

**ORDINANCE NO. 2254**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING CHAPTER 26 (ZONING) OF THE WEST COVINA MUNICIPAL CODE RELATED TO RESIDENTIAL AGRICULTURAL/SINGLE FAMILY ZONE DEVELOPMENT STANDARDS**

WHEREAS, on the 7<sup>th</sup> day of May, 2013, the City Council initiated a code amendment to revise certain development standards in the Residential Agricultural/Single Family Zones; and

WHEREAS, the Planning Commission held a study sessions on the 9<sup>th</sup> day of July, 2013, the 27<sup>th</sup> day of August, 2013, and the 22<sup>nd</sup> day of October, 2013; and

WHEREAS, the Planning Commission, upon giving required notice, did on the 26<sup>th</sup> day of November, 2013, conduct a duly advertised public hearing as prescribed by law, at which time the Planning Commission adopted Resolution No. 13-5546 recommending to the City Council approval of Code Amendment No. 13-03.

WHEREAS, the City Council considered evidence presented by the Planning Commission, Planning Department, and other interested parties at a duly advertised public hearing on the 17<sup>th</sup> day of December, 2013; and

WHEREAS, studies and investigations made by this Commission and in its behalf reveal the following facts:

1. On May 7, 2013, The City Council adopted Ordinance No. 2243 that adopted a moratorium that initiated a code amendment to consider amending the development standards in the Residential Agricultural/Single Family Zones.
2. Due to changes in the intensity of development on single-family properties it is appropriate to review the regulations to determine if revisions to development standards should be modified for thresholds and setbacks to clarify regulations.
3. The proposed action is considered to be exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the proposed action consists of a code amendment, which does not have the potential for causing a significant effect on the environment as the code revisions would require discretionary review of small structures that would be categorically exempt and would be evaluated on a case by case basis.

NOW, THEREFORE, by the City Council of the City of West Covina does ordain as follows:

**SECTION NO. 1:** The above recitals are true and correct and are incorporated herein as if set forth herein in full.

**SECTION NO. 2:** Based on the evidence presented and the findings set forth, Code Amendment No. 13-03 is hereby found to be consistent with the West Covina General Plan and the implementation thereof and that the public necessity, convenience, general welfare, and good zoning practices require Code Amendment No. 13-03.

**SECTION NO. 3:** Based on the evidence presented and the findings set forth, the Planning Commission of the City of West Covina hereby recommends to the City Council of the City of West Covina that it approves Code Amendment No. 13-03 to amend Chapter 26 (Zoning) of the West Covina Municipal Code to read as shown on Exhibit "A."

**SECTION NO. 4:** The City Clerk shall certify to the passage of this Ordinance and it shall be published as required by law.

APPROVED AND ADOPTED on this 21<sup>st</sup> day of January 2014.

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Mayor Steve Herfert

ATTEST:

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City Clerk Nickolas S. Lewis

I, NICKOLAS S. LEWIS, CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 17<sup>th</sup> day of December 2013. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 21<sup>st</sup> day of January 2014 by the following vote:

AYES: Sykes, Toma, Warshaw, Herfert  
NOES: Spence  
ABSENT: None  
ABSTAIN: None

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City Clerk Nickolas S. Lewis

APPROVED AS TO FORM:

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City Attorney Arnold Alvarez-Glasman

## EXHIBIT A

### CHAPTER 26 ZONING

#### RESIDENTIAL AGRICULTURAL ZONE/SINGLE FAMILY ZONE

SECTION 1. Section 26-402 of Article VIII of Chapter 26 of the West Covina Municipal Code, off-street parking, is amended to read as follows:

