



Chapter 26 Zoning

ARTICLE 1 ENACTMENT AND APPLICABILITY

DIVISION 1 – PURPOSE AND APPLICABILITY OF THE DEVELOPMENT CODE

26-1 Title [Source: NEW]

Chapter 26 of the West Covina Zoning Code shall be known and officially cited as the “Development Code of West Covina, California” and referred to in this Chapter as “the Development Code”.

26-2 Purpose and Objectives [Source: NEW, 26-1]

The Development Code is adopted to implement the City of West Covina General Plan and to protect and promote the health, safety and welfare of West Covina residents.

(a) The Intent of this Development Code is:

- (1) To guide the physical development of the city in such a manner as to achieve progressively the general arrangement of land uses depicted in the general plan.
- (2) To promote the stability of existing land uses that conform with the General Plan and protect them from inharmonious influences and harmful intrusions.
- (3) To foster harmonious, convenient, workable relationship among land uses.
- (4) Respect the City’s environmental setting and constraints, and meet the needs of the city for adequate public services and infrastructure.
- (5) To provide regulations for the logical subdivision of land.
- (6) To Facilitate the appropriate location of community facilities and institutions.
- (7) Safeguard and improve the appearance of the city.

26-3 Applicability of the Development Code Ordinance [Source: NEW]

The Development Code Ordinance applies to all land uses, structures, subdivisions, and development within the City of West Covina, as follows:

- (1) **New Land Uses or Structures, Changes to Land Uses or Structures.** It shall be unlawful, and a violation of the Development Code for any persons to establish, construct, reconstruct, enlarge, alter or replace any use of land or structure, except in compliance with the requirements of Chapter 26. No building permit or grading permit shall be issued by the city unless the proposed construction conforms to all applicable provisions of this Development Code.
- (2) **Subdivisions.** Any subdivision of land proposed within the city after the effective date of this Development Code shall be consistent with the minimum lot size requirements of the applicable zone by article 2, the city’s subdivision regulations set forth in article 8, and all applicable requirements of this Development Code.



- (3) *Minimum Requirements.* The provisions of this Development Code shall be minimum requirements for the promotion of public health, safety, and general welfare. When this Development Code provides for discretion on the part of a city official or body, that discretion may be exercised to impose more stringent requirements than set forth in this Development Code, as may be determined by the applicable review authority to be necessary to promote orderly land use and development, environmental resource protection, and other purposes of the Development Code.
- (4) *Conflicting Requirements:*
 - (1) *Development Code and Municipal Code Provisions.* If a conflict occurs between the requirements of this Development Code or between this Development Code, the City of West Covina Municipal Code, other regulations of the city or California State Law, the most restrictive shall apply.
 - (2) *Development Agreements or Specific Plans.* If conflicts occur between the requirements of this Development Code and standards adopted as part of any development agreement or applicable specific plan, the requirements of the development agreement or specific plan shall apply.
 - (3) *Private Agreements.* This Development Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures of land than a private agreement of restriction (For example, CC&Rs), without affecting the applicability of any agreement of restriction.
- (5) *Other Requirements May Apply.* Nothing in this Development Code eliminates the need for obtaining any other permits required by the city, or any permit, approval or entitlement required by any other applicable special district or agency, and/or the regulation of any state, or federal agency.

26-4 Relationship to Prior Ordinances [Source: NEW]

The provisions of this Development Code, as it existed to the effective date of Ordinance No. 1333 are repealed and superseded as provided in the ordinance enacting this article 1. No provision of the Development Code shall validate or legalize any land use or structure established, constructed, or maintained in violation of the Development Code as it existed prior to the repeal by the Development Code enacting this Development Code, except as addressed by nonconformities created by this Development Code.

26-5 Relationship to General Plan [Source: NEW]

This Development Code is the primary tool used by the City to carry out the goals, objectives, and policies of the General Plan. It is intended that all provisions of this Development Code be consistent with the General Plan and that any development, land use, or subdivision approved in compliance with these regulations will also be consistent with the General Plan.

