determination, the front yard shall be provided on the highway upon which the front of the building faces. (Ord. 545 § 2 (part), 1988; Ord. 178 § 130, 1961)

17.08.095 Industrial building.

“Industrial building” means any structure built for the support, shelter or enclosure of persons, chattels or property of any kind and used for any use listed in Chapter 17.16 of this code. (Ord. 633 § 6, 1998)

17.08.098 Miniwarehouse/self-storage facility.

"Miniwarehouse/self-storage facility" means any conditionally permitted development on a parcel in the "M" industrial zone designed and used for the renting or leasing of multiple small, individual, storage spaces to tenants who have access to such spaces for the purpose of storing personal property. A miniwarehouse/self-storage facility is subject to the special industrial development standards set forth in Section 17.16.026 (A) of this code. (Ord. 698 § 3, 2004)

17.08.100 Parcel of land.

"Parcel of land" means a contiguous quantity of land, in the possession of, or owned by, or recorded as the property of the same claimant or person. (Ord. 178 § 134, 1961)

17.08.110 Person.

"Person" means any individual, firm, copartnership, joint adventure, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, this and any other municipality, county, school district, district or other political subdivision, or any other group or combination acting as a unit. (Ord. 178 § 135, 1961)

17.08.120 Required area.

As used in this title, "required area" means:

A. The area of a lot which is shown as part of a subdivision recorded as a final map or filed as a record of survey map in accordance with law, except that where a parcel which otherwise would have been shown as one lot, is divided into two or more lots because of a city boundary line, in which case "required area" means the area of such parcel; or

B. The area of a lot, or parcel of land the right of possession of which, by virtue of a deed duly recorded, or by a recorded contract of sale, is vested in a person who neither owns nor has a right of possession of any contiguous parcel of property; provided, that the deed or contract of sale by which such right of possession was separated has been recorded prior to the adoption by the city council of the ordinance, which imposes the area requirements upon such lot or parcel of land. (Ord. 178 § 136, 1961)

17.08.130 Residence.

"Residence" means a building designed as living quarters for persons doing their own cooking in such building. (Ord. 178 § 137, 1961)

17.08.135 Retail store.

"Retail store" means any store, shop, or business where the legal retail sale of merchandise not specifically listed under another use classification is made to members of the general public. (Ord. 542 § 3 (part), 1987)

17.08.140 Section.

"Section" means a section of this title unless some other ordinance or statute is mentioned. (Ord. 178 § 138, 1961)

17.08.142 Solid Waste.

"Solid waste" has the same meaning as set forth in Division 30, Part-One, Chapter Two, of the Public Resources Code. (Ord. 636 § 1, 1998)

17.08.144 Solid waste handling facility.

“Solid waste handling facility” means a facility whose primary purpose is to collect, package, transfer, store or segregate solid wastes. Solid waste handling facility does not include transformation or disposal facilities as defined in Division 30, Part One, Chapter Two of the Public Resources Code. (Ord. 636 § 2, 1998)

17.08.150 Stand.

“Stand” means a structure for the display and sale of products with no space for customers within the structure itself. (Ord. 178 § 140, 1961)

17.08.160 Use.

“Use” includes construction, establishment, maintenance, alteration, moving onto, enlargement and occupation. Wherever this title prohibits the “use” of any premises for any purpose, such premises and any building, structure, or improvement on such premises, shall not be used, occupied, altered or improved for such purpose, and no building, structure, or improvement on such premises shall be erected, constructed, established, allowed to remain, altered, moved onto, or enlarged which is designed, arranged, or intended to be occupied or used for such purpose. (Ord. 178 § 141, 1961)

Chapter 17.12

COMMERCIAL ZONE

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- 17.12.010** **General prohibition.**
- 17.12.020** **Uses permitted with use permit.**
- 17.12.025** **Uses permitted with conditional use permit.**
- 17.12.030** **Entertainment and/or dance regulations.**
- 17.12.040** **Entertainment and/or dance exemptions.**
- 17.12.050** **Regulations.**

17.12.010 General prohibition.

A person shall not use any premises in zone C except as specifically permitted in this chapter and subject to all regulations and conditions enumerated in this chapter. (Ord. 178 § 200, 1961)

17.12.020 Uses permitted with use permit.

Property in zone C may be used for the following uses subject to their issuance of a use permit for such use(s) pursuant Chapter 17.44:

1. Athletic/health clubs;
2. Automobile agency for selling or automobiles and the selling or leasing of mobiles on the same lot or parcel of land trade-in on such new automobiles;
3. Automobile service and repair performed in conjunction with an automobile agency under subsection 2 of this section, or a retail auto parts sales business, run on the same parcel or run on an adjoining parcel and owned by the same person, firm, corporation, partnership or other legal entity. All such service and repairs must be done inside a building and must be incidental to a primary use of selling or leasing new automobiles or selling new automobile parts;
4. Banks and financial institutions;
5. Bar or cocktail lounge;
6. Barber shop;
7. Beauty shop;
8. Blueprinting and photocopying;
9. Carwash;
10. City, county, state, federal or other governmental public buildings, including but not limited to, city halls, schools, libraries, police and fire stations, and post offices;
11. Coffee shop;
12. Cleaners/laundromat;
13. Commercial off-street parking facility;
14. Delicatessen;
15. Drug store;
16. Employment agency;
17. Fast-food restaurant;
18. Liquor store;

19. Motorcycle agency for the selling or leasing of new motorcycles and the selling or leasing of secondhand motorcycles on the same lot or parcel of land taken in as a trade-in on such new motorcycles and repairs related to such new or secondhand motorcycles;

20. Office (administrative, professional or service), including medical and dental offices and outpatient clinics;

21. Photographer's studio;

22. Printing and publishing;

23. Recycling facilities as defined in and permitted by Chapter 17.52 of this title;

24. Retail stores;

25. Travel agency;

26. Veterinarian office;

27. Vocational school. (Ord. 651 § 7, 2000; Ord. 545 §§ 2 (part), 4, 1988; Ord. 542 § 4 (part), 1987; Ord. 410 § 1, 1977; Ord. 408 § 1, 1977; Ord. 178 § 201, 1961)

17.12.025 Uses permitted with conditional use permit.

Property in zone C may be used for the following uses subject to the issuance of conditional use permit for such use(s) pursuant to Chapter 17.48:

1. Bowling alley;

2. Child care— Preschool;

3. Church;

4. Dance studio;

5. Drama theater or playhouse;

6. Entertainment or dancing. Any business or use that includes entertainment or dancing as part of that business or use. This subsection shall not apply to any business regulated by the terms of Chapter 17.14 of this code and defined in Section 17.08.005 of this code;

7. Gasoline service station;

8. A combination of gasoline service station and any retail store(s) not related to automobile services on the same parcel of property;

9. Hospital;

10. Ice skating/roller skating rink;

11. Indoor children's soft play facility in which each child must be accompanied by an adult who must remain in the building at all times until the child departs the building;

12. Movie theater or cinema;

13. Restaurants. (Ord. 651 § 8, 2000; Ord. 608 § 1, 1994; Ord. 545 §§ 2 (part), 4, 1988; Ord. 542 § 4 (part), 1987; Ord. 410 § 1, 1977; Ord. 408 § 1, 1977; Ord. 178 § 201, 1961)

17.12.030 Entertainment and/or dance regulations.

Any business or use that includes entertainment and/or dancing as part of that business or use shall comply with the following:

A. A business must have a minimum of five thousand square feet of continuous building area to conduct entertainment and/or dancing.

B. A Los Angeles County sheriff's department investigation shall be conducted on the background on all owners or officers of a business or corporation prior to the planning commission review of the conditional use permit application.

C. A written security program for the premises shall be presented to, and approved by, the Los Angeles County sheriff's department and city manager prior to the planning commission review of the conditional use permit application.

D. The required security program shall be implemented and maintained in a manner satisfactory to the city and the sheriff's department.

E. The entire premises is subject to inspection by the Los Angeles County sheriff's department and/or city representative at any reasonable time without prior notification.

F. Adequate lighting will be provided in the parking lot areas and access sidewalks at all times.

G. The hours of operation shall be restricted to six a.m. to two a.m., seven days a week.

H. Permittee will be held responsible for acquainting all employees with these rules and all applicable local, county, state, or federal laws.

I. No changes to the approved floor plan shall be permitted without written permission from both the Los Angeles County sheriff's department and the city.

J. The noise level created by any entertainment and/or dance business shall not exceed the following at the property line of any adjacent or nearby residential land use, hospital, school in session, church or public library as measured by a sound level meter:

1. Fifty-five dBA between seven a.m. - ten p.m.
Fifty dBA between ten p.m. - seven a.m.
for a cumulative period of more than thirty minutes in any hour;
2. Sixty dBA between seven a.m. - ten p.m.
Fifty-five dBA between ten p.m. - seven a.m.
for a cumulative period of more than fifteen minutes in any hour;
3. Sixty-five dBA between seven a.m. - ten p.m.
Sixty dBA between ten p.m. - seven a.m.
for a cumulative period of more than five minutes in any hour;
4. Seventy dBA between seven a.m. - ten p.m.
Sixty-five dBA between ten p.m. - seven a.m.
at any time.

Any noise level measurements made pursuant to this subsection shall be performed in accordance with the following criteria:

a. "Noise level" means the "A" weighted sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of twenty micronewtons per square meter. The unit of measurement shall be designated as dB(A)

b. "Sound level meter" means an instrument meeting American National Standard Institute's Standard S1.4-1971 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

K. Any violation of these regulations or any local, county, state or federal laws shall constitute grounds for revocation or suspension of the conditional use permit. (Ord. 651 § 9, 2000; Ord. 644 § 3, 1999; Ord. 608 §§ 4 - 6, 1994; Ord. 545 § 2 (part), 1988; Ord. 542 § 5, 1987; Ord. 501U § 1, 1985; Ord. 178 § 202, 1961)

17.12.040 Entertainment and/or dance exemptions.

The following activities or events shall be exempt from the provision of Sections 17.12.025 and 17.12.030 of this code:

A. A nonprofit organization or nonprofit group of persons whose organization or group is either one of a patriotic nature, or of a social, education, religious or charitable purpose shall be permitted to conduct four events annually (commencing on the first day of each year) with entertainment and/or dancing.

B. Any entertainment and/or dance conducted at a city owned facility. (Ord. 651 § 10, 2000)

17.12.050 Regulations.

The conditions under which the uses described in Sections 17.12.020 and 17.12.025 are permitted in zone C are as follows:

A. That not to exceed fifty percent of the land be occupied by structures;

B. That all goods, other than nursery stock and new and used cars, offered for sale, be displayed within a building enclosed by a roof and on all sides by walls;

C. That parking spaces shall be provided at a minimum ratio of one space per two hundred fifty square feet of floor area within the structures served by such spaces. All parking spaces shall be at least nine feet in width by nineteen feet in length, except that compact parking spaces which are at least eight feet in width by sixteen feet in length may constitute up to twenty percent of the required parking spaces. If the use consists of a gasoline service station and any retail store on the same parcel or lot, then the parcel or lot shall have, in addition to the parking spaces otherwise required for the gasoline service station, a number of parking spaces for the exclusive use of the retail store at a minimum ratio of one space per one hundred sixty-seven square feet of floor area within such retail store, or a total of six parking spaces, whichever is greater;

D. Restaurants and cocktail lounges shall provide on the same lot or parcel of land, parking spaces at the ratio of one space for every two and one-half fixed seats available for use by the public and one space per fifty square feet of floor area not occupied by fixed seating. Additional parking spaces may be required in connection with the granting of a conditional use permit;

E. That all buildings and structures shall be set back a minimum of thirty feet from the curb line of all streets;

F. That architectural and general appearance of all such commercial buildings and grounds be in keeping with the character of the neighborhood and such as not to be detrimental to the public health, safety, and general welfare of the community in which such use or uses are located;

G. That no commercial structure shall exceed a height of five stories or fifty feet, whichever is greater;

H. All driveways shall be a minimum of twenty-six feet in width. Aisles serving parking areas shall be a minimum twenty-six feet in width. All driveways shall be located so that vehicles exiting the site have an unobstructed view of the street and oncoming traffic. No driveway shall be located in such a manner that it creates a hazard for vehicles entering or exiting the site;

I. Truck loading docks located on the front or side of a building shall be screened by masonry walls, accessory structures, or landscaping in such a manner so as to be consistent with the provisions of Section 17.36.060 (R);

J. No outside storage of any property, building materials, or other property not permanently affixed to the real property shall be allowed, other than as provided for in this section and in Section 17.32.050 of this code. This requirement shall not apply to new and secondhand automobiles held out by an automobile agency for sale or lease pursuant to Section 17.12.020 (2) or Section 7.20.030 (B)(1);

K. All trash containers shall be kept within designated trash enclosure structures permanently affixed to the real property, constructed of either the same materials as the main structure or masonry blocks, and consisting of walls which are at least as high as the trash containers to be kept therein;

L. Emergency fire facilities (hydrants) shall be provided and kept free and unobstructed at all times in accordance with the requirements of the Los Angeles County fire department. A fire prevention inspection

must be made by the Los Angeles County fire department within two weeks after occupancy of the building by a new purchaser or tenant;

M. All mechanical equipment (including roof-mounted equipment) shall be screened from public view by screening which is the same color as the main structure;

N. As an incidental use to a permitted use pursuant to Section 17.12.020 or incidental to a use permitted with a conditional use permit in accordance with Section 17.12.025 of this chapter, a maximum of two pool tables or billiard tables will be permitted. (Ord. 669 §§ 6—7, 2001; Ord. 651 § 11, 2000)

Chapter 17.14

ADULT BUSINESS OVERLAY ZONE (A-B OVERLAY)

Sections:

- 17.14.010 Intent and purpose.**
- 17.14.020 Changes of zone.**
- 17.14.030 Location requirements.**
- 17.14.040 Development standards.**
- 17.14.050 Permitted zone classification.**
- 17.14.060 Adult business permit—Required.**
- 17.14.070 Adult business permit—Application.**
- 17.14.080 Application fee.**
- 17.14.090 Permit application—Review and approval.**
- 17.14.100 Existing adult businesses.**
- 17.14.105 Amortization of nonconforming adult businesses.**
- 17.14.110 Conflicts.**
- 17.14.120 Modifications or revocations.**

17.14.010 Intent and purpose.

It is the intent and purpose of the adult business overlay zone (hereinafter zone "A-B overlay") to allow adult businesses in portions of the commercial zone where such commercial uses would be consistent with the general plan, compatible with surrounding commercial uses and not materially detrimental to adjacent properties; it is the further intent of this chapter to regulate adult businesses which, unless closely regulated, have the potential of causing serious adverse secondary effects upon the community. These secondary effects include, but are not limited to, the following: depreciation of property values, increases in vacancy rates in residential and commercial areas, increase in incidences of criminal activity, increase in litter, noise, and vandalism and the interference with enjoyment of residential property in the vicinity of such businesses. (Ord. 626 § 2 (part), 1996)

17.14.020 Changes of zone.

Any change of an existing commercial zone to include, in addition to the existing commercial zone uses, an A-B overlay zone, shall be made in accordance with: the provisions of Chapter 17.28. (Ord. 626 § 2 (part), 1996)

17.14.030 Location requirements.

A. Adult businesses shall not be located:

1. Within two hundred fifty feet of any lot upon which a residential use is legally occurring or within two hundred fifty feet of any property located in a zone permitting residential uses at the time of an application for an adult business permit, whether or not such other use is located within the city; or
2. Within five hundred feet of any church, chapel or other publicly recognized place of worship whether or not such other use is located within the city; or
3. Within five hundred feet of any public or private school (kindergarten through twelfth grade) or child care center whether or not such other use is located within the city; or