##### Sec. 26-402. Off-Street Parking

- (a) ~~In R-A and R-1 zones~~ Each single-family dwelling shall provide ~~there shall be~~ four (4) accessible off-street parking spaces ~~provided~~ for each dwelling unit. A minimum of two (2) spaces shall be enclosed on three (3) sides and roofed. **The provisions of this section shall apply to new single-family dwelling construction after January 1, 1993.**
- (b) **For single-family dwellings with a gross floor area (exclusive of garages) of 4,500 square feet or greater or with five (5) or more bedrooms a minimum of the three (3) off-street parking spaces located within an enclosed garage is required. Tandem parking may be permissible for the purpose of providing the three (3) required parking spaces provided tandem parking is limited to not more than one vehicle behind another and a minimum of two parking spaces are provided side-by-side at the garage entrance. Legal nonconforming covered parking spaces in existence prior to February 21, 2014 that do not fully meet these requirements may continue to be maintained, repaired, and/or rebuilt to the same size and configuration as long as such nonconforming covered parking spaces were legally established and maintained. The requirements of this Section shall apply to new construction and the expansion of existing single-family dwellings.**
- (c) ~~However,~~ When a carport is not readily visible from the street, the city may determine that six-foot or higher masonry walls around the perimeter of the property (or other view-obscuring physical or topographical features) constitute enclosure. ~~The provisions of this section shall apply to new single-family dwelling construction after January 1, 1993, and when any expansion to an existing single-family structure exceeds the maximum permitted for a lot as outlined in section 26-296.110. In all other cases, there shall be two (2) accessible off-street parking spaces enclosed on three (3) sides and roofed, provided for each dwelling unit, except as provided in subsection (e) below.~~
- (~~b~~d) All covered parking spaces shall be enclosed on three (3) sides and roofed unless a carport is not readily visible from the street, the city may determine that six-foot or higher masonry walls around the perimeter of the property (or other view-obscuring physical or topographical features) constitute enclosure. Porte cocheres may be allowed when visible from the street if the architectural style and materials are consistent with the house, subject to the review and approval of the planning director.
- (~~e~~e) Garages and carport shall have a minimum interior clear width and depth of twenty (20) feet between columns or walls. **Three-car garages shall have a minimum interior clear width of thirty (30) feet and depth of 20 feet. In cases where a tandem parking space is proposed to comply with a required three (3) car garage, a minimum of two parking spaces shall be provided side-by-side at the garage entrance and minimum ten (10) feet by twenty (20) feet shall be provided behind.** Unless otherwise approved in advance by the planning director in writing, placement of garage doors shall be centered between columns or walls. Access to such parking shall be paved, not less than twelve (12) feet in width, nor wider than the garage or carport, except as modified in section 26-402.5. The balance of the required spaces, if uncovered, shall have minimum dimensions of eight (8) feet by sixteen (16) feet.
- (1) In the case where an expansion to the existing single-family structure exceeds the maximum permitted for a lot as outlined in section 26-296.110~~1100~~, any garage or carport shall conform to the provisions regulating width and depth in subsection (c) of this section, and any front, side and rear yards as regulated by this article.
- (~~d~~f) Garages or carports opening towards a side street shall be set back a minimum of twenty-two (22) feet from the property line.

- (e) ~~No off-street parking spaces established prior to January 1, 1964, by permit, shall be considered nonconforming.~~
- (1) ~~Except as set forth in subsection (b)(1) of this section, where a detached accessory garage constructed by permit results in a side yard which subsequently does not conform to section 26-405 of this article, said side yard shall be considered a legal nonconforming use. As such, that detached accessory garage may be connected to the main structure by a roofed area (lattice and patio covers included), and shall be permitted to maintain the legal nonconforming side yard.~~
- (fg) In addition to the minimum number of off-street parking spaces required for each dwelling unit, additional off-street parking space(s) shall be required on the basis of dwelling unit size according to the following schedule:

Gross Unit Size (Sq. Ft.) (Exclusive of Attached Garages)	Additional Number of Required Off-Street Parking Spaces
4000—5499	1
5500—7000	2
7001—8000	3
8001+	As per an approved CUP or maximum unit size exception

Said additional space(s) may, but need not, be provided in a carport or garage. The minimum required dimensions for uncovered spaces shall be eight (8) feet by sixteen (16) feet.

- (gh) Garages which are intended to accommodate four (4) or more cars shall not open to any public street, unless designed as a subterranean garage.