26-6 Relationship to Other City Ordinances [Source: NEW]

- (a) The provisions of this title shall not be interpreted to repeal, amend, modify, alter, or change any other code that is not specifically repealed, amended, modified, altered, or changed.
- (b) Nothing in this title shall be interpreted to authorize the use of a lot or parcel in any way that is in violation of any other applicable statute, code, or regulation.
- (c) Whenever the provisions of this title are different from the provisions of any other ordinance or adopted code, the more restrictive provisions shall apply, except as the same may be superseded by resolution or ordinance.



- (d) The rights granted by any permit, license, or other approval under any ordinance repealed by this title shall be continued, but in the future, to the extent permitted by law, such rights shall be exercised in accordance with the provisions of this title.
- (e) The provisions of this title are not intended to abrogate any easements, covenants, or other existing agreements which are more restrictive than the provisions of this title.

26-7 Severability, Partial Invalidation of Development Code [Source: NEW]

If any portion of this title is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such determinations shall not affect the validity of the remaining portions of this title. The City Council hereby declares that this title and each article, section, subsection, paragraph, subparagraph, sentence, clause, phrase and portion thereof is adopted without regard to the fact that one or more portions of this title may be declared invalid, unconstitutional, or unenforceable.

DIVISION 2 – INTERPRETATION OF THE DEVELOPMENT CODE

26-8 Purpose [Source: NEW]

This Division provides rules for resolving questions about the meaning or applicability of any part of this Development Code. The provisions of this chapter are intended to ensure the consistent interpretation and application of the provisions of this Development Code and the general plan.

26-9 Procedures for Interpretation [Source: 26-165, 26-166]

Authority. The community development director or their designee shall have the responsibility and authority to interpret the meaning and applicability of any part of this Development Code.

26-10 Land Uses Not Classified [Source: NEW]

- (a) *Uses not listed are not allowed.* If a proposed use of land is not specifically listed in article 2, the use shall not be allowed except as provided below:
- (b) *Director's determination.* Based on the authority granted in 26-9 above, the community development director or their designee may determine that a proposed land use that is not listed in article 2 may be allowed. In making this determination, the community development director shall first make all of the following findings:
 - (1) The characteristics of, and activities associated with the proposed use are equivalent to those of one or more of the uses listed in the zone as allowable, and will not involve a greater level of activity, population density, intensity, traffic congestion, parking, dust, odor, noise, emissions, or similar impacts than the uses classified in the zone;
 - (2) The proposed use will meet the purpose and/or intent of the zone that is applied to the location of the use; and
 - (3) The proposed use will be consistent with the goals, objectives, and policies of the General Plan and/or any applicable specific plan or planned development permit.
 - (4) The Decision of the Community Development Director is appealable to the Planning Commission pursuant to the provisions set forth in Article 6, Division 1. All such final determinations shall be recorded in writing to include a finding that the proposed use is substantially similar to uses permitted in the proposed zone and consistent with the intent of the applicable zone.
- (c) *Applicable standards and permit requirements.* Upon the community development director's determination that a proposed but unclassified land use is equivalent to a listed use, the proposed use



will be treated in the same manner as the listed use in determining where the use if allowed, what permits are required, and what additional standards and requirements of this Development Code apply.

26-11 Headings and Illustrations [Source: NEW]

In the case of conflict between the Development Code text and any diagram, illustration or image contained in the Development Code, the text shall control.

DIVISION 3 – ZONING DISTRICTS AND ZONING MAP

26-12 Purpose [Source: NEW]

This section establishes the zoning districts to property within the city and determines how the zoning districts are applied on the zoning map.

26-13 Establishment of Zoning Districts [Source: 26-134]

In order to classify, regulate, restrict, and segregate the uses of land and buildings, to regulate and restrict the height and bulk of buildings and to regulate the area of yards and other open spaces about buildings and to regulate the density of population, the various zones hereinafter named and set forth in this chapter are hereby established.