4. Within five hundred feet of any park owned by a public entity whether or not such other use is located within the city; or

5. Within five hundred feet of any existing adult business whether or not such other use is located within the city.

B. The distances specified in this section shall be measured in a straight line, without regard to intervening structures, from the nearest point of the property line of the premises in which the proposed adult business is to be established to the nearest point of the property line of a use or zoning classification listed above. (Ord. 626 § 2 (part), 1996)

17.14.040 Development standards.

The following development standards shall apply to adult businesses:

- A. No adult business shall be located in any temporary or portable structure.
- B. Trash dumpsters shall be enclosed by a screening enclosure so as not to be accessible to the public.
- C. No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and all exterior windows shall be covered with opaque covering at all times.
- D. Permanent barriers shall be installed and maintained to screen the interior of the premises from public view for each door used as an entrance or exit to the business.
- E. No landscaping shall exceed thirty inches in height, within fifty feet of any portion of the business except trees with foliage not less than six feet above the ground.
- F. The entire exterior grounds, including the parking lot, shall be lighted in such a manner that all areas are clearly visible at all times.
- G. Signage shall conform to the standards established for the zone and shall not contain sexually oriented photographs, silhouettes or other sexually oriented pictorial representations.
- H. All entrances to adult businesses shall be clearly and legibly posted by a notice indicating that minors are prohibited from entering the premises.
- I. No residential structure or any other nonconforming structure shall be converted for use as an adult business.
- J. The adult business shall not conduct or sponsor any activities which create a demand for parking spaces beyond the number of spaces required by this code for the business.
- K. No adult business shall be operated in any manner that permits the observation of any persons or material depicting, describing or related to specified sexual activities or specified anatomical areas, inside the premises, from any public way or from any location outside the building or area of such establishment. This provision shall apply to any merchandise, display, decoration, sign, show window or other opening.
- L. All exterior areas of the adult business, including buildings, landscaping, and parking areas shall be maintained in a clean and orderly manner at all times.
- M. Any business license or permit required by this code shall be kept current at all times.
- N. Each adult business shall conform to all applicable laws and regulations.
- O. The adult business shall not operate or be open between the hours of two a.m. - and six a.m.
- P. The adult business will not conduct any massage, acupuncture, tattooing, acupressure or escort services, and will not allow such activities on the premises.
- Q. At least one security guard shall be on duty outside the premises, patrolling the premises, grounds and parking areas, at all times while the business is open. The security guard shall be charged with preventing violations of law, with enforcing compliance by patrons with the requirements of this chapter and with notifying the sheriff of any violations of law observed. Security guard(s) required by this subsection shall be uniformed in such a manner so as to be readily identifiable as a security guard by the public and shall be

17.14.050

duly licensed as a security guard as required by applicable provisions of state or local law. No security guard required pursuant to this subsection shall act as a doorperson, ticket seller, ticket taker or admittance person while acting as a security guard hereunder. (Ord. 626 § 2 (part), 1996)

17.14.050 Permitted zone classification.

Premises may be used for adult businesses only in zone A-B overlay. (Ord. 626 § 2 (part), 1996)

17.14.060 Adult business permit—Required.

No adult business shall be established until an application for an adult business permit is approved by the planning commission pursuant to the procedures set forth in this chapter. (Ord. 626 § 2 (part), 1996)

17.14.070 Adult business permit—Application.

An application for an adult business permit shall contain the information required by Section 17.48.030 of this code. (Ord. 626 § 2 (part), 1996)

17.14.080 Application fee.

When an adult business permit application is filed, it shall be accompanied by a filing fee in the amount of two hundred fifty dollars. (Ord. 626 § 2 (part), 1996)

17.14.090 Permit application—Review and approval.

A. When an application has been accepted as complete, the planning director shall set the application for a nondiscretionary public hearing before the planning commission within sixty days from the date on which the application was accepted as complete, generally following the notice procedures set out in Section 17.48.050 of this code. The planning commission shall approve or disapprove the application within ninety days from the date on which the application was accepted as complete by the planning director.

B. Any application for a permit pursuant to this chapter is considered to be a ministerial permit and, as such, is not subject to the time limits specified in Section 65960 et seq. of the Government Code, or the California Environmental Quality Act.

C. In considering an application for a permit pursuant to this chapter, the planning commission shall approve the permit if it makes the following findings:

1. The adult business is consistent with the location and development standards contained in this chapter; and
2. The adult business is located in a zone classification which lists the adult business as a permitted use; and
3. Except as specifically provided in this chapter, the adult business complies with the development requirements prescribed in this chapter.

D. Issuance or denial of the ministerial permit is not subject to administrative appeal. (Ord. 626 § 2 (part), 1996)

17.14.100 Existing adult businesses.

Any adult business lawfully operating as a conforming use will not be rendered nonconforming by the subsequent location of any of the uses set forth in Section 17.14.030 (A) of this chapter within the referenced distance separations regardless of whether such use is located within the city. (Ord. 703 § 2 (part), 2004; Ord. 626 § 2 (part), 1996)

17.14.105 Amortization of nonconforming adult businesses.

A. **Amortization Period.** After December 31, 2006, no person may cause, allow, or permit the continued operation, maintenance or use of a lot, building or structure as a legal nonconforming adult business which is not located within the city's A-B overlay zone, unless such use is granted an extension pursuant to subsections C and D of this section. For the purposes of this section, the term "legal nonconforming adult business" means any adult business use which was legally established and lawfully operating on November 24, 1996, which is the date upon which the ordinance first establishing this chapter became effective.

B. **Early Termination.** Any discontinuance or abandonment of a legal nonconforming adult business for a period of thirty consecutive days will result in a loss of the legal nonconforming status of such use.

C. **Extension Application.** The owner of a legal nonconforming adult business or the owner of the property upon which such use exists, may file an application with the planning director for an extension of the amortization period in accordance with the following procedures:

1. The application must be filed at least one hundred eighty days prior to the expiration of the amortization period established in subsection A of this section. The filing fee for the application will be the same as that for a variance as established by the city council;

2. The application must state the additional length of time requested for the amortization and the grounds for requesting such an extension of time including but not necessarily limited to information relevant to the criteria set forth in subsection D of this section;

3. Within thirty calendar days following the receipt of a complete application, the planning director shall set the matter for a hearing.

D. **Decision on Extension Application.** The city manager or a designated hearing officer will hold a public hearing at which time all evidence and testimony regarding the request for an extension of the amortization period will be considered. The burden will be on the applicant to establish that the extension should be granted. In rendering a decision, the city manager or hearing officer must consider the following factors:

1. The adult business owner's or property owner's financial investment in the business, in particular the amount of investment prior to notice of the city's intent to amortize existing legal nonconforming adult businesses, which for the purposes of this chapter was November 12, 2004;

2. The present actual and depreciated value of business improvements;

3. The applicable Internal Revenue Service depreciation schedules;

4. The remaining useful life of the business improvements;

5. The remaining lease term and the validity of such term in light of the city's original twenty-year amortization period for nonconforming adult businesses and the enactment of the current amortization period;

6. The date upon which the business owner or property owner first received notice of the nonconforming status of the use;

7. The cost of relocating the business to a site conforming with the provisions of this chapter;

8. The ability of the business owner or property owner to change the use to a conforming use;

9. The good faith efforts made to recoup the investment and to relocate the use;

10. The secondary effects of the adult business on the health, safety and welfare of surrounding businesses and uses and the secondary effects if the adult business were to be permitted to extend the amortization period.

The decision must be in writing and must include findings in support of the decision to grant or deny any extension of the amortization period. The decision must be hand delivered or sent by certified mail to the applicant within twenty business days of the hearing.

E. The decision of the city manager or hearing officer will be final and subject to judicial review pursuant to Code of Civil Procedure Section 1094.8. (Ord. 703 § 2 (part), 2004)

17.14.110 Conflicts.

If the provisions of this chapter conflict or contravene the provisions of another chapter of this title, the provisions of this chapter shall prevail as to all matters and questions arising out of the subject matter of this chapter. (Ord. 626 § 2 (part), 1996)

17.14.120 Modifications or revocations.

The planning commission may modify or revoke an adult business permit if it finds that one or more of the following conditions exist:

A. The building, structure, equipment or location of such business does not comply with or fails to meet all of the health, zoning, fire and safety requirements or standards of all of the laws of the state of California or ordinances of the city applicable to such business operation;

B. The business owner, its employee, agent or manager has been convicted in a court of competent jurisdiction of:

1. Any violation of any statute, or any other ordinance arising from any act performed in the exercise of any rights granted by the permit, the revocation of which is under consideration, or

2. Any offense involving the maintenance of a nuisance caused by any act performed in the exercise of any rights granted by the permit the revocation of which is now under consideration;

C. The business owner, its employee, agent or manager has knowingly made any false, misleading or fraudulent statement of material fact in the application for a permit, or in any report or record required to be filed with the planning commission. (Ord. 626 § 2 (part), 1996)

Chapter 17.16

INDUSTRIAL ZONE

Sections:

- 17.16.010 Permitted uses.**
- 17.16.015 Waste management facilities.**
- 17.16.020 Stands.**
- 17.16.025 Uses permitted with conditional use permit.**
- 17.16.026 Special industrial zone development standards.**
- 17.16.030 General regulations—Zone M-A.**
- 17.16.040 General regulations—Zone M-PB.**
- 17.16.050 Use permit requirement.**

17.16.010 Permitted uses.

Premises shall not be used in zone M except for:

A. The following uses:

1. Acetylene gas storage in tanks (the storage of oxygen and acetylene in tanks if oxygen is stored in a room separate from acetylene, and such rooms are separated by a not less than one-hour fire-resistant wall);
2. Agricultural chemicals, storage;
3. Aircraft factory and parts manufacturing;
4. Aluminum products manufacturing;
5. Assembly plants;
6. Automobile manufacturing;
7. Automobile parts manufacturing and assembly;
8. Bag manufacturing;
9. Battery manufacturing and rebuilding;
10. Book bindery;
11. Bottle making;
12. Brush manufacturing;
13. Building block manufacturing;
14. Business equipment and machines manufacturing and repair;
15. Business forms and stationery manufacturing and printing;
16. Cabinet making;
17. Canvas products manufacturing;
18. Carpet manufacturing;
19. Cellophane products manufacturing;
20. Cement building block manufacturing;
21. Cement products manufacturing;
22. Ceramics manufacturing;
23. Cesspool block manufacturing;
24. Chromium plating;
25. Clothing manufacturing;
26. Cold storage plant;
27. Concrete mix, wet or dry;

28. Concrete pipe manufacturing;
29. Die casting;
30. Disinfectant manufacturing;
31. Distribution plants;
32. Drug manufacturing;
33. Electric appliance manufacturing and assembly;
34. Electrical parts manufacturing;
35. Electric sign manufacturing;
36. Electroplating works;
37. Enamel manufacturing;
38. Felt products manufacturing;
39. Fiber products manufacturing;
40. Food and beverage manufacturing, processing, bottling and packaging;
41. Furniture manufacturing and assembly;
42. Generator, electric manufacturing;
43. Glass manufacturing;
44. Hair products manufacturing;
45. Health and beauty aids manufacturing;
46. Heating and air conditioning equipment manufacturing;
47. Ink manufacturing;
48. Iron works, ornamental;
49. Industrial laundry;
50. Laboratory testing, experimental film, motion picture;
51. Lacquer manufacturing;
52. Light bulb manufacturing;
53. Lighting fixtures manufacturing;
54. Leather products manufacturing;
55. Linoleum manufacturing;
56. Lumber yard (except storage of boxes or crates);
57. Machinery manufacturing;
58. Machinery, farm, repair;
59. Machine shop;
60. Medicine, patent, manufacturing;
61. Medical equipment manufacturing;
62. Metal fabricating;
63. Metallurgical testing;
64. Milling;
65. Motor, electric, manufacturing;
66. Moving and storage;
67. Office supplies manufacturing;
68. Oxygen manufacturing;
69. Paint manufacturing;
70. Paper manufacturing;
71. Paper products manufacturing;
72. Pharmaceuticals, manufacturing and packaging

73. Pipe manufacturing;
74. Plastic injection molding, manufacturing and packaging;
75. Plumbing fixture parts and products manufacturing;
76. Precision instruments manufacturing;
77. Printing and silk screening;
78. Radio assembly;
79. Refrigeration plant;
80. Rubber products manufacturing;
81. Sash and door manufacturing;
82. Sheet metal products manufacturing;
83. Sheet metal shop;
84. Shellac manufacturing;
85. Sign manufacturing;
86. Steel barrel or drum manufacturing and reclaiming;
87. Steel fabrication;
88. Steel pipe manufacturing;
89. Storage warehouse, excluding miniwarehouse/self-storage;
90. Stove manufacturing;
91. Swimming pool supplies manufacturing;
92. Telephone and telephone systems manufacturing;
93. Textile and linen manufacturing;
94. Tile manufacturing;
95. Tinsmith shop;
96. Tire manufacturing;
97. Tire retreading;
98. Tool manufacturing;
99. Toy manufacturing;
100. Trailer manufacturing;
101. Upholstering shop, manufacturing;
102. Vitreous ware manufacturing;
103. Water treatment equipment and materials manufacturing;
104. Welding, limited;
105. Wire manufacturing;
106. Wood products manufacturing (no planing mill).
- B. The following agricultural uses:
 1. Greenhouses, aviaries, and apiaries;
 2. The grazing of cattle, horses, sheep or goats or any of them on a lot or parcel of land having an area of not less than one acre, and not to exceed five animals per acre, provided:
 - a. That such grazing is not a part of, nor conducted in conjunction with any dairy, livestock feed yard, livestock sales yard, or commercial riding academy located on the same premises;
 - b. That no building, structures, pens or corrals designed or intended to be used for the housing or concentrated feeding of such stock be used on the premises for such grazing other than troughs for water or incidental fencing;
 - c. That the feeding of market refuse or garbage to livestock is specifically prohibited.

3. Farms or establishment for the selective or experimental breeding of cattle or horses or both or the raising and training of horses or show cattle or both provided:

a. That complete plans of the locations, size, construction details, proposed utilization and appearance of all buildings, structures, pens or corrals on such premises to be used for the housing, feeding, training or maintenance of such horses or cattle or both be approved by the council;

b. That no more than two such animals per acre of the total ground area of such farm or establishment be kept or maintained in conjunction with such use.

4. Storage and rental of hand operated garden equipment, in conjunction with a nursery or greenhouse;

5. Pest control operator if all pest control is incidental to agriculture;

C. The following additional agricultural uses, provided any building used or to be used in connection therewith is located not nearer than fifty feet from any school, public park, or street, or highway upon which such use fronts, and all animals kept in connection therewith are located not less than thirty-five feet from any residence, dwelling house or any building used or designed for the habitation of humans, nor nearer than one hundred feet from any school, hospital, or similar institution:

1. Agriculture in general not including the hatching, raising or slaughtering of poultry or rabbits;

2. Aquaria;

3. Cattle grazing, provided that the feeding of market refuse or garbage to cattle shall not be permitted;

4. Feed mills;

5. Hogs. The maintenance of not to exceed five hogs, not to include feeding of market refuse or garbage;

6. Mushroom farms;

7. Stables;

8. Any enterprise, business, or industry which is similar to those enumerated above, and any other enterprise, business, or industry which, in the opinion of the council, is of a nature comparable to and of the same class as those so enumerated.