*(Code 1960, § 10702.02; Ord. No. 1333, § 1, 4-25-77; Ord. No. 1530, § 1, 2-8-82; Ord. No. 1878, § 2, 5-13-91; Ord. No. 1910, § 2, 10-13-92; Ord. No. 2030, § 4, 4-20-99; Ord. No. 2141, § 3, 7-19-05; Ord. No. 2154, § 3, 9-19-06; Ord. No. 2184, § 3(Exh. A), 12-16-08)*

SECTION 2. Section 26-406.5 of Article VIII of Chapter 26 of the West Covina Municipal Code, for level rear yard requirements on lots with graded pad, is added to read as follows:

**Sec. 26-406.5. Rear Yard, Level Area Requirement on Lots with Graded Pads**

**For hillside lots with graded pads, a minimum ten (10) foot substantially flat area for pedestrian and emergency access shall be provided between the rear of the house and the slope, measured perpendicularly from the structure (a one-story open patio cover may be located in the level area in compliance with other development standards). Legal nonconforming structures in existence prior to February 21, 2014 that do not fully meet these requirements may continue to be maintained, repaired, and/or rebuilt to the same size and configuration as long as such nonconforming structures were legally established and maintained.**

SECTION 1. Section 26-414 of Article VIII of Chapter 26 of the West Covina Municipal Code, for retaining walls and elevated structures, is amended to read as follows:

Sec. 26-414. Retaining walls and elevated structures.

- (a) *Definitions.* For the purposes of this section, the following definitions shall apply:
- (1) "Retaining wall" shall mean a wall designed to resist the lateral displacement of soil or other materials. The height of a retaining wall shall be measured at continuous points along the length of the wall from the top of the wall to the lowest adjacent finished grade.

- (2) "Landscaped crib wall" shall mean a type of retaining wall comprised of a hollow rectangular cribwork of logs, timbers, reinforced concrete beams, or steel beams filled with soil or rock, designed with vines and/or other planting extended across the face of the wall.
  - (3) "Elevated structure" shall mean any deck, patio, view platform, tennis or sport court, or other similar structure which is elevated above finished grade. The height of an elevated structure shall be measured at continuous points around the perimeter of the structure from the top of the finished floor or slab level of the structure to the lowest adjacent finished grade.
  - (4) "Screened wall or fence" shall mean any wall or fence, other than a retaining wall, designed and constructed for the purposes of screening, security, and/or separation of property.
  - (5) "Screen wall or fence, solid" shall mean any screen wall or fence comprised of a material such that more than thirty (30) percent of the view through the fence or wall is obstructed.
- (b) *Exemptions.* The following types of retaining walls and elevated structures shall be exempt from the regulations of this section regardless of their height:
- (1) Retaining walls and elevated structures that are not readily visible from the ground level of surrounding properties or public rights-of-way as determined by the planning director.
  - (2) Retaining walls necessary for reasons of emergency slope stabilization and/or public safety as determined by the city engineer.
  - (3) Decks or balconies not exceeding two hundred (200) square feet in area which take direct access from the second story of a residence and do not extend horizontally over an area with a horizontal to vertical slope ratio of three to one (3:1) or steeper.
- (c) *Administrative use permit required.* Unless otherwise exempt pursuant to subsection (b) above the following types of retaining walls and structures may only be constructed with the approval of an administrative use permit as set forth in article VI, division 5 of this chapter:
- (1) Any retaining wall or elevated structure in excess of four (4) feet in height.
  - (2) Any retaining wall or elevated structure constructed in combination with a screen wall or fence above, such that the combined height exceeds eight and one-half (8.5) feet. Wall and fence surfaces, or portions thereof, that are not solid as defined in subsection (a)(4) above shall not be counted toward the measurement of height.
  - (3) Any structure constructed on top of an area of artificial fill created by a retaining wall or constructed on top of an elevated structure proposed or approved pursuant to subsections (1) and (2) above, such that any portion of such structure is located within five (5) feet of the edge of the retaining wall or elevated structure. Such structures shall not be subject to the maximum height limits pursuant to subsection (d) below.
- (d) *Maximum height.* Except for those walls and structures exempted pursuant to subsection (b) above, no retaining wall (except for a landscaped crib wall) or elevated structure shall exceed a maximum height of eight (8) feet, and no landscaped crib wall shall exceed a maximum height of fifteen (15) feet. The height of screen walls and fences constructed above retaining walls and elevated structures shall comply with the standards set forth in ~~section 26-412~~ **section 26-413** of this article.
- (e) Required Setbacks for Elevated Structures. All elevated structures shall provide side setbacks of 1.5 times the required side setbacks and shall comply with the required rear yard setback specified in section 26-406. In cases where a side or rear property line is adjacent to a landscape maintenance district, golf course, country club, park, public school or similar type of permanent open space the setback adjacent to such use shall comply to the standard setback required.**
- (ef) *Parallel retaining walls and fences.* Any retaining walls constructed in combination with other retaining walls, screen walls and/or fences on the same property that are separated and approximately parallel to each other shall be separated by a horizontal distance of three (3) feet or greater. Where two (2) or more walls and/or fences are approximately parallel to each other and separated by a horizontal distance of less than five (5) feet, the parallel walls and/or fences shall be treated as a single wall and the height shall be measured at continuous