26-14 Official Zoning Map [Source: 26-136]

The zones established by this chapter and the boundaries of such zones are shown upon a map which is made a part of this title and which is designated as the "Official Zoning Map." Such zoning map may, for convenience, be divided into parts, and each such part may, for purposes of more readily identifying areas within such zoning map, be subdivided into units, and each such part and unit may be separately used for purposes of amending the zoning map or for any official reference to the zoning map.

26-15 Uncertainty of Zoning District Boundaries [Source: 26-139]

If uncertainty exists as to the boundary of any zone shown on the zoning map, the following rules shall apply:

- (a) Street, alley, right-of-way or Lot Lines. If the indicated zone boundaries are approximately street, alley, right-of-way or lot lines, such lines shall be construed to be the boundaries; otherwise such boundaries shall be determined by use of the scale appearing on the zoning map unless specifically indicated by dimensions.
- (b) Vacated Street or Alley. If a street or alley is officially vacated or abandoned, the zone boundary shall be changed to include such vacated or abandoned street or alley in the same zone as the adjoining property to which it reverts.
- (c) Determination by Community Development Director. If there is uncertainty about a zone boundary, the Community Development Director or their designee shall, by written decision, determine the location of the zone boundary.
- (d) The Decision of the Community Development Director is appealable to the Planning Commission pursuant to the provisions set forth in Article 6, Division 1. All such final zone boundary determinations shall be recorded in writing.

26-16 Classification of Annexed Parcels [Source: 26-141]

Before property is annexed to the city it shall be pre-zoned to a district that is consistent with the General Plan. If a general plan land use designation has not been placed upon the property, a general plan amendment will be required to establish a land use designation for the property before the property can be pre-zoned and annexed to the city.



DIVISION 4- DEFINITIONS [SOURCE: 26-63]

26-17 General Definitions

26-18 "A" Definitions

Accessory building or structure. A part or the whole of a building or structure, the use of which is subordinate and incidental to the main use and/or structure. Where fifty (50) percent or more of the wall of an accessory building or structure constitutes a common wall with the main building, or where less than fifty (50) percent of the wall of the accessory building or structure constitutes a common wall with the main building but in which wall there is contained an opening that permits direct pedestrian passage from one to the other, then such an accessory building or structure shall be considered a part of the main building.

Accessory dwelling unit shall have the same meaning as that stated in Government Code section 65852.2 as that section may be amended time to time.

Accessory habitable quarters/guest houses. A permanently constructed habitable quarters, separate from the primary residence, and having no kitchen facilities, which is clearly subordinate or incidental to the primary residence on the same lot. The accessory habitable quarters may include only a sleeping area, living area, and bathroom within an attached or detached accessory structure and for use by guests or occupants of the primary residence. The accessory habitable quarters shall not be separately rented, leased or let (by direct or indirect compensation) or otherwise occupied separately from the primary residence. Accessory habitable quarters were historically known as guest houses. New accessory habitable quarters/guest houses are no longer allowed.

Accessory use. A use of the land or building which is clearly incidental and subordinate to the principal use of the land or building (but which does not alter the main use), both of which uses are located on the same lot and/or within the same building.

Adult cat or adult dog. Any dog or cat over four (4) months of age.

Adult day care facility means a state-licensed establishment providing care or supervision on less than a 24-hour-per-day basis for senior citizens.

Adult oriented business means adult arcades, adult bookstores, adult cabarets, adult hotels/motels, adult motion picture theaters, adult theaters, sexual encounter centers, modeling studios, and any other business or establishment which offers and/or provides to its patrons merchandise, services or entertainment distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, but not including those activities, the regulation of which are preempted or prohibited by state law. "Adult oriented business" shall also include any establishment which, on a regular basis, provides or allows performers, models, or employees to appear in any place in non-opaque clothing, covering, or lingerie or in any opaque covering which is at any time altered to become non-opaque such that specified anatomical areas become visible. For the purposes of this section, emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas is found to be in existence in situations which include, but are not limited to, one (1) or more of the following:

- (1) One (1) of the principal purposes of the business or establishment is to operate as an adult oriented business as evidenced by the name, signage, advertising or other public promotion utilized by said establishment.