D. Automobile and truck towing yard provided that the yard is constructed of reinforced structural concrete and is enclosed with a minimum of an eight foot high masonry screen wall. (Ord. 698 § 4, 2004; Ord. 650 § 3, 1999; Ord. 608 § 2, 1994; Ord. 545 § 5, 1988; Ord. 229 §§ 1, 2, 1963; Ord. 178 § 230, 1961)

17.16.015 Waste management facilities.

The property in zone M also may be used for hazardous waste management facilities provided a conditional use permit is obtained for said use pursuant to the provisions of Chapter 17.48 of this title. Any such hazardous waste management facility shall be consistent with the portions of the approved Los Angeles County hazardous waste management plan which identify general areas or siting criteria for hazardous waste facilities and any applicant for such a conditional use permit shall submit to and receive from the Los Angeles County department of public works a finding of conformance with said plan prior to approval by the city of any such conditional use permit application. (Ord. 574 § 1, 1990)

17.16.020 Stands.

Property in zone M also may be used for one stand per lot or parcel of land, exclusively of wood frame construction (except the floor), having a floor area of not more than three hundred square feet for the display and sale of any products produced on such lot or parcel. Such stand shall be placed not nearer than twenty feet from any street or highway upon which such lot or parcel fronts. (Ord. 178 § 231, 1961)

17.16.025 Uses permitted with conditional use permit.

Property in zone M may be used for the following uses subject to the issuance of a conditional use permit for such use(s) pursuant to Chapter 17.48:

1. Heavy equipment manufacturing;
2. Chemical and gas manufacturers, distributors, packagers or warehouse;
3. Industrial medical clinic;
4. Vocational or training schools;
5. Nursery (wholesale only);
6. Christmas tree farm;
7. Radio stations or towers;
8. Federal, state, county or local maintenance facilities;
9. Solid waste handling facilities;
10. Police or fire stations;
11. Utility substation or operations base;
12. Mini-storage/self-storage facilities; subject to standards in Section 17.16.026 (A) of this code. (Ord. 698 § 5, 2004; Ord. 669 § 8, 2001; Ord. 636 § 3, 1998; Ord. 608 § 3, 1994)

17.16.026 Special industrial zone development standards.

In addition to the development standards for industrial zone property of this code, the following uses shall be subject to the additional development standards listed in this section. In the event of a conflict in the development standards of this code and this section, the terms and provisions of this section shall prevail.

A. Mini-Storage/Self-Storage facilities.

1. **Location Standards.** Mini-storage/self-storage facilities are unique, low impact uses which, due to the small area requirements of individual rental/storage areas, provides great flexibility in architectural design. Such uses are conducive for development on unique and odd-shaped, remnant parcels of industrial zone property where large scale industrial structures are physically constrained from development. Accordingly, to preserve larger, traditionally shaped, property for more intensive industrial development, mini-storage/self-storage facilities shall only be located on unique, odd-shaped and/or physically constrained parcels. If, in the opinion of the planning director, an application for a mini-storage/self-storage facility is on property deemed suitable for other industrial development, the mini-storage/self-storage facility shall only be approved with the approval of a zone exception pursuant to Chapter 17.48 of this code.

2. **Principal Use.** All mini-storage/self-storage facilities shall be the principal use on the property and not associated with any other industrial use. Mini-storage/self-storage facilities shall not be permitted to develop within all, or any part, of any existing industrial warehouse or structure.

3. Access and Circulation.

a. Vehicular ingress and egress shall be limited to one point for each side of the subject property adjoining any street or highway, and shall conform to the fire department standards;

b. At least forty feet of clear, unobstructed driveway depth be provided from the road, to the primary access gate or principal entry point of the facility;

c. Interior driveway widths shall be not less than thirty-six feet unless, due to the irregular shape or configuration of the lot or parcel of land under consideration, the planning commission specifically authorizes a width less than thirty-six feet, but in no event less than twenty-six feet in width. A driveway providing access to storage units on one side only of the facility shall be not less than twenty-six feet in width.

4. Parking and Loading Areas.

a. One standard parking space for each two thousand square feet of gross floor area. Said parking spaces shall also be arranged on the subject property so as not to obstruct any driveways nor adversely affect vehicular ingress and egress to the facility;

b. Spaces in any approved outdoor storage area shall not be included as required parking;

c. Ground level, roll-up door storage areas shall have an exclusive use loading area in front of the unit. Such exclusive use loading areas shall not be counted as required parking;

d. In addition to the exclusive use loading areas, common loading areas shall be provided in an amount sufficient to serve the users of the interior storage units and shall be designed to ensure that driveways will not be obstructed.

5. Site Design.

a. The architecture of the ministorage/self-storage facility, including, but not limited to, fences, walls, gates, buildings and landscaping, shall, to the maximum extent possible, be compatible with the community;

b. Buildings shall be designed, located and screened, incorporating eight-foot high screen walls, so that the views of overhead doors and the interior driveways within such facilities are not readily visible from adjacent public view.

6. Landscaping and Screening.

a. All areas between required fences and the lot lines shall be fully landscaped with lawn, shrubbery, trees and/or flowers;

b. In addition to subsection (A) (6)(a), for every thirty feet of street frontage of the subject property, not less than one twenty-four-inch boxed tree shall be planted and continuously maintained.

7. Fences and Walls.

a. All screen walls shall be constructed of masonry, concrete or other similar materials. No chain link fencing shall be permitted;

b. The design and materials used in the construction of fences and walls shall be compatible with the architecture of the buildings of the self-service storage facility and with buildings in the area surrounding the facility;

c. Exterior wall surfaces shall at all times be kept free from graffiti or any other marks of vandalism.

8. Outdoor Storage.

a. Boats, campers, recreational vehicles, travel trailers, etc. may be stored outside of an enclosed building, but only in an area designated for such outside storage on an approved plot plan;

b. Outdoor storage shall not be visible from any adjoining or adjacent property when viewed at ground level;

c. Outdoor storage is prohibited within setback areas;

d. Areas proposed for outdoor storage within the facility shall be clearly indicated on the site plan and approved prior to the use of any such area for outdoor storage. In no event shall such approved area be counted as required parking.

9. Outdoor Lighting.

a. Outdoor lighting shall be shielded to direct light and glare only onto the self-service storage facility premises. Said lighting and glare shall be deflected, shaded and focused away from all adjoining property;

b. Outdoor lighting shall not exceed an intensity of one foot-candle of light throughout the facility.

10. Trash Enclosures.

a. All such receptacles shall be placed within a masonry or concrete block enclosure of adequate height to preclude view of the receptacle. Said enclosure shall have a wooden, metal or other type of opaque, self-latching gate;

b. Two receptacles and surrounding enclosures shall be provided for each facility. An extra such trash receptacle as follows:

- i. over fifty thousand gross square feet (one receptacle),
- ii. Each additional fifty thousand gross square feet (one receptacle)

11. Use Restrictions.

a. Except to comply, with minimum state building code requirements, no public restrooms shall be provided;

b. No public sale of any item from a rental space or within a self-service storage facility;

c. No residential use by any manager or employee shall be permitted at the facility;

d. No construction, repair, servicing, renovating, painting or resurfacing of any motor vehicle, boat, trailer or other machine or implement including, but not limited to, furniture, toys, carpets or similar equipment, objects or materials;

e. No on-site commercial, business, professional, industrial or recreational use or activity;

f. No use of rental units for human habitation. (Ord. 698 § 6, 2004)

17.16.030 General regulations—Zone M-A.

Premises shall not be used in zone M-A except for:

- A. Any use permitted in zone M;
- B. Feed lots (cattle only);
- C. Livestock sales yards;
- D. Dairies. (Ord. 178 § 232, 1961)

17.16.040 General regulations—Zone M-PB.

Premises shall not be used in zone M-PB except for:

- A. Any use permitted in zone M;
- B. Public schools and other public buildings as may be owned and maintained by the city, county, a school district or any other governmental entity. (Ord. 178 § 232.5, 1961)

17.16.050 Use permit requirement.

Notwithstanding any other provision of this chapter, no property in zone M, zone M-A, or zone M-PB may be used for any purpose unless a use permit is granted by the city pursuant to Chapter 17.44. (Ord. 545 § 2 (part), 1988; Ord. 542 § 7, 1987; Ord. 453 § 2, 1980; Ord. 178 § 233 (part), 1961)

Chapter 17.20

MANUFACTURING—COMMERCIAL OVERLAY ZONE (M-C OVERLAY)

Sections:

- 17.20.010 Intent and purpose.**
- 17.20.020 Changes of zone.**
- 17.20.030 Permitted uses.**
- 17.20.040 Conditional use permit—Requirements.**
- 17.20.050 Application.**
- 17.20.060 Conditions of approval.**

17.20.010 Intent and purpose.

It is the intent and purpose of the manufacturing-commercial overlay (hereinafter M-C overlay) zone to allow certain mixtures of commercial and industrial uses of property currently zoned Industrial (M, M-A, M-PD), where such commercial uses would be consistent with the general plan, compatible with surrounding industrial uses, and not materially detrimental to adjacent properties. (Ord. 545 § 1 (part), 1988; Ord. 542 § 9 (part), 1987)

17.20.020 Changes of zone.

Any change of an existing industrial zone to include, in addition to the existing industrial zone, an M-C overlay zone, shall be made in accordance with the provisions of Chapter 17.28. (Ord. 545 §§ 1 (part), 2 (part), 1988; Ord. 542 § 9 (part), 1987)

17.20.030 Permitted uses.

The following uses shall be permitted on properties zoned M, M-A, or M-PB, where an M-C overlay zone has been granted by the city council on such property:

A. All uses permitted in the underlying industrial zone shall be permitted pursuant to Chapter 17.16, notwithstanding the application of an M-C overlay zone on the same property.

B. Additionally, the following uses may be permitted, provided that a conditional use permit is granted by the city in accordance with this chapter and Chapter 17.48 of this code:

1. Automobile agency for the selling or leasing of new automobiles and the selling or leasing of secondhand automobiles on the same lot or parcel of land taken in as a trade-in on such new automobiles;

2. Automobile service and repair performed in conjunction with an automobile agency under subsection (B) (1) of this section or a retail parts sales business, run on the same parcel or run on an adjoining parcel and owned by the same person, firm, corporation, partnership or other legal entity. All such service and repairs must be incidental to a primary use of selling or leasing new automobiles or selling new automobile parts;

- 3. Banks and financial institutions;
- 4. Blueprinting and photocopying;
- 5. Car wash;
- 6. Church;
- 7. Cleaners/laundromat;
- 8. Coffee shop;
- 9. Commercial off-street parking lots;

10. Delicatessen;
11. Employment agency;
12. Fast-food restaurant;
13. Gasoline service station;
14. Hospital;
15. Motorcycle agency for the selling or leasing of new motorcycles and the selling or leasing of secondhand motorcycles on the same lot or parcel of land taken in as a trade-in on such new motorcycles and repairs related to such new or secondhand motorcycles;
16. Offices (administrative, professional or service), including medical or dental offices and out-patient clinics;
17. Printing and publishing;
18. Public utility substations;
19. Research and development laboratories;
20. Retail stores;
21. Restaurants;
22. The retail sale, rental, lease and repair of automobiles, trucks, tractors, trailers, boats, mobilehomes, recreational vehicles, construction materials; or any other machinery or equipment determined by the city council to be of primary benefit to surrounding industrial activities, as opposed to machinery and equipment primarily sold to consumers at large;
23. Vocational school;
24. Wholesaling. (Ord. 651 § 12, 2000; Ord. 545 §§ 1 (part), 2 (part), 1988; Ord. 542 § 9 (part), 1987)

17.20.040 Conditional use permit—Requirements.

An application for a conditional use permit shall be filed by the applicant and considered by the city in accordance with Chapter 17.48. (Ord. 545 §§ 1 (part), 2 (part), 1988; Ord. 542 § 9 (part), 1987)

17.20.050 Application.

A. In addition to the information required by Section 17.48.030 in an application for a conditional use permit, the application shall be accompanied by a precise plan showing, to scale, the total floor space (indoor) and property area (outdoor) to be used; the proposed ingress, egress, parking facilities and landscape areas; the height, size, and location of any and all buildings, structures and appurtenances to be constructed on the property; all signs, or other advertising displays presently on the property and all such signs and advertising displays to be erected on the property; all areas to be used for outside storage of materials, goods, equipment, or other matter; and a statement, describing the materials, goods, equipment or other matter to be so stored. With respect to all buildings, structures and appurtenances, floor space and parking facilities, the precise plan should delineate whether they will be used for uses permitted in the underlying industrial zone (hereinafter “industrial activities”), uses applied for under this chapter (hereinafter “nonindustrial activities”), or both.

B. In addition, the application shall include a statement of the proposed hours of operation of nonindustrial activities and a general description of such activities and their relation to the surrounding industrial activities. (Ord. 545 §§ 1 (part), 2 (part), 1988; Ord. 542 § 9 (part), 1987)

17.20.060 Conditions of approval.

In granting a conditional use permit under this chapter, the city may impose such conditions which it deems necessary and/or appropriate including, but not limited to, the following:

- A. Inclusion of additional parking facilities and/or separate means of traffic ingress and egress for non-industrial activities;
- B. Inclusion of separate restrooms, waiting areas, offices, etc.;
- C. Requiring additional and/or differing utilities;
- D. Limiting hours of operation of nonindustrial activities; and
- E. Limiting outside storage of materials, goods, equipment, or other matter used in connection with the industrial activities on the property which is the subject of the hearing; and
- F. Designating the size, location, color, texture and height of any building, structure or sign to be constructed, altered, renovated, demolished or otherwise used for nonindustrial activities. (Ord. 545 § 1 (part), 1988; Ord. 542 § 9 (part), 1987)

Chapter 17.24

PLANNED DEVELOPMENT OVERLAY ZONE (P-D OVERLAY)

Sections:

- 17.24.010 Intent and purpose.**
- 17.24.020 P-D overlay zone created.**
- 17.24.030 Uses permitted.**
- 17.24.040 Minimum area.**
- 17.24.050 Application.**
- 17.24.060 Procedure.**
- 17.24.070 Hearings—Notice.**
- 17.24.080 Standards.**
- 17.24.090 Review by Industry urban development agency.**

17.24.010 Intent and purpose.

It is the intent and purpose of the planned development overlay zone to:

- A. Establish a procedure for the development of large parcels of land in order to reduce or eliminate the rigidity, delays, and inequities which would otherwise result in application of land use regulations and administrative procedures designed primarily for smaller parcels;
- B. Provide the developer with greater flexibility in site design, density and development options in order to stimulate variety and innovation within the framework of a quality environment;
- C. Ensure orderly and thorough planning and review procedures that will result in quality planned developments;
- D. Provide a mechanism whereby the city may authorize desirable developments in conformity with the general plan without inviting speculative rezoning applications, which if granted, do not necessarily result in construction of the proposed facilities. (Ord. 545 § 1 (part), 1988; Ord. 542 § 10 (part), 1987)

17.24.020 P-D overlay zone created.

There is created on all property within the boundaries of the city, a planned development overlay zone to provide for large-scale development and diversification in the location of structures and other site qualities while ensuring compliance with the general plan and compatibility with existing and future developments in surrounding areas. (Ord. 545 § 1 (part), 1988; Ord. 542 § 10 (part), 1987)