points from the lowest adjacent finished grade of the lowest wall or fence segment to the top of the highest wall or fence segment. The area between parallel retaining walls and other walls and fences shall be landscaped such that a minimum of two-thirds (2/3) of the wall surface will be screened from view once the landscaping reaches maturity.

(fg) *Maintenance.* It shall be the responsibility of the property owner, or other person leasing, occupying, or having charge or possession of a property to properly maintain all retaining walls, including any associated drainage and irrigation systems, in a safe and undamaged condition. All landscaping required per this section shall be maintained in compliance with the standards set forth in ~~section 26-414~~ **section 26-416** of this article.

(gh) *Submittal requirements.* In addition to the application requirements set forth in division 1, article VI of this chapter, the following information shall also be provided:

- (1) Site plan for the entire site indicating the proposed location of the retaining wall or elevated structure. The plan shall include existing and proposed topographic contours, existing trees and vegetation, elevations for the top and bottom of the proposed wall or structure, and the setback from all property lines.
- (2) Elevation drawings depicting the proposed architectural treatment, including proposed colors and materials.
- (3) Cross-section of the proposed retaining wall or elevated structure at its point of maximum height indicating the existing and finished grade and the height of the structure as it relates to the finished grade.
- (4) Landscape/irrigation plan indicating the size and species of all proposed plant materials.

(hi) *Findings.* Before an application for an administrative use permit for a retaining wall/elevated structure may be granted, the following findings shall be made:

- (1) The proposed retaining wall, elevated structure, and/or other structure, has been designed so as to substantially minimize any adverse aesthetic and visual impacts as visible from surrounding properties and public rights-of-way.
- (2) The proposed retaining wall, elevate structure, and/or other structure complies with the following design standards:
  - a. *Colors and materials.* Decorative materials and/or design elements shall be used as necessary to enhance the aesthetic appearance of the retaining wall or structure. Suggested materials include, but are not limited to, stone, masonry, wood, textured poured concrete, and textured colored precision block with colored grout. Natural and earth-tone colors should be utilized for retaining walls to blend the wall with existing surroundings. A variation in design or materials should be used where necessary to break up large masses and/or add visual interest.
  - b. *Landscaping.* Landscaping shall be integrated into the design of the retaining wall or elevated structure as necessary to screen the retaining wall or structure from open view. Where required, a landscape and irrigation plan shall be reviewed and approved by the planning director. Selected plant species shall be drought tolerant and fire resistant. Suggested plants include, but are not limited to, *Arbutus unedo* (Strawberry Tree), *Nandina domestica* (Heavenly Bamboo), *Parthenocissus tricuspidata* (Boston Ivy), *Photinia* (Photinia), *Pittosporum tobira* (Mock Orange), *Rhus lancea* (African Sumac), *Ribes* (Currant or Gooseberry), and *Xylosma congestum* (Shiny Xylosma).
  - c. *Wall separation.* Retaining walls shall be separated into terraced segments where necessary to break up large undifferentiated masses.
  - d. *Privacy impacts.* Retaining walls and structures shall be located and designed to avoid unreasonable interference with the privacy of surrounding properties.

(Ord. No. 1988, §§ 1, 2(Amd. 274, Exh. A), 2-18-97; Ord. No. 1992, §§ 1, 2(Amd. 277, Exh. A), 4-1-97; Ord. No. 2030, § 4, 4-20-99)