- (2) One (1) of the principal purposes of the business or establishment is to operate as an adult oriented business as demonstrated by its services, materials, products or entertainment constituting a substantial or significant portion of total business operations where such services, products or entertainment are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. As used in this division, the term "distinguished or characterized by an emphasis upon" shall mean and refer to the dominant or essential theme of the object described by such phrases. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon" the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character and theme are the depiction of the enumerated sexual activities or anatomical areas. See *Pringle v. City of Covina*, 115 Cal. App. 3d 151 (1981).
- (3) As applied in this division, no business shall be classified as an adult oriented business by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.
- (4) *Adult arcade* means an establishment having as one (1) of its principal business purposes, for any form of consideration, one (1) or more still or motion picture projectors, or similar machines show films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
- (5) *Adult bookstore* means an establishment having as one (1) of its principal business purposes the display and/or distribution of adult merchandise, books, periodicals, magazines, photographs, drawings, sculpture, motion pictures, films, or videos, or other visual representations which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activity or specified anatomical areas.
- (6) *Adult cabaret* means a nightclub, restaurant, or similar business establishment which: (1) regularly features live entertainment as defined herein; and/or (2) which regularly features persons who display specified anatomical areas; and/or (3) shows films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
- (7) *Adult hotel/motel* means a hotel or motel or similar business establishment offering public accommodations for any form of consideration which (1) provides patrons with closed-circuit television transmissions, films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; and (2) rents, leases, or lets any room for less than a six-hour period, or rents, leases, or lets any single room more than twice in a twenty-four-hour period.
- (8) *Adult merchandise* means sexually oriented implements and paraphernalia, such as, but not limited to: dildo, auto suck, sexually oriented vibrators, edible underwear, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually oriented devices.
- (9) *Adult motion picture theater* means an establishment having as one of its principal business purposes, the showing of, for any form of consideration, films, computer generated images, motion pictures, video



cassettes, slides, or similar photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

- (10) *Adult oriented material* means any book, periodical, magazine, photograph, drawing, sculpture, motion picture film, video, CD-ROM, laser disk, DVD, flash drives, steaming subscriptions, or other visual representation distinguished or characterized by an emphasis upon the depiction or description of specified sexual activity or specified anatomical areas.
- (11) *Adult theater* means a theater, concert hall, auditorium, or similar establishment which, for any form of consideration regularly features, as one of its principal business purposes, live performances which are distinguished or characterized by an emphasis on the display of specified sexual activities or specified anatomical areas.
- (12) *Business permit, adult-oriented* means a permit validly issued by the City of West Covina to operate an adult oriented business.
- (13) *Employee, adult-oriented* means any person who performs any service on the premises of a sexually oriented business, on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. "Employee" does not include a person exclusively on the premises for repair or perform maintenance of the premises or for the delivery of goods to the premises.
- (14) *Establishment of an adult oriented business* means:
- (a) The opening or commencement of any adult oriented business as a new business;
 - (b) The conversion of an existing business, whether or not an adult oriented business, to any adult oriented business, as defined;
 - (c) The addition of any adult oriented business to any existing business or an existing adult oriented business;
 - (d) The relocation of any adult oriented business;
 - (e) A change in twenty-five (25) percent or more of the ownership of an existing adult oriented business.
- (15) *Existing adult-oriented business* means a business that has been in operation within the past six (6) months. An adult oriented business shall only be considered an existing business if it has been in operation as an adult oriented business within the past six (6) months.
- (16) *Individual viewing area* means any area designed for occupancy of only one (1) person at any time for the purpose of viewing live performances, pictures, movies, videos, or other presentations.
- (17) *Live entertainment, adult oriented* means any display or performance by a human being which is characterized by an emphasis on specified sexual activities or specified anatomical areas.
- (18) *Modeling studio, adult-oriented* means an establishment having as one of its principal business purposes, provides, for any form of compensation, models who, for the purposes of sexual stimulation of patrons,



display specified anatomical areas to be observed, sketched, photographed, painted, sculpted, or otherwise depicted by persons paying such consideration. "Modeling studio" does not include schools maintained pursuant to standards set by the State Board of Education. "Modeling studio" further does not include a studio or similar facility owned, operated, or maintained by an individual artist or group of artists, and which does not provide, permit, or make available specified sexual activities.