17.24.030 Uses permitted.

- A. All uses permitted in the underlying industrial and commercial zones shall be permitted without public hearing pursuant to this chapter, provided that the applicable requirements contained in this title are met.
- B. The following uses shall be permitted pursuant to a planned development approved by the city council pursuant to this chapter:
 - 1. All uses permitted in the commercial zone may be permitted in a plan of development;
 - 2. All uses permitted in the industrial zones may be permitted in a plan of development;
 - 3. Hotel and motel uses may be permitted in a plan of development;
 - 4. Recreational uses, such as parks, golf courses, theaters, amusement parks, pavilions, tennis courts, equestrian facilities, pools, health clubs, cultural/historical museums, athletic gymnasiums/fields, botanical

gardens, bowling alleys, ice skating/roller skating rinks or other recreational facilities, may be permitted in a plan of development. (Ord. 545 § 1 (part), 1988; Ord. 542 § 10 (part), 1987)

17.24.040 Minimum area.

The minimum area for a planned development shall be one hundred and fifty acres. (Ord. 545 § 1 (part), 1988; Ord. 542 § 10 (part), 1987)

17.24.050 Application.

Any property owner(s) or representative of such property owner(s) desirous of obtaining approval to proceed with a planned development shall file an application for the approval of a plan of development with the city, which shall be accompanied by a fee in the amount of two thousand five hundred dollars. The application shall be accompanied by the following:

A. Conceptual site plans showing the dimensions and locations of all proposed structures, buildings, streets, parking, yards, playgrounds, school sites, open spaces, walls or fences, and other public or private facilities. The plan shall include a statement of all uses proposed to be established and the location of each use;

B. Elevations or architectural drawings showing, for each different type of building or structure, the design of all exterior walls and structures and the size, materials, colors and architectural treatments thereof, and the size and spacing of windows, doors and other openings;

C. Preliminary drainage and grading plans;

D. Preliminary landscaping plans;

E. Proposed site development standards for all commercial, industrial, lodging and recreational site uses;

F. Any other information or plans which the city may reasonably require, or which the applicant wishes to supply for the purpose of determining that the contemplated arrangement or use makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this title. (Ord. 545 § 1 (part), 1988; Ord. 542 § 10 (part), 1987)

17.24.060 Procedure.

Upon receipt in proper form of any such application and plans, the city shall review such application and plans and, within thirty days of such receipt, determine, if such application and plans are complete. If the application or plans are determined not to be complete, then the city shall so notify the applicant and shall take no further action until a complete application and set of plans are submitted by the applicant. When the application and plans are determined by the city to be complete, it shall proceed in accordance with Section 17.24.070. (Ord. 545 §§ 1 (part), 2 (part), 1988; Ord. 542 § 10 (part), 1987)

17.24.070 Hearings—Notice.

Following the determination that the application and plans are complete, the planning commission shall, not less than twelve nor more than sixty days thereafter, hold a public hearing on the proposed plan of development. Notice of the planning commission's hearing shall be given pursuant to Government Code Section 65090 and, if the proposed plan of development includes uses other than those permitted in the underlying industrial or commercial zone(s), notice shall also be given pursuant to Government Code Section 65091. Prior to the hearing, the city shall, where applicable, obtain the determination of the Industry urban development agency as provided for in Section 17.24.090. The planning commission may recommend denial, approval, or conditional approval of the plan of development in accordance with the standards set forth

in Section 17.24.080 of this chapter. Upon receipt of the recommendation of the planning commission, the city council shall hold a public hearing, giving notice of such hearing pursuant to Government Code Section 65090. However, if the planning commission has recommended denial of the proposed plan of development, the city council shall not be required to take any further action on such plan of development unless the applicant requests a hearing by filing a written request with the city clerk within ten days after the mailing to applicant of written notice of such recommendation for denial. (Ord. 545 § 51 (part), 2 (part), 1988; Ord. 542 § 10 (part), 1987)

17.24.080 Standards.

A. Prior to approval of any such application, the city council shall hold a public hearing on the application and plan of development, and may approve or conditionally approve such application if it finds that the following standards are met:

1. The proposed development and uses must be consistent with the goals, policies and purposes of the general plan.
2. The site must be adequate in size, shape, topography, location and utilities to accommodate the proposed development and uses.
3. There must be adequate street access, traffic circulation and parking capacity for the proposed development and uses.
4. The proposed development and uses must be compatible with surrounding properties and uses.
5. The proposed development and uses must not be detrimental to the public health, safety or general welfare.

B. In the event that the city council approves a proposed plan of development, the council may impose any conditions related to the proposed development and use which it deems necessary to further the purposes and intent of this title, or to protect the public health, safety and general welfare. The council may continue its public hearings from time to time if it deems such action to be appropriate. The decision of the city council shall be final and conclusive. (Ord. 545 § 1 (part), 1988; Ord. 542 § 10 (part), 1987)

17.24.090 Review by Industry urban development agency.

When the property which is the subject of the application is located in a redevelopment project area of the Industry urban development agency (hereinafter "agency"), the agency shall, prior to the council's determination, review the application for the sole purpose of determining whether the proposed use is consistent with the provisions of the applicable redevelopment plan. The agency shall cause written notice of its determination to be communicated to the city council prior to the council's consideration of the application. In the event the plan of development is determined by the agency to be materially inconsistent with the applicable redevelopment plan, then the council shall not approve the plan of development unless such inconsistency is eliminated by the imposition of appropriate conditions or otherwise. (Ord. 545 § 2 (part), 1988; Ord. 542 § 10 (part), 1987)

Chapter 17.28

ZONED DISTRICTS

Sections:

- 17.28.010 Map—Interpretation.**
- 17.28.020 Zone change—Initiation.**
- 17.28.030 Petition—Fee.**
- 17.28.040 Petition—Contents.**
- 17.28.050 Petition—Suggestion.**
- 17.28.060 Map—Adopted.**

17.28.010 Map—Interpretation.

Whenever any map referred to in Section 17.28.060, whether adopted before or after July 13, 1961, shows any lot or area within any particular zone, such zone shall extend to the center of every adjoining road or highway, provided that while such road or highway remains a public highway or a road used in a similar manner it may be so used. (Ord. 545 §§ 1 (part), 2 (part) 1988; Ord. 178 § 301, 1961)

17.28.020 Zone change—Initiation.

A change of zone may be initiated by the city council or pursuant to a petition filed as provided in Sections 17.28.030 through 17.28.050. (Ord. 545 §§ 1 (part), 2 (part), 1988; Ord. 178 § 307, 1961)

17.28.030 Petition—Fee.

Upon depositing the sum of two hundred fifty dollars, plus the sum of money which the city manager estimates is ample to cover any cost of publication as provided by state law or by ordinance or by both, with the city manager, any person may file with the clerk a petition for a change of zone. (Ord. 545 § 1 (part), 1988; Ord. 178 § 308, 1961)

17.28.040 Petition—Contents.

In a petition for a change of zone the applicant shall show:

- A. When was existing zoning effective and are there changed conditions to warrant other or additional zoning?
- B. Does the existing business, commercial or industrial area meet the requirements on a regulated basis of the area?
- C. Will the owner or owners of property be deprived of a property right if the request for zone change is not granted?
- D. Will proposed change of zone adversely affect the adjoining property as to value, precedent, or be detrimental to the area?
- E. Will change of zone be in the interest of furtherance of public health, safety and general welfare?
- F. Such other information as the council or commission deems necessary. (Ord. 545 § 1 (part), 1988; Ord. 178 § 309, 1961)

17.28.050 Petition—Suggestion.

A petition for change of zone shall be construed as a suggestion only. The commission is not required to hold any public hearings merely because a petition for change of zone has been filed. (Ord. 545 § 1 (part), 1988; Ord. 178 § 310, 1961)

17.28.060 Map—Adopted.

A. The official zoning map of the city of Industry, a copy of which is attached to the ordinance codified in this section and made a part hereof, marked Exhibit "A," is hereby adopted and promulgated as the official zoning map of the city of Industry.

B. The city council finds and determines that said map correctly reflects the present established zoning and land use permitted with respect to each parcel of land within the city of Industry and declares that all persons may rely upon said map for the purpose of establishing the zoning applicable to all parcels of land within the city.

C. Copies of the zoning map are on file with the city clerk and are available upon request. (Ord. 601 §§ 1, 2, 1993)

Chapter 17.32

SETBACKS

Sections:

- 17.32.010 Purpose.**
- 17.32.020 Setback—Exceptions.**
- 17.32.030 Half streets.**
- 17.32.040 Building lines.**
- 17.32.050 Outside storage.**

17.32.010 Purpose.

In order to provide for adequate open spaces, and the admission thereto of light and air, and to provide adequate visibility to the operators of motor and other vehicles along public highways and at the intersection thereof, the setbacks provided for in Chapter 17.12 and in Section 17.32.040 of this chapter, are created and established as a part of a comprehensive system of yard setbacks covering the area within the city. (Ord. 545 §§ 1 (part), 2 (part), 1988; Ord. 178 § 401, 1961)

17.32.020 Setback—Exceptions.

A person shall not use any building or structure, other than an open chain link type of fence, any part of which is closer to the adjacent boundary of the highway than as provided in Section 17.32.040 of this chapter, except:

- A. As provided in the building code of this city;
- B. A fence or wall, whether joined to another building or structure or entirely separate therefrom, if no portion of such fence or wall is more than forty-two inches above the natural level of the ground immediately adjacent to such respective portion thereof. (Ord. 545 §§ 1 (part), 2 (part), 1988; Ord. 178 § 402, 1961)

17.32.030 Half streets.

A building or structure shall not be erected or maintained on a lot or parcel of land which abuts a highway having only a portion of its required width dedicated and where no part of such dedication would normally revert to said lot if the highway were vacated, unless the yards provided and maintained in connection with such building or structure have a width or depth of that portion of the lot or parcel of land needed to complete the highway width, plus the width or depths of the yards required on the lot or parcel of land by this title, if any. This section applies to all zones and applies whether this title requires yards or not. This section does not require a yard of such width or depth as to reduce the buildable depth of a corner lot less than forty feet. The council upon request shall determine the required street width. (Ord. 545 § 1 (part), 1988; Ord. 178 § 403, 1961)

17.32.040 Building lines.

In zones C, M, M-A, and MPB, building lines are established parallel to and thirty feet from the curb line of any street or highway, whether the street is improved or not. (Ord. 545 § 1 (part), 1988; Ord. 542 § 11, 1987; Ord. 178 § 410, 1961)

17.32.050 Outside storage.

In zones C and M, excepting therefrom permitted agricultural uses, outside storage shall not be permitted unless screened from view from nearby streets and adjacent property by a masonry wall, or an approved equal subject to the approval of the city engineer. The city council may permit outside display of merchandise for sale subject to such conditions as the council deems appropriate. In no case, however, shall outside storage or display be permitted without first submitting a plot plan to the city engineer, showing all existing and proposed buildings, uses and outside storage or display areas, and obtaining approval from the city council of such plot plan. The granting or denial of such permit shall be based upon a consideration by the city council of traffic, parking, sight line, fire hazard, rodent control, unsightliness and other similar criteria. (Ord. 545 § 1 (part), 1988; Ord. 329 § 1, 1973; Ord. 178 § 420, 1961)

Chapter 17.36

DESIGN REVIEW

Sections:

- 17.36.010 Purpose.**
- 17.36.020 Development plan review required.**
- 17.36.030 Submission of development plan.**
- 17.36.040 Contents of development plan.**
- 17.36.050 Development plan review.**
- 17.36.060 Standard of review and development guidelines.**
- 17.36.070 Procedure.**
- 17.36.080 Standard conditions of approval.**
- 17.36.090 Review by Industry urban development agency.**
- 17.36.100 Exemptions for interior improvements, minor improvements and signs.**

17.36.010 Purpose.

A. The purpose of this chapter is to promote the health, safety and general welfare of the community by achieving the following purposes:

1. To protect the community from the adverse effects of poor design and to encourage good professional design practices with respect to architectural treatment of buildings, structures and parking facilities, vehicular and pedestrian circulation, landscaping, sewage facilities, drainage facilities, signs and related matters;
2. To enhance the beauty, livability and prosperity of the community;
3. To encourage high-quality development;
4. To discourage poor exterior design, appearance and inferior quality which is likely to have a depreciating effect on the local environment and surrounding properties;
5. To recognize the cost of development in relation to design considerations;
6. To protect, preserve and enhance the value of properties in recognition of the interdependence between land values and aesthetics;
7. To prevent development which creates hazardous conditions within the city.

B. In furtherance of these purposes, this chapter provides for the review of development proposals to ensure compliance with this title and other regulations of the city. (Ord. 545 § 1 (part), 1988; Ord. 542 § 12 (part), 1987)

17.36.020 Development plan review required.

No person shall construct any building or structure, or relocate, rebuild, alter, enlarge, or modify any existing building or structure until development plans therefor have been reviewed and approved in accordance with this chapter, and no building permit for any such activity shall be issued until such development plans have been reviewed and approved in accordance with this chapter, and the building permit is based upon building plans which are in substantial compliance with the approved development plans. (Ord. 545 § 1 (part), 1988; Ord. 542 § 12 (part), 1987)

17.36.030 Submission of development plan.

The applicant shall submit to the city a complete development plan review application on a form supplied by the city and three full sets of development plans. (Ord. 545 § 1 (part), 1988; Ord. 542 § 12 (part), 1987)

17.36.040 Contents of development plan.

The development plans need not be the building plans, but shall contain the following:

- A. A site plan, showing:
 - 1. The parcel or lot dimensions,
 - 2. Walls and fences: location and height,
 - 3. Off-street parking and loading: location, number of spaces; dimensions of parking area and loading facilities; internal circulation pattern; access and circulation; pedestrian, vehicular, service; points of ingress and egress,
 - 4. Buildings and structures: location, floor plans, and size,
 - 5. Spaces between buildings: location, size, dimension, and setbacks,
 - 6. Open spaces, recreation areas and site landscaping areas,
 - 7. Trash enclosure areas: location, size and dimensions,
 - 8. Outdoor lighting fixtures: location, type and shielding, if any;
- B. Elevation plans, at least one complete set of which shall be in color, showing the following:
 - 1. All walls and fences: size, materials and colors,
 - 2. Buildings and structures: all exterior walls and structures; size, materials, colors and architectural treatment; size and spacing of windows, doors and other openings;
- C. An environmental checklist form to be supplied by the city. (Ord. 545 § 1 (part), 1988; Ord. 542 § 12 (part), 1987)

17.36.050 Development plan review.

The planning director shall cause the application and the development plans to be reviewed and shall make such recommendations for approval, conditional approval, or denial which he or she deems appropriate to the city council. (Ord. 655 § 6 (part), 2000; Ord. 545 § 1 (part), 1988; Ord. 542 § 12 (part), 1987)

17.36.060 Standard of review and development guidelines.

The preparation and review of development plans presented pursuant to this chapter shall be governed by the following guidelines:

- A. New development or the alteration or enlargement of existing development shall be compatible with the character and quality of surrounding development and shall enhance the appearance of the area in which the development is located. New development which takes place on a parcel which is subdivided from a larger parcel that is improved with an existing development shall be developed with architectural treatment similar to, and compatible with, the building materials, colors, and architectural style of such existing development unless good cause is demonstrated to the satisfaction of the planning director. In the event such existing development is in a dilapidated condition or is not developed to current code standards, such new development shall be in accordance with the normal design criteria for structures as provided in this chapter.
- B. The location, configuration, size and design of buildings and structures shall be visually harmonious with their sites and with the surrounding sites, buildings and structures, and should not create pedestrian or vehicular traffic hazards.