- (19) *Nudity or nude* means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.
- (20) *Operator, adult-oriented* means any person who causes an adult oriented business to function or who puts or keeps in operation the business or who is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated an adult oriented business whether or not that person is an owner, part owner, or permittee of the business.
- (21) *Owner or manager, adult -oriented* means any person who operates, owns, or otherwise has control over an adult oriented business.
- (22) *Performer or adult oriented business performer* means any dancer, model, entertainer, or other person who publicly performs specified sexual activities or publicly displays specified anatomical areas, or otherwise engages in performances distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
- (23) *Adult-oriented performer permit* means a permit validly issued by the City of West Covina for a person to work as an adult oriented business performer within the City of West Covina.
- (24) *Adult-oriented permittee* means a person in whose name a permit to operate an adult oriented business has been issued, including the individual or individuals listed as an applicant on the application for an adult oriented business permit. In the case of a performer, it means the person in whose name the adult oriented performer permit has been issued. "Permittee" shall include the permittee's employees, agents, partners, directors, officers, shareholders or managers.
- (25) *Premises, adult-oriented* means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the permittee, as described in the application for a sexually oriented business permit.
- (26) Principal adult-oriented business purpose means that the establishment:
- (a) Has a substantial portion of its displayed merchandise which consists of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, flash drives, steaming subscriptions, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas;



- (b) Has a substantial portion of the wholesale value of its displayed merchandise which consists of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, flash drives, steaming subscriptions, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas;
 - (c) Has a substantial portion of the retail value of its displayed merchandise which consists of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, flash drives, steaming subscriptions, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas;
 - (d) Derives a substantial portion of its revenues from the sale or rental, for any form of consideration of live performances, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, flash drives, steaming subscriptions, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas;
 - (e) Maintains a substantial section of its net floor area for the sale or rental of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, flash drives, steaming subscriptions, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas; or
 - (f) Regularly features live performances, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, flash drives, steaming subscriptions, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas; and prohibits access by minors, by reason of age, to its premises, and regularly advertises, on signage visible from a public right-of-way, as providing items that the advertising describes using the term "adult," "xxx," "triple-x," "x-rated," "erotic," "sexual," or a term or terms with similar import.
- (27) *Sexual encounter center* means any business, agency or person who, for any form of consideration or gratuity, provides a place where three (3) or more persons, not all members of the same family, may congregate, assemble or associate for the purposes of engaging in specified sexual activities or exposing specified anatomical areas.
- (28) *Specified anatomical areas* means:
- (a) Less than completely and opaquely covered human genitals; pubic region; buttock; or female breast below a point immediately above the top of the areola; or
 - (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (29) *Specified sexual activities* means:
- (a) The exposure, display or depiction of human genitals in a state of sexual stimulation or arousal;



- (b) Acts of sexual intercourse, human masturbation, sexual stimulation or arousal; or
- (c) Fondling or other erotic touching of one's own or another(s)' body/bodies, human genitals, pubic region, buttock, or female breast whether covered or not.

(30) *Specified criminal activity* means any of the following specified crimes:

- (a) Rape, child molestation, sexual assault, sexual battery, aggravated sexual assault, aggravated sexual battery, or public indecency;
- (b) Prostitution, keeping a place of prostitution, pimping, or pandering;
- (c) Obscenity, disseminating or displaying matter harmful to a minor, or use of child in sexual performance;
- (d) Any offense related to any sexually-oriented business, including controlled substance offenses, tax violations, racketeering, crimes involving sex, crimes involving prostitution, or crimes involving obscenity;
- (e) Any attempt, solicitation, or conspiracy to commit one (1) of the foregoing offenses; or
- (f) Any offense in another jurisdiction that, had the predicate act(s) been committed in California, would have constituted any of the foregoing offenses.

(31) *Substantial* means at least twenty-