C. Architectural treatment shall be provided and may consist of, but shall not be limited to, the use of textured concrete, paint, glass panels, horizontal and/or vertical score lines, doors, different forms of masonry construction, building layouts which include configurations other than squares and rectangles or, where applicable, distinguishing office areas from manufacturing areas by projecting office areas out from manufacturing structures. Variety in the design of buildings, structures and grounds and the use of architectural treatment to achieve such variety shall be required to avoid monotony in the external appearance.

D. Architectural treatment of buildings and structures and their materials and colors shall be visually harmonious with the natural environment, existing buildings and structures, and surrounding development, and shall enhance the appearance of the area.

E. Architecture and landscaping areas shall be innovative in design and shall be considered in the total graphic design to be harmonious and attractive. Review shall include: materials, textures, colors, illumination and landscaping areas.

F. Garish, inharmonious, or out-of-character colors shall not be used on any building, face, or roof visible from any public right-of-way or from an adjoining site. Exposed metal flashing or trim shall be anodized or painted to blend with the exterior colors of the building.

G. All mechanical equipment, towers, chimneys, roof structures, radio and television masts, and all other mechanical equipment external to the main or accessory structures shall be screened from public view, and such screening shall be of the same color as the main or accessory structure or, if screening is impracticable, as determined by the city engineer, the applicant must paint such roof structures and mechanical equipment so as to be nonreflective and compatible with the main or accessory structures.

H. Rooflines on a building or structure should be compatible throughout the building or structure and with existing buildings and structures and surrounding development.

I. The design of accessory structures, fences and walls shall be harmonious with the principal building and other buildings on the site. Insofar as possible, the same building materials should be used on all structures on a site.

J. Boundary and other walls should generally be of decorative masonry and/or wrought iron which is complementary in color, texture and material to the development as a whole, although it is recognized that these materials may not be appropriate in all situations.

K. Parking spaces shall be provided for every building in accordance with the following formulas:

1. a. The number of parking spaces which shall be provided is based upon the square footage of the building which they are intended to serve and the use to which that building is to be put. If the floor area of the building is to be used only for those uses permitted in the industrial zones (M), (M-A), or (M-PB), then the number of parking spaces provided shall be as follows:

Building Floor Area

(Square feet)

Parking Spaces

0—25,000	1 space per 500 sq. ft. of floor area
25,000—100,000	50 spaces plus 1 space per 750 sq. ft. of floor area over 25,000 sq. ft.
Over 100,000	150 spaces plus 1 space per 1,000 sq. ft. of floor area over 100,000 sq. ft.

b. If the building is to be used for uses permitted in the commercial zone, then the number of parking provided shall be a minimum of four spaces per one thousand square feet of floor area (one space per two hundred fifty square feet of floor area).

2. The minimum size of each parking space shall be nine feet in width by nineteen feet in length, except that compact parking spaces which are at least eight feet in width by sixteen feet in length may constitute up to twenty percent of the required parking for all types of development.

3. The minimum aisle width for ninety degree parking shall be twenty-six feet.

L. All buildings and structures shall be set back a minimum of thirty feet from the curb line of all streets.

M. All on-premises signs and sign structures shall require approval from the city pursuant to Chapter 15.32 of this code.

N. All driveways shall be a minimum of twenty-six feet in width. All driveways shall be located so that vehicles exiting the site have an unobstructed view of the street and oncoming traffic. No driveway shall be located in such a manner that it creates a hazard for vehicles entering or exiting the site.

O. All trash containers shall be kept inside a designated trash enclosure structure permanently affixed to the real property, constructed by either the same materials as the main structure or masonry block, and consisting of walls which are at least as high as the trash containers to be kept therein or a minimum ten feet in length by eight feet in width by six feet in height. Any trash compactor proposed for any industrial or commercial building must be approved by the city prior to installation of such compactor.

P. All buildings shall be constructed of concrete, concrete tilt-up, stucco, masonry or brick. No metal buildings are permitted except for solid waste handling facilities.

Q. Landscape areas shall constitute a minimum of twelve percent of the total lot area of each parcel. The configuration and location of such areas shall be such that they are effective in reducing, as far as possible, the monotonous appearance of buildings, structures and parking areas. A minimum of a three foot wide landscape strip shall be provided along all side and rear property lines.

R. Truck loading docks which are located on the front or side of a building shall be adequately screened by an eight-foot-high masonry wall, accessory structures, or landscaping and foliage so that such truck loading docks are not visible, to the greatest extent practical, from any public right-of-way. Whenever possible, truck loading docks should be located at the rear of the building. A minimum of one hundred feet unobstructed clearance, measured perpendicularly from the face of the truck loading

S. The design review process shall endeavor to eliminate the ugly, the garish, the inharmonious, the monotonous, and the hazardous; should endeavor to ensure that proposed improvements will not impair the desirability of investment or occupancy nearby; and should endeavor not to significantly increase costs nor jeopardize the economic viability of a project. The board, however, shall not be precluded from imposing conditions that increase costs.

T. Originality in site planning, architecture, landscaping, and graphic expression shall not be unduly suppressed.

U. The guidelines set forth in this section shall not be construed in such a manner so as to preclude the imposition of reasonable increases in costs, nor the approval of designs that do not strictly comply with such guidelines.

V. Notwithstanding the provisions of this section or the provisions of Section 15.32.030, one double-faced detached identification sign supported by one or more poles shall be permitted for regional shopping centers, neighborhood shopping centers and other commercial centers sharing common parking and common street access provided said signs are solely for the purpose of identifying the businesses conducted, or services rendered or the goods produced or sold upon the property upon which said center(s) is located. Said center shall consist of a minimum of forty thousand square feet of building area on one parcel of land. The minimum building area required shall only include that area located on the ground floor of the commercial center. Said center shall also consist of a minimum of ten businesses which are all held under separate own-

ership. Said sign shall not be subject to the setback requirements from interstate or primary highways referred to in Section 15.32.030. No such structure shall exceed an overall height of forty-five feet, measured from the finished grade at the base of the sign. If said sign is located in an area governed by the Outdoor Advertising Act (Business and Professions Code §§ 5200 et seq.), the provisions of said Act shall be complied with prior to the installation of any such advertising display.

W. The maximum building square footage permitted on any lot or parcel of land for industrial zoned sites shall be the following:

1. Lots or parcels consisting of less than fifty thousand square feet shall have a maximum building square footage of thirty-three percent of the total lot or parcel area;
2. Lots or parcels consisting of fifty thousand square feet to fifty-nine thousand nine hundred ninety-nine square feet shall have a maximum building square footage of forty percent of the total lot or parcel area; and
3. Lots or parcels consisting of sixty thousand square feet or more shall have a maximum building square footage of fifty percent of the total lot or parcel area.

The maximum building square footage shall include the square footage of any mezzanine or multiple stories of building.

X. Provisions for Truck Trailer Loading. All industrial buildings shall be provided with a minimum of one dock high loading door or one truck well with loading door. For multi-tenant industrial buildings, each separate tenant shall be provided such loading space with loading door. The required truck loading door shall be designed with sufficient size to permit truck trailer loading and unloading through the loading dock door and shall comply with the provisions of subsection R of this section.

Y. Exterior Doors. All exterior doors, except glass doors, of all buildings shall be painted to match the adjacent wall of the building.

Z. Recycling Bin Enclosures. All industrial buildings shall be provided with a recycling bin enclosed storage area. The recycling bin enclosed storage area shall be a minimum size of ten feet in length by eight feet in width by six feet in height and have a self-latching gate. All storage bin enclosures shall be constructed of either the same materials as the main structure or masonry block.

AA. Office Uses in Industrial Buildings. No industrial building shall be permitted to use more than one-third of its total floor area for office use.

BB. The maximum height of any building or structure permitted in any industrial zone shall be one-hundred fifty feet except radio towers, oil derricks, utility substations, and electricity generating facilities. (Ord. 698 § 7, 2004; Ord. 669 § 9, 2001; Ord. 651 §§ 14, 15, 2000; Ord. 644 § 2, 1999; Ord. 633 §§ 7—11, 1998; Ord. 608 §§ 7, 8, 1994; Ord. 598 §§ 7, 8, 1993; Ord. 586 § 1, 1991; Ord. 548 § 1, 1988; Ord. 545 § 1 (part), 1988; Ord. 542 § 12 (part), 1987)

17.36.070 Procedure.

A. The city shall mail written notice to the applicant of the date, time and place set for the city council's consideration of the application and development plans. Prior to the hearing, the city shall, where applicable, obtain the determination of the executive director of the Industry urban development agency as provided for in Section 17.36.090. At the date, time and place set for the city council's consideration of the application and development plans, the applicant may appear and be heard by the city council.

B. The city council shall consider the application, the development plans, and the recommendations and proposed conditions of approval, if any, of the planning director. The city council may approve, modify, or reject the recommendations and proposed conditions of approval, if any, of the city engineer at such time.

C. In the event that the city council denies an application for development plan approval under this chapter, it shall make a finding that:

1. The site is not suitable for development in accordance with the development plan;
2. The total development is not arranged so as to avoid traffic congestion, ensure the public health, safety and general welfare or prevent adverse effects upon neighboring properties;
3. The development is not in general accord with all elements of this title; and/or
4. The development is not consistent with the provisions of the general plan or any applicable redevelopment plan, and it shall specify the reasons for denial. (Ord. 655 § 6 (part), 2000; Ord. 545 §§ 1 (part), 2 (part), 1988; Ord. 542 § 12 (part), 1987)

17.36.080 Standard conditions of approval.

A. The following conditions are standard conditions of approval, all of which are imposed as conditions of approval for any development plan submitted to the city council pursuant to this chapter, unless expressly made inapplicable by the city council:

1. The approval expires twelve months after the date of approval by the council if a building permit for each building and structure thereby approved has not been obtained within such period; however, if the applicant submits a request for an extension of up to five years prior to the expiration of this approval along with any required processing fee, the planning director shall approve one such extension request if the planning director finds that the applicant has not violated any conditions of approval and circumstances have not changed such that each of the required findings could be made at the time, of the extension request.

2. The applicant shall provide drainage and grading plans to be approved by the city engineer prior to the issuance of a building permit. Such plans shall be in substantial conformity with the development plans approved pursuant to this chapter.

3. The applicant shall provide landscaping and automatic irrigation plans to be approved by the planning director prior to the issuance of a building permit. A current California licensed landscape architect must prepare and sign all landscape and irrigation plans required as part of this condition, except for projects with less than five thousand square feet of landscaping. All other landscape requirements will apply to these excepted projects. Such plans shall be in substantial conformity with the development plans approved pursuant to this chapter. Such plans shall include: provision for an automatic irrigation/sprinkler system; specimen trees, shrubs, ground cover and/or grass; and specifications for the above to the satisfaction of the planning director. Additionally, such plans shall be designed and specimen trees, shrubs, ground cover and/or grass shall be designed so as to integrate compatibly with street parkway landscaping.

4. The applicant shall construct adequate fire protection facilities to the satisfaction of the Los Angeles County fire department.

5. All exterior surfaces of buildings and appurtenant structures shall be painted in accordance with the approved development plan.

6. The applicant shall supply sanitary sewer facilities to serve all buildings to the satisfaction of the city engineer prior to the final approval of the development and hookup of utilities.

7. The owner of the property must comply with the Ordinance of the city of Industry.

8. The owner shall dedicate necessary landscape easements along street frontage.

9. The applicant shall obtain an industrial waste permit from the city engineer.

10. The applicant shall provide off-street parking as shown on the approved development plan.

11. The applicant shall construct curb, gutter, paveout, and necessary drainage facilities along street frontage in accordance with city standards and specifications as shown by the "City of Industry Standard Plans."

12. The owner shall dedicate necessary easements for street or highway purposes.

13. The applicant shall construct storm drains to the satisfaction of the city engineer prior to the final approval of the development and the hookup of utilities.

14. The applicant shall provide building plans to be approved prior to the issuance of a building permit. Such plans shall be in substantial conformity with the development plans approved pursuant to this chapter.

15. All street lights installed along the street frontage of a development shall be annexed into the appropriate Los Angeles County Lighting Maintenance District. Applicant shall execute and approve a separate petition for annexation into a Los Angeles County Lighting District upon written request by the city.

B. The council may impose any other specific conditions of approval which it deems reasonably necessary for the development to comply with the purposes and intent of this chapter in accordance with the guidelines contained in Section 17.36.060. (Ord. 669 § 11 (part), 2001; Ord. 655 §§ 5, 6 (part), 2000; Ord. 608 § 9, 1994; Ord. 545 §§ 1 (part), 2 (part), 1988; Ord. 542 § 12 (part), 1987)

17.36.090 Review by Industry urban development agency.

When the property is located in a redevelopment project area of the Industry urban development agency (hereinafter "agency"), the executive director of the agency (hereinafter "executive director") shall, prior to the council's determination, review the application for the sole purpose of determining whether the proposed development plan is consistent with the provisions of the applicable redevelopment plan. The executive director shall cause written notice of his or her determination to be communicated to the city council prior to the council's consideration of the application. (Ord. 545 § 1 (part), 1988; Ord. 542 § 12 (part), 1987)

17.36.100 Exemptions for interior improvements, minor improvements and signs.

Notwithstanding any other provisions of this chapter, design review and approval by the city council shall not be required if:

A. The proposed construction consists of an enlargement of, addition to, or modification of, an existing building or structure or the construction, installation, or modification of a sign or a sign structure and the total cost of such improvements will not exceed seventy-five thousand dollars;

B. The proposed construction consists solely of interior improvements which will not affect the external appearance of any building or structure; and

C. The city manager or his or her designated representative approves or conditionally approves such construction after reviewing the plans there for pursuant to the applicable standards contained in this chapter. Any applicant aggrieved by the decision of the city manager or his or her designated representative may file a written request that his or her application be reviewed and considered by the city in accordance with the procedure set forth in Section 17.36.070. (Ord. 587 § 1, 1991; Ord. 545 §§ 1 (part), 2 (part), 1988; Ord. 542 § 12 (part), 1987)

Chapter 17.40

EXCEPTIONS

Sections:

17.40.010	Applicability.
17.40.020	Exceptions—Generally.
17.40.030	Exceptions—Hardship.
17.40.040	Minor exception—Administrative.
17.40.050	Required alterations.
17.40.060	Oil wells.
17.40.070	Existing use.
17.40.080	Revocation.
17.40.090	Exception—Granted at zone change hearing.
17.40.100	Exception—Modification or revocation.
17.40.110	Denial without hearing.
17.40.120	Hearings—When.
17.40.130	Fees.
17.40.140	Expiration.
17.40.150	Nullification.

17.40.010 Applicability.

The provisions of this chapter apply to all restrictions imposed by this title, including building setback lines, and also apply to any building line or setback line imposed by any other ordinance. (Ord. 545 § 1 (part), 1988; Ord. 178 § 501, 1961)

17.40.020 Exceptions—Generally.

A. An exception may be granted excepting property from some particular restriction or restrictions applicable to the zone in which such property is located if:

1. The exception is necessary for the preservation of a substantial property right of the owner.
2. Such exception will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity thereof.

B. If there are no protests of any kind to the granting of the exception requested, the council may grant the exception even though such exception is not necessary for the preservation of a substantial property right of the owner. In such a case, however, the owner is not entitled to an exception as a matter of right. A petition for an exception does not state sufficient facts under this section unless it states facts supporting both subsections 1 and 2. (Ord. 545 § 1 (part), 1988; Ord. 178 § 502, 1961)

17.40.030 Exceptions—Hardship.

An exception may also be granted where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this title, and in the granting of such exception the spirit of this title will be observed, public safety secured, and substantial justice done. (Ord. 545 § 1 (part), 1988; Ord. 178 § 503, 1961)

17.40.040 Minor exception—Administrative.

A minor exception may be granted administratively by the planning director without a public hearing as referenced in Section 17.48.050, as follows:

A. Pursuant to the criteria referenced in Section 17.40.020 (A), a deviation of up to ten percent of the requirements of Sections 15.32.070, 16.10.010, 16.10.020 and 17.36.060;

B. An application for the granting of a minor exception may be presented to the planning department, in writing, by the current property owner. The planning director may approve, deny or conditionally approve the minor exception application and shall provide written notice to the property owner of the decision within ninety days of filing a complete application;

C. Any decision by the planning director concerning a minor exception shall be final unless appealed to the planning commission. The decision of the planning director may be appealed by filing a written notice of appeal with the city clerk, together with an appeal filing fee of two hundred fifty dollars, within ten days of the day of mailing the notice of the granting or denial of the minor exception;

D. A public hearing before the planning commission concerning any written appeal shall be held within ninety days of filing of the notice of appeal with the city clerk;

E. The decision of the planning commission shall be final unless appealed to the city council as provided in Section 17.04.090 of this code. (Ord. 669 § 12, 2001; Ord. 651 § 16, 2000)

17.40.050 Required alterations.

A. An exception may also be granted to permit a use which is lawful because of an exception, either automatic, or otherwise, to be expanded or altered to the extent required by any law, ordinance, or regulation.

B. The commission or council may grant an exception pursuant to this section without a public hearing or after a public hearing. (Ord. 545 § 1 (part), 1988; Ord. 542 § 14, 1987; Ord. 178 § 505, 1961)

17.40.060 Oil wells.

An exception may also be granted permitting the drilling of an oil well and if production is obtained, the production of oil, gas, or other hydrocarbons therefrom; provided, that such exception will not be detrimental to the public health, safety or general welfare nor to the property of other persons located in the vicinity thereof. (Ord. 545 § 1 (part), 1988; Ord. 472 § 1, 1981; Ord. 178 § 506, 1961)

17.40.070 Existing use.

A. An exception is granted automatically so as to permit the continuation of the particular existing uses of any building, structure, improvement or premises existing in the respective zones immediately prior to the time the ordinance codified in this title or any amendment thereof becomes effective if such existing use was not in violation of this title or any other ordinance or law.

B. As used in this section, the word "property" refers only to that portion of the property actually utilized for the existing use. The word "improvement" does not include any improvement not a part of the existing use, and such improvement which is not a part of the existing use shall be disregarded in the construction of this section.

C. This section does not authorize the extension, expansion or enlargement of such existing use, or permit the addition of structures or other facilities in conjunction with such existing use.

D. Such exception shall remain in force and effect for the following length of time, except that it may be extended or revoked as provided in this chapter:

1. Where the property is unimproved, one year;

2. Where the property is unimproved except for structures, to replace which the building code of the city does not require a building permit, three years;
3. In other cases, twenty years. (Ord. 545 § 1 (part), 1988; Ord. 178 § 507, 1961)

17.40.080 Revocation.

In addition to the grounds stated in Chapter 17.48, an exception which has been automatically granted may be revoked if the commission or council finds:

- A. That the condition of the improvement, if any, on the property is such that to require the property to be used only for those uses permitted in the zone where it is located would not impair the constitutional rights of any person.
- B. That the nature of the improvements is such that they can be altered so as to be used in conformity with the uses permitted in the zone in which such property is located without impairing the constitutional rights of any person. (Ord. 545 §§ 1 (part), 2 (part), 1988; Ord. 542 § 15, 1987; Ord. 178 § 508, 1961)

17.40.090 Exception—Granted at zone change hearing.

If after one or more hearings before the city council on a change of zone, or on an amendment of any other ordinance, in the opinion of the city council, facts are shown which by the provisions of this chapter entitle any person to an exception, the city council may grant such exception. (Ord. 545 § 1 (part), 1988; Ord. 178 § 509, 1961)

17.40.100 Exception—Modification or revocation.

Except as otherwise specifically provided in this chapter an exception shall be granted, modified, or revoked after a public hearing as provided in Chapter 17.48. (Ord. 545 §§ 1 (part), 2 (part), 1988; Ord. 178 § 510, 1961)

17.40.110 Denial without hearing.

The commission may deny, without a hearing, a petition for an exception if such petition does not state sufficient facts to justify an exception. The commission may permit the petitioner to amend such petition. (Ord. 545 §§ 1 (part), 2 (part), 1988; Ord. 542 § 16, 1987; Ord. 178 § 511, 1961)

17.40.120 Hearings—When.

Hearings on the granting of an exception may be held:

- A. Upon the initiative of the commission or council;
- B. Upon the filing of an application. (Ord. 545 § 1 (part), 1988; Ord. 542 § 17, 1987; Ord. 178 § 512, 1961)

17.40.130 Fees.

In addition to the estimated costs of publication and notice as provided in Chapter 17.48, where an application is filed the applicant shall also deposit the sum of two hundred fifty dollars, which shall be deposited in the city treasury as a filing fee to partially cover the incidental expenses connected with the investigation of the facts involved. (Ord. 545 §§ 1 (part), 2 (part), 1988; Ord. 312 § 2, 1971; Ord. 178 § 513, 1961)

17.40.140 Expiration.

- A. An exception permitting the use of any premises or property for residential purposes, whether an automatic exception or an exception granted by action of the council, automatically shall cease to be of any

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force and effect if the structure located on said property is not occupied or inhabited for a consecutive period of sixty days;

B. An exception for any other purpose or use whether an automatic exception or an exception granted by action of the council, automatically shall cease to be of any force and effect if the use for which said exception was granted has ceased or has been suspended for a consecutive period of one or more years. (Ord. 545 § 1 (part), 1988; Ord. 178 § 514, 1961)

17.40.150 Nullification.

An exception which is not used within the time specified in such exception, or, if no time is specified, within one year after granting of the exception, becomes null and void and of no effect except that the council may extend such time. (Ord. 545 § 1 (part), 1988; Ord. 178 § 515, 1961)

Chapter 17.44

USE PERMIT

Sections:

- 17.44.010 Use permit requirement.**
- 17.44.020 Procedure.**
- 17.44.030 Conditions of approval.**
- 17.44.040 Appeals.**
- 17.44.050 Special events.**

17.44.010 Use permit requirement.

Notwithstanding any other provision of this title, no property in the city shall be used for any purpose by any person, corporation, or other business establishment and no existing use shall be changed or altered by any person, corporation or other business establishment unless a use permit is granted to such person, corporation or other business establishment by the city for the proposed use pursuant to this chapter. (Ord. 545 § 1 (part), 1988; Ord. 542 § 18 (part), 1987)

17.44.020 Procedure.

Applications for a use permit pursuant to this chapter shall be filed, on a form supplied by the city, with the planning director. The planning director shall review the application, cause the property to be inspected as he or she deems appropriate, and shall approve, conditionally approve, or deny the application. The planning director shall approve an application if he or she finds that:

- A. The proposed use is either a permitted use or a use permitted upon the issuance of a conditional use permit or pursuant to a plan of development under Chapter 17.36, and such conditional use permit or plan of development has been approved by the city;
- B. The occupant has caused the premises to be inspected and approved by the Los Angeles County fire prevention bureau;
- C. The occupant has an appropriate waste disposal approval; and
- D. The proposed use complies with all other state laws and city ordinances and regulations applicable to such property. (Ord. 669 § 13, 2001; Ord. 545 §§ 1 (part), 2 (part), 1988; Ord. 542 § 18 (part), 1987)

17.44.030 Conditions of approval.

A. The planning director may impose any conditions upon the issuance of the use permit which he or she deems reasonably necessary to assure compliance with the standards contained in Section 17.44.020. All use permits issued by the planning director pursuant to this chapter shall be subject to the following standard conditions of approval unless specifically exempted, in writing, by the planning director:

- 1. Off-street parking shall be provided at all times in accordance with Section 17.36.060 (K) of this title and shall be maintained in a clean and attractive manner (trash, litter, or other materials shall be removed regularly);
- 2. No outside storage of any personal property, building materials, or other property not permanently affixed to the real property shall be allowed, except as otherwise provided in this code;
- 3. All exterior surfaces of all buildings and appurtenances shall be painted and kept graffiti-free;
- 4. All landscaped areas shall be maintained in a healthy, well-kept; and good condition, and kept weed-free;

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5. All trash containers shall be kept in a designated trash enclosure structure conforming with Section 17.36.060 (O) of this title;

6. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times;

7. No outside display of goods, wares or merchandise shall be permitted, except as otherwise provided in this code;

8. All signs, banners, pennants, flags or other outside advertising materials or structures shall comply with this code;

9. All mechanical equipment shall be painted or screened as provided in Section 17.36.060 (G) of this title;

10. Adequate landscaping, including automatic irrigation, shall be shown to exist on the property in conformance with the standards contained in Section 17.36.080 of this title or a landscape and automatic irrigation plan, so conforming, shall be approved by the planning director, and landscaping and automatic irrigation shall be installed by the applicant in substantial compliance therewith;

11. Parking Area Surfaces. All areas used for vehicle or trailer parking or storage shall be paved with asphalt, concrete or a city approved equivalent.

12. The applicant shall file an executed and acknowledged acceptance of terms and conditions of the use permit within thirty days after the granting of the use permit.

B. The planning director may, upon the approval of any application for a use permit, impose any conditions reasonably necessary to assure compliance with the standard conditions of approval set forth in this section. (Ord. 669 § 14, 2001; Ord. 633 §§ 12, 13, 1998; Ord. 545 §§ 1 (part), 2 (part), 1988; Ord. 542 § 18 (part), 1987)

17.44.040 Appeals.

The applicant or any interested person may appeal any decision of the planning director pursuant to this chapter to the city council by filing a written notice of appeal with the city clerk, along with the appropriate appeal filing fee, in accordance with the provisions contained in Section 17.04.090 of this code. (Ord. 669 § 15, 2001; Ord. 545 §§ 1 (part), 2 (part), 1988; Ord. 542 § 18 (part), 1987)

17.44.050 Special events.

A. All businesses with city approved use permits, except automobile agencies, in any zone of the city will be permitted to conduct two special events each calendar year for a period of not to exceed seven days for each event. All signage for a special event shall be considered a temporary banner as defined and regulated in Chapter 15.32 of this code.

B. Automobile Agencies

1. Any new automobile agency which opens a new automobile franchise is permitted to conduct a thirty-day grand opening special event for that new franchise. Such special event shall be permitted to have one special event tent, not to exceed two thousand square feet, promotional lighting, music and up to two temporary banners not to exceed a combined eighty square feet. Regular operating hours shall be maintained during the grand opening special event.

2. A once-a-year special event, joint tent sale shall be permitted upon a joint request, signed by a minimum of seven automobile agencies located in the city, for a period not to exceed ten days. Such joint tent sale must be conducted in a month where no special event sale is permitted as listed in subsection (B) (4) of this section. The joint tent sale shall be permitted to have two special event tents not to exceed two thousand square feet each, promotional lighting, outdoor food service, temporary fencing, music and up to two temporary banners not to exceed a combined area of eighty square feet.

3. All automobile agencies shall be permitted to conduct four individual special event sales each year for a period not to exceed four days. Such individual special event sale shall be permitted to have one special event tent not to exceed two thousand square feet, promotional lighting, outdoor food service, temporary fencing, music and up to two temporary banners not to exceed a combined area of eighty square feet.

4. All automobile agencies shall be permitted to conduct a special event sale for a period not to exceed four days on the following national holidays:

- a. New Year's Day;
- b. Chinese New Year;
- c. Presidents' Day;
- d. Cinco de Mayo;
- e. Memorial Day;
- f. Fourth of July;
- g. Labor Day;
- h. Veterans' Day;
- i. Thanksgiving Day;
- j. Christmas Day.

Each special event sale shall be permitted one special event tent, not to exceed two thousand square feet, promotional lighting, outdoor food service, temporary fencing, music and up to two temporary banners not to exceed a combined eighty square feet.

5. A special event application must be filed and approved by the city prior to conducting such event for all events listed in subsections (B)(1), (2) and (3) of this section. No application or permit is required to conduct any special event listed in subsection (B) (4) of this section.

C. All, special events shall be conducted in compliance with provisions of Chapter 15.32 of this code. (Ord. 633 § 14, 1998)

Chapter 17.48

CONDITIONAL USE PERMITS/EXCEPTIONS*

Sections:

- 17.48.010 Applicability.**
- 17.48.020 Application—Required.**
- 17.48.030 Application—Contents.**
- 17.48.040 Application—Fee.**
- 17.48.050 Hearings.**
- 17.48.060 Conditions of approval.**
- 17.48.070 Appeals.**
- 17.48.080 Revocations and suspensions.**
- 17.48.090 Hearings—Continuance.**

* Prior ordinance history: Ords. 178, 543 and 502.

17.48.010 Applicability.

The procedures specified in this chapter shall govern all hearings held before the council or commission for the purpose of determining whether to grant, deny or revoke any conditional use permit or exception. (Ord. 545 § 1 (part), 1988; Ord. 542 § 19 (part), 1987)

17.48.020 Application—Required.

Any person desiring any conditional use permit or exception required by, or provided for, in this title shall file an application therefore with the city pursuant to this chapter. (Ord. 545 § 1 (part), 1988; Ord. 542 § 19 (part), 1987)

17.48.030 Application—Contents.

Such application shall contain:

- A. The name and address of the applicant;
- B. Evidence that the applicant:
 - 1. Is the owner of the premises involved, or
 - 2. Has the permission of such owner to make such application, or
 - 3. Is or will be the plaintiff in an action in eminent domain to acquire the premises involved;
- C. The legal description of, and if there is a street address, the street address, otherwise a description of, the premises upon which the requested use is to be maintained;
- D. If the applicant is not the owner, the name and address of the owner, and the nature of the applicant's interest in the premises involved;
- E. A detailed site plan showing, at a minimum, the proposed location of all buildings and structures, landscaped areas, parking areas, driveways and means of ingress and egress;
- F. A statement detailing the uses for each building and structure as shown on the site plan;
- G. Three copies of white background prints of a map drawn to scale specified by the city engineer, showing the location of the property concerned, and the location of all highways, streets and alleys and all lots and parcels of land within a distance of seven hundred feet from the exterior boundaries of the proposed use;

H. One copy of the map referred to in subsection G of this section shall show the use to which each and every lot and parcel of land is put;

I. 1. A certified list as shown on the last equalized assessment roll of the county of Los Angeles of the names and addresses of all persons to whom all property is assessed:

- a. Within one and one-half miles of the exterior boundaries of a proposed cemetery,
- b. In all other cases within three hundred feet from the exterior boundaries of the proposed use,

2. In addition to such list, two sets of gummed labels, adequate for use to address envelopes containing notices, with such addresses printed thereon;

J. The accuracy of such maps and list is the responsibility of the applicant;

K. Such other information as may be reasonably required by the city manager. The city manager may waive the filing of one or more of the items set forth in this section. (Ord. 545 § 1 (part), 1988; Ord. 542 § 19 (part), 1987)

17.48.040 Application—Fee.

If an application is filed pursuant to this chapter, the applicant shall deposit with the city clerk the required filing fee of two hundred and fifty dollars. (Ord. 545 § 1 (part), 1988; Ord. 542 § 19 (part), 1987)

17.48.050 Hearings.

Upon the filing of a complete application pursuant to this chapter and the making of the required deposit to cover the fee, the city shall fix a time and place for a public hearing before the planning commission. The city shall cause notice of such public hearing to be given pursuant to Section 65091 of the Government Code. Prior to such hearing, the executive director of the Industry urban development agency shall determine whether the proposed use is consistent with the provisions of the applicable redevelopment plan, if any, and shall report his or her findings to the planning commission. At the conclusion of the hearing, the planning commission may approve or deny an application for conditional use permit provided it makes written findings with respect to all of the following:

A. Whether the proposed use is consistent with the goals and objectives of the general plan and any applicable redevelopment plan;

B. Whether the site is adequate in size, shape, topography and location for the proposed use and there will be adequate utilities to accommodate the proposed use;

C. Whether there will be adequate street access, traffic circulation and parking capacity for the proposed use;

D. Whether the proposed use is compatible with the surrounding properties and uses; in making this finding, consideration shall be given to the potential for changes in the uses of surrounding properties;

E. Whether the proposed use will not be detrimental to the public health, safety or general welfare.

The ultimate decision of the planning commission with respect to the granting or denying of such application must be justified based upon substantial evidence in view of the whole record of the proceedings before the planning commission with respect to said application. (Ord. 567-U § 1, 1989; Ord. 545 § 1 (part), 1988; Ord. 542 § 19 (part), 1987)

17.48.060 Conditions of approval.

In the event that the planning commission grants a conditional use permit or exception, it may impose any conditions related to the proposed use which it deems reasonably necessary to further the purposes and intent of this title, to enable it to make the findings referred to in Section 17.48.050, or to protect the public health, safety and general welfare. (Ord. 545 §§ 1 (part), 2 (part), 1988; Ord. 542 § 19 (part), 1987)

17.48.070 Appeals.

Written notice of the planning commission's decision shall be mailed to the applicant at the address shown upon the application. The action of the planning commission shall be effective ten days following the mailing of such notice, unless, within such ten-day period an appeal in writing is filed with the city clerk by either the applicant or any other interested person, along with the appropriate appeal filing fee, in accordance with the provisions contained in Section 17.04.090 of this code. (Ord. 669 § 16, 2001; Ord. 545 § 1 (part), 1988; Ord. 542 § 19 (part) 1987)

17.48.080 Revocations and suspensions.

A. If the planning director or his or her designated representative determines that any condition of any conditional use permit, exception, or use permit issued pursuant to Chapter 17.44 or any provision of this title has been violated, or that any use is being exercised in such a manner as to constitute a public nuisance, the planning director shall cause a notice of violation to be mailed, by certified or registered mail, to the owner and occupant of the property, at his or her last known address, specifying the violation occurring, the remedial action required, and a reasonable time within which such remedial action must be completed. If the violation is not corrected or corrective measures are not commenced to the satisfaction of the planning director within the time stated in the notice of violation, the planning director shall set a hearing pursuant to this chapter before the planning commission for the revocation or suspension of the permit or exception and, in the event such violation or condition constitutes an immediate threat to health, safety or welfare, he or she may order immediate termination of the use, pending such hearing. After the public hearing, the planning commission may revoke, suspend or modify any conditional use permit, exception, or use permit which has been granted under either the provisions of this title or of any ordinance superseded by this title or of any ordinance superseded by this title on any one or more of the following grounds:

1. That such approval was obtained by fraud;
2. That the use for which such approval was granted is not being exercised;
3. That the use for which such approval was granted has ceased or has been suspended as provided in section 17.04.100;
4. That the use for which the conditional use permit, exception, or use permit was granted is being or recently has been exercised contrary to the terms or conditions of such approval or is in violation of any statute, ordinance, law or regulation;
5. That the use for which the approval was granted is so exercised as to be detrimental to the public health, safety or general welfare, or so as to be a nuisance.

B. The decision of the planning commission shall be final unless appealed to the city council as provided in Section 17.04.090 of this code. (Ord. 669 § 16, 2001; Ord. 545 §§ 1 (part), 2 (part), 1988; Ord. 542 § 19 (part), 1987)

17.48.090 Hearings—Continuance.

The city council or the planning commission may continue any hearing required by this chapter from time to time. (Ord. 545 § 1 (part), 1988; Ord. 542 § 19 (part), 1987)

Chapter 17.52

RECYCLING FACILITIES

Sections:

- 17.52.010** **Definitions.**
- 17.52.020** **Permits required.**
- 17.52.030** **Permits for multiple sites.**
- 17.52.040** **Criteria and standards.**

17.52.010 **Definitions.**

The following words shall have the following meanings when used in this chapter:

A. "Bulk reverse vending machine" means a reverse vending machine that is larger than fifty square feet; is designed to accept more than one container at a time; and will pay by weight instead of by container.

B. "Collection facility" means a center for the acceptance by donation, redemption or, purchase, or recyclable materials from the public. Such a facility does not use power-driven processing equipment except as indicated in Section 17.52.040 entitled Criteria and standards. Collection facilities may include the following:

1. Reverse vending machine(s);
2. Small collection facilities which occupy an area of not more than five hundred square feet, and may include:

- a. A mobile recycling unit;
- b. Bulk reverse vending machines or a grouping of reverse vending machines;
- c. Kiosk-type units which may include permanent structures;
- d. Unattended containers placed for the donation of recyclable materials;

C. "Mobile recycling unit" means an automobile, truck, trailer or van, licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers transported by trucks, vans or trailers, and used for the collection of recyclable materials.

D. "Recyclable material" means reusable material including but not limited to metals, glass, plastic and paper, which are intended for reuse, remanufacture or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials. Recyclable material may include used motor oil collected and transported in accordance with Section 25250.11 and 25143.2 (b) (4) of the California Health and Safety Code.

E. "Recycling facility" means a collection facility defined in this section. A "certified recycling facility" means a collection facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986 (commencing with Section 14500 of the California Public Resources Code)

F. "Reverse vending machines" means an automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the state. A reverse vending machine may sort and process containers mechanically; provided, that the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and to meet

the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary. (Ord. 545 § 3 (part), 1988)

17.52.020 Permits required.

No person shall permit the placement, construction or operation of any recycling facility within the city without first obtaining the applicable permit required by this code. No such permit shall be granted unless the proposed recycling facility complies with the provisions of this chapter. (Ord. 545 § 3 (part), 1988)

17.52.030 Permits for multiple sites.

A single permit may be granted to allow more than one reverse vending machine(s) or small collection facility located on different sites; provided, that:

- A. The operator of each of the proposed facilities is the same;
- B. The proposed facilities are determined by the city engineer to be similar in nature, size and intensity of activity; and
- C. All of the applicable criteria and standards set forth in this chapter are met for each such proposed facility. (Ord. 545 § 3 (part), 1988)

17.52.040 Criteria and standards.

Those recycling facilities which are permitted in commercial and industrial zones, subject to the issuance of a use permit pursuant to Chapter 17.44 of this title, shall meet all of the applicable criteria and standards contained in this section. The criteria and standards for recycling facilities within the city are as follows:

A. Reverse Vending Machine(s). Reverse vending machine(s) located within a commercial structure do not require permits. Reverse vending machines are permitted uses in all commercial and industrial zones, subject to the issuance of a use permit as provided in Chapter 17.44 of this code. No such use permit shall be granted by the city engineer unless the proposed reverse vending machine(s) complies with the following standards:

1. Shall be established in conjunction with a commercial or industrial use (hereinafter "host use") which is in compliance with the zoning, building and fire codes of the city;
2. Shall not obstruct pedestrian or vehicular circulation;
3. Shall not occupy parking spaces required by the host use;
4. Shall occupy no more than fifty square feet of floor or ground space per installation, including any protective enclosure, and shall be no more than eight feet in height;
5. Shall be constructed and maintained with durable waterproof and rustproof material;
6. Shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative;
7. Shall have a sign area of a maximum of four square feet per machine, exclusive of operating instructions;
8. Shall be maintained in a clean, litter-free condition on a daily basis;
9. Operating hours shall be at least the operating hours of the host use;
10. Shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn;
11. Shall be established pursuant to the written authorization of the property owner giving permission to the applicant to place the machine on his or her property;

12. Shall be located within a "convenience zone" as that term is defined in the California Beverage Container Recycling and Litter Reduction Act (commencing with Section 14500 of the California Public Resources Code)

B. Small Collection Facilities. Small collection facilities are permitted uses in commercial and industrial zones subject to the issuance of a use permit as provided in Chapter 17.44 of this code. No such use permit shall be granted by the city engineer unless the proposed small collection facilities comply with the following conditions:

1. Shall be established in conjunction with an existing commercial or industrial use which is in compliance with the zoning, building and fire codes of the city;

2. Shall be no larger than five hundred square feet and occupy no more than five parking spaces not including space that will be periodically needed for removal of materials or exchange of containers;

3. Shall be set back at least thirty feet from any street line and shall not obstruct pedestrian or vehicular circulation;

4. Shall accept only glass, metals, plastic containers, papers and reusable items;

5. Shall use no power-driven processing equipment except for reverse vending machines;

6. Shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and collection schedule;

7. Shall store all recyclable material in containers or in a mobile recycling unit vehicle, and shall not leave materials outside of containers when attendant is not present;

8. Shall be maintained free of litter and any other undesirable materials, and mobile facilities, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day;

9. Shall not exceed noise levels of sixty dBA as measured at the property line of any residentially zoned or occupied property, otherwise shall not exceed seventy dBA;

10. Attended facilities located within one hundred feet of a property zoned or occupied for residential use shall operate only during the hours between nine a.m. and seven p.m.;

11. Containers for the twenty-four-hour donation of materials shall be at least thirty feet from any property zoned or occupied for residential use unless there is a recognized service corridor and acoustical shielding between the containers and the residential use;

12. Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers;

13. Signs may be provided as follows:

a. Recycling facilities may have identification signs with a maximum of twenty percent per side or sixteen square feet, whichever is larger, in addition to informational signs required in subsection 17.52.040B12; in the case of a wheeled facility, the side will be measured from the pavement to the top of the container,

b. Signs must be consistent with the character of the location,

c. Directional signs, bearing no advertising message, may be installed with the approval of the city engineer if necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way,

d. The city engineer may authorize increases in the number and size of signs upon findings that it is compatible with adjacent businesses;

14. The facility shall not impair the landscaping required by this title or any permit issued pursuant to this title;

15. No additional parking spaces will be required for customers of a small collection facility located at the established parking lot of a host use. One space will be provided for the attendant, if needed;

16. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present;

17. Occupation of parking spaces by the facility and by the attendant shall not reduce available parking spaces below the minimum number required for the primary host use unless all of the following conditions exist:

a. A parking study shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site, and

b. The permit will be reconsidered at the end of eighteen months.

A reduction in available parking spaces in an established parking facility may then be allowed as follows:

Number of Available Parking Spaces	Maximum Reduction
0—25	0
25—35	2
36—49	3
50—99	4
100+	5

18. If the permit expires without renewal, the collection facility shall be removed from the site on the date following permit expiration;

19. Shall be established pursuant to the written authorization of the property owner giving permission to the applicant to place the facilities on his or her property; and

20. Shall be located within a "convenience zone" as that term is defined in the California Beverage Container Recycling and Litter Reduction Act (commencing with Section 14500 of the California Public Resources Code). (Ord. 545 §3 (part), 1988)

Chapter 17.56

GENERAL REGULATIONS

Sections:

- 17.56.010** **Height of structures.**
- 17.56.020** **Moving buildings.**
- 17.56.030** **Conversions and alterations.**
- 17.56.040** **Buildings under construction.**
- 17.56.050** **Repairs.**
- 17.56.060** **Using structure contrary to provisions.**
- 17.56.070** **Inspection.**

17.56.010 Height of structures.

Except where a lesser maximum height is prescribed either by this title or any other ordinance or by statute, all buildings and structures of every kind and nature in the territory of the city except radio towers and oil derricks shall not exceed one hundred fifty feet in height. (Ord. 545 § 1 (part), 1988; Ord. 178 § 701, 1961)

17.56.020 Moving buildings.

No building or structure shall be moved from one lot or premises to another unless such building or structure shall thereupon be made to conform to all the provisions of this title relative to buildings or structures hereafter erected upon the lot or premises to which such building or structure shall have been moved, and shall be made to conform to the general character of the existing buildings in the neighborhood or better. (Ord. 545 § 1 (part), 1988; Ord. 178 § 702, 1961)

17.56.030 Conversions and alterations.

No building or structure existing at the time of the effective date of the ordinance codified in this title or any amendment thereof which is designed, arranged, intended for or devoted to a use not permitted in the zone in which such building or structure is located, shall be enlarged, extended, reconstructed, built upon or structurally altered unless the use of such building or structure is changed to a use permitted in the zone in which such building or structure is located or unless an exception has been granted under the terms of this title. (Ord. 545 § 1 (part), 1988; Ord. 178 § 703, 1961)

17.56.040 Buildings under construction.

Nothing in this title contained shall be deemed or construed to prevent the completion of any building or structure which is under construction at the effective date of the ordinance codified in this title, or any amendment thereof, or for the construction of which a valid building permit is in force, in the event that such construction or the proposed use of such building or structure is not at said date in violation of any other ordinance or law, and in the further event that such building or structure is completed within one year from such date. (Ord. 545 § 1 (part), 1988; Ord. 178 § 704, 1961)

17.56.050 Repairs.

When repairs within any twelvemonth period exceed fifty percent of the value of an existing building or structure, such building or structure shall be made to conform to the requirements of this title for new buildings or structures. (Ord. 545 § 1 (part), 1988; Ord. 178 § 705, 1961)

17.56.060 Using structure contrary to provisions.

A person shall not use or cause or permit to be used any building, structure, improvement or premises located in any zone described in this title contrary to the provisions of this title. (Ord. 545 § 1 (part), 1988; Ord. 178 § 706, 1961)

17.56.070 Inspection.

Every member of the city council, the city manager and his or her authorized representatives may enter any premises, building, or structure at any reasonable hours for investigation or inspection as to whether or not any portion of such premises, building, or structure, is being used in violation of this title. Every person who denies or prevents, obstructs, or attempts to deny, prevent or obstruct such access is guilty of a misdemeanor. (Ord. 545 § 1 (part), 1988; Ord. 178 § 707, 1961)

Chapter 17.60

DEVELOPMENT AGREEMENTS

Sections:

- 17.60.010** **General provisions.**
- 17.60.020** **Application for approval of development agreement.**
- 17.60.030** **Contents of application.**
- 17.60.040** **Processing of application.**
- 17.60.050** **Public hearing by city council.**
- 17.60.060** **Determination by city council.**

17.60.010 General provisions.

Pursuant to the provisions of Government Code Section 65864, et seq., the city council is authorized to enter into development agreements with certain developers pursuant to the provisions of this chapter. (Ord. 545 § 1 (part), 1988; Ord. 514-U § 1 (part), 1986)

17.60.020 Application for approval of development agreement.

Any property owner, or other person having a legal or equitable interest in any parcel of property located within the city may, upon the payment of an application fee of two hundred fifty dollars, submit an application for approval of a development agreement pursuant to the provisions of Government Code Section 65864, et seq. (Ord. 545 § 1 (part), 1988; Ord. 514-U § 1 (part), 1986)

17.60.030 Contents of application.

Any application for approval of a development agreement shall be accompanied by a proposed form of an agreement which shall, as a minimum, specify the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. Additionally, the development agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions. The agreement shall contain provisions that construction of improvements shall commence within a specified period of time and that the project or any phase thereof shall be completed within a specified period of time. (Ord. 545 § 1 (part), 1988; Ord. 514-U § 1 (part), 1986)

17.60.040 Processing of application.

Upon receipt of any such application for a development agreement, city shall cause the same to be reviewed and a staff report and recommendations to the planning commission to be prepared within a period of not to exceed forty-five days from the date of filing of the application. Said report and recommendations, together with the application, shall be submitted to the planning commission at its next regular meeting after the completion and filing of the report and recommendations and, at that meeting, the planning commission shall set the matter for public hearing pursuant to and in compliance with all of the provisions of Government Code Sections 65090 and 65091. Said public hearing shall be set not later than forty-five days following the meeting at which the planning commission receives said report and recommendations. At the conclusion of the public hearing, the planning commission shall make such recommendations to the city council and supporting findings as it may deem appropriate. (Ord. 545 § 1 (part), 1988; Ord. 514-U § 1 (part), 1986)

17.60.050 Public hearing by city council.

The recommendation and findings of the planning commission shall be submitted to the city council within thirty days following the adoption thereof by the planning commission, and the city council shall, at said meeting, set a public hearing on the application and the recommendation, which public hearing shall be held not later than forty-five days following the receipt by the city council of the planning commission recommendation and findings. Said public hearing by the city council shall be held in conformity with all of the provisions of Government Code Sections 65090 and 65091. (Ord. 545 § 1 (part), 1988; Ord. 514-U § 1 (part), 1986)

17.60.060 Determination by city council.

The city council, following the public hearing, may approve or disapprove the proposed development agreement and, if the same is approved, may impose upon it such conditions as appear to the city council reasonable and necessary to carry out the intent of Government Code Section 65865 et seq., and to protect the public health, safety and welfare, including any of the conditions referred to in Government Code Section 65865.2. The approval by the city council of any such development agreement may be by resolution. (Ord. 545 § 1 (part), 1988; Ord. 514-U § 1 (part), 1986)

Chapter 17.64

PLANNING COMMISSION

Sections:

- 17.64.010** **Created.**
- 17.64.020** **Composition.**
- 17.64.030** **Terms.**
- 17.64.040** **Forfeiture of position.**
- 17.64.050** **Powers and duties.**
- 17.64.060** **Hearings.**
- 17.64.080** **Records.**
- 17.64.090** **Debt.**
- 17.64.100** **Organization.**
- 17.64.110** **City clerk—Duties regarding commission.**

17.64.010 **Created.**

A planning commission which may be known and referred to as the "planning commission," is created and established pursuant to the provisions of that certain act of the Legislature of the state of California, which is designated and referred to as the "planning law" (Title 7 of the Government Code of the state of California) as amended to date and as same may hereafter be amended. (Ord. 545 § 1 (part), 1988; Ord. 178 § 801, 1961)

17.64.020 **Composition.**

The planning commission shall consist of five members, who shall be designated, respectively as commissioners Nos. 1, 2, 3, 4 and 5. Said commissioners shall be appointed by the mayor, with the approval of the city council. In addition to the five appointed members of the commission, the city manager and the planning director shall be ex officio members of said commission but shall be nonvoting members thereof. An appointed member of the planning commission may be removed at any time by the mayor, subject to the approval of the city council, or by a majority vote of the city council. (Ord. 669 § 18, 2001; Ord. 545 § 1 (part), 1988; Ord. 178 § 802, 1961)

17.64.030 **Terms.**

A. Of the members of the commission first appointed under the provisions of this title, commissioners Nos. 1 and 2 shall be appointed for terms of one year, commissioners Nos. 3 and 4 shall be appointed for terms of two years, and commissioner No. 5 shall be appointed for a term of three years.

B. Upon the expiration of the respective terms of the commissioners referred to in subsection A, their respective successors shall be appointed for terms of four years.

C. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired portion of the term. Such appointment shall be made by the mayor with the approval of the city council. (Ord. 545 § 1 (part), 1988; Ord. 178 § 803, 1961)

17.64.040 **Forfeiture of position.**

A. Notwithstanding any of the other provisions of this title, any commissioner who absents himself or herself from any three consecutive regular meetings of the planning commission, unless excused from such

attendance by consent of such commission expressed by action of record in its minutes, or who is absent from a total of five regular meetings of the commission in any six-month period without such consent of such commission so expressed of record, automatically forfeits his or her position or office as a member of the planning commission, and the name of such person shall be automatically removed from the membership of the commission immediately after the adjournment of any such third consecutive meeting or of any such fifth meeting in any such six-month period, as the case may be, at which such commissioner has not appeared.

B. The chairperson or the secretary of the commission shall thereupon promptly notify the city council, and any such person so ceasing to be such commissioner, of such fact, whereupon the vacancy so created shall be filled by appointment as contemplated under the provisions of Section 17.64.030C. (Ord. 545 §§ 1 (part), 2 (part), 1988; Ord. 178, § 804, 1961)

17.64.050 Powers and duties.

The planning commission and the members thereof respectively have and exercise each and all of the powers, duties, rights, privileges and authorities of city planning commissions and of members of such commissions, all as set forth, provided for, and contemplated in this title and under any other ordinance of this city and in and under the provisions of said "planning law" as same now exists and as same may hereafter be amended, and shall perform the duties, acts and functions of such city planning commissions, and members thereof, respectively, all as indicated, set forth and referred to in, and as contemplated by, said "planning law" and in the manner therein stated. (Ord. 545 § 1 (part), 1988; Ord. 178 § 805 (part), 1961).

17.64.060 Hearings.

The planning commission shall conduct such hearings as may be required by law upon receipt by the city of any application or petition for a change of zone and upon direction of the city council, shall conduct such hearings upon any proceedings for a change of zone otherwise initiated. The planning commission shall thereafter transmit its recommendations with reference to said application or proceedings for a change of zone to the city council. (Ord. 545 § 1 (part), 1988; Ord. 178 § 805 (part), 1961)

17.64.080 Records.

The commission shall cause proper records to be kept of all its official acts and proceedings, and shall make reports to the city council, all as contemplated in and by said "planning law." (Ord. 545 § 1 (part), 1988; Ord. 178 § 806, 1961)

17.64.090 Debt.

The commission shall have no power or authority to bind or obligate the city or any officer or department thereof for any money, debt, undertaking or obligation of any kind in excess of the appropriation which the city council may have made for the purpose of the commission in any fiscal year. (Ord. 545 § 1 (part), 1988; Ord. 178 § 807, 1961)

17.64.100 Organization.

Except as otherwise provided in this title or by law, the commission shall have power to and shall provide for its own organization, shall adopt rules and regulations for the transaction of business before it, and shall designate the time and place for the regular monthly meeting or meetings of the commission. (Ord. 545 § 1 (part), 1988; Ord. 178 § 808, 1961)

17.64.110 City clerk—Duties regarding commission.

The city clerk is authorized and instructed to notify the planning commission of any matters which may hereafter be pending before the city council and to forward to the planning commission from time to time any and all documents, proceedings and instruments which may hereafter be so pending and which documents, proceedings and instruments, according to law, are required to be submitted to such planning commission prior to final action thereon by said city council. (Ord. 545 § 1 (part), 1988; Ord. 178 § 809, 1961)

Chapter 17.68

CONGESTION MANAGEMENT PROGRAM

Sections:

- 17.68.010 Definitions.
- 17.68.020 Review of transit impacts.
- 17.68.030 Transportation demand and trip reduction measures.
- 17.68.040 Monitoring.
- 17.68.050 Enforcement.

17.68.010 Definitions.

The following words or phrases shall have the following meanings when used in this chapter:

A. "Alternative transportation" means the use of modes of transportation other than the single passenger motor vehicle, including but not limited to carpools, vanpools, buspools, public transit, walking and bicycling.

B. "Applicable development" means any development project that is determined to meet or exceed the project size threshold criteria contained in Section 17.68.030 of this chapter.

C. "Buspool" means a vehicle carrying sixteen or more passengers commuting on a regular basis to and from work with a fixed route, according to a fixed schedule.

D. "Carpool" means a vehicle carrying two to six persons commuting together to and from work on a regular basis.

E. "The California Environmental Quality Act ("CEQA")," a statute that requires all jurisdictions in the state of California to evaluate the extent of environmental degradation posed by proposed development.

F. "Developer" means the builder who is responsible for the planning, design and construction of an applicable development project. A developer may be responsible for implementing the provisions of this chapter as determined by the property owner.

G. "Development" means the construction or addition of new building square footage. Additions to buildings which existed prior to the adoption of this chapter and which exceed the thresholds defined in Section 17.68.030 shall comply with the applicable requirements but shall not be added cumulatively with existing square footage; existing square footage shall be exempt from these requirements. All calculations shall be based on gross square footage.

H. "Employee parking area" means the portion of total required parking at a development used by on-site employees. Unless specified in the city zoning/building code, employee parking, shall be calculated as follows:

Type of Use	Percent of Total Required Parking Devoted to Employees
Commercial	30%
Office/Professional	85%
Industrial/Manufacturing	90%

I. "Preferential parking" means parking spaces designated, or assigned, through use of a sign or painted space markings for carpool and vanpool vehicles carrying commute passengers on a regular basis

that are provided in a location more convenient to a place of employment than parking spaces provided for single-occupant vehicles.

J. "Property owner" means the legal owner of a development who serves as the lessor to a tenant. The property owner shall be responsible for complying with the provisions of the chapter either directly or by delegating such responsibility as appropriate to a tenant and/or his or her agent.

K. "South Coast Air Quality Management District" ("SCAQMD") is the regional authority appointed by the California State Legislature to meet federal standards and otherwise improve air quality in South Coast Air Basin (the non-desert portions of Los Angeles, Orange, Riverside, and San Bernardino Counties).⁹

L. "Tenant" means the lessee of facility space at an applicable development project.

M. "Transportation demand management" ("TDM") means the alteration of travel behavior — usually on the part of commuters — through programs of incentives, services, and policies. TDM addresses alternatives to single-occupant vehicles such as carpooling and vanpooling, and changes in work schedules that move trips out of the peak period or eliminate them altogether (as is the case in telecommuting or compressed work weeks).

N. "Trip reduction" means reduction in the number of work-related trips made by single-occupant vehicles.

O. "Vanpool" means a vehicle carrying seven or more persons commuting together to and from work on a regular basis, usually in a vehicle with a seating arrangement designed to carry seven to fifteen adult passengers, and on a prepaid subscription basis.

P. "Vehicle" means any motorized form of transportation, including but not limited to automobiles, vans, busses and motorcycles. (Ord. 593 § 1 (part), 1993)

17.68.020 Review of transit impacts.

A. Prior to approval of any development project for which an environmental impact report ("EIR") will be prepared pursuant to the requirements of the California Environmental Quality Act ("CEQA") or based on a local determination, regional and municipal fixed-route transit operators providing service to the project shall be identified and consulted with. Projects for which a notice of preparation ("NOP") for a draft EIR has been circulated pursuant to the provisions of CEQA prior to the effective date of the ordinance codified in this chapter shall be exempted from its provisions.

B. The "transit impact review worksheet", contained in the Los Angeles County congestion management program manual, or similar worksheets, shall be used in assessing impacts. Pursuant to the provisions of CEQA, transit operators shall be sent a NOP for all contemplated EIR's and shall, as part of the NOP process, be given opportunity to comment on the impacts of the project, to identify recommended transit service or capital improvements which may be required as a result of the project, and to recommend mitigation measures which minimize automobile trips on the CMP network.

C. Impacts and recommended mitigation measures identified by the transit operator shall be evaluated in the draft environmental impact report prepared for the project. Related mitigation measures adopted shall be monitored through the mitigation monitoring requirements of CEQA.

D. Phased development projects, development projects subject to a development agreement, or development projects requiring subsequent approvals, need not repeat this process as long as no significant changes are made to the project. It shall remain the discretion of the lead agency to determine when a project is substantially the same and therefore covered by a previously certified EIR. (Ord. 593 § 1 (part), 1993)

17.68.030 Transportation demand and trip reduction measures.

A. Applicability of requirements. Prior to approval of any development project, the applicant shall make provision for, as a minimum, all of the following applicable transportation demand management and trip reduction measures. This chapter shall not apply to projects for which a development application has been deemed "complete" by the city pursuant to Government Code Section 65943, or for which a notice of preparation for a DEIR has been circulated or for which an application for a building permit has been received, prior to the effective date of the ordinance codified in this chapter. All facilities and improvements constructed or otherwise required shall be maintained in a state of good repair.

B. Development standards.

1. Nonresidential development of twenty-five thousand square feet or more shall provide the following to the satisfaction of the city:

a. A bulletin board, display case, or kiosk displaying transportation information located where the greatest number of employees are likely to see it. Information in the area shall include, but is not limited to the following:

- i. Current maps, routes and schedules for public transit routes serving the site;
- ii. Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operators;
- iii. Ridesharing promotional material supplied by commuter-oriented organizations;
- iv. Bicycle route and facility information, including regional/local bicycle maps and bicycle safety information;

v. A listing of facilities available for vanpoolers, bicyclists, transit riders and pedestrians at the site.

2. Nonresidential development of fifty thousand square feet or more shall comply with Section 17.68.030(B)(1) above and shall provide all of the following measures to the satisfaction of the city:

a. Not less than ten percent of employee parking area, shall be located as close as is practical to the employee entrance(s), and shall be reserved for use by potential carpool/vanpool vehicles, without displacing handicapped and customer parking needs. This preferential carpool/vanpool parking area shall be identified on the site plan upon application for building permit, to the satisfaction of city. A statement that preferential carpool/vanpool spaces for employees are available and a description of the method for obtaining such spaces must be included on the required transportation information board. Spaces will be signed/striped as demand warrants; provided that at all times at least one space for projects of fifty thousand square feet to one hundred thousand square feet and two spaces for projects over one hundred thousand square feet will be signed/striped for carpool/vanpool vehicles.

b. Preferential parking spaces reserved for vanpools must be accessible to vanpool vehicles. When located within a parking structure, a minimum vertical interior clearance of seven feet two inches shall be provided for those spaces and accessways to be used by such vehicles. Adequate turning radii and parking space dimensions shall also be included in vanpool parking areas.

c. Bicycle racks or other secure bicycle parking shall be provided to accommodate four bicycles, per the first fifty thousand square feet of non-residential development and one bicycle per each additional fifty thousand square feet of non residential development. Calculations which result in a fraction of 0.5 or higher shall be rounded up to the nearest whole number. A bicycle parking facility may also be a fully enclosed space or locker accessible only to the owner or operator of the bicycle, which, protects the bike from inclement weather. Specific facilities and location (e.g., provision or racks, lockers, or locked room) shall be to the satisfaction of the city.

3. Nonresidential development of one hundred thousand square feet or more shall comply with subsections (B)(1) and (B)(2) of this section, and shall provide all of the following measures to the satisfaction of the city:

- a. A safe and convenient zone in which vanpool and carpool vehicles may deliver or board their passengers.
- b. Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development.
- c. If determined necessary by the city to mitigate the project impact, bus stop improvements must be provided. The city will consult with the local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, entrances must be designed to provide safe and efficient access to nearby transit stations/stops.
- d. Safe and convenient access from the external circulation system to bicycle parking facilities onsite. (Ord. 593 § 1 (part), 1993)

17.68.040 Monitoring.

A city inspection of the development/site shall be performed to insure that all provisions of this chapter have been implemented prior to occupancy of the building. Noncompliance with any provision of this chapter shall cause the city to withhold authorization for occupancy of the building. (Ord. 593, § 1 (part), 1993)

17.68.050 Enforcement.

Conformance with this ordinance shall be maintained at all times. Failure to conform with any provision of this chapter would be a violation of the city's municipal code and subject to the penalties outlined in Chapter 1.08 of the Industry Municipal Code. (Ord. 593 § 1 (part), 1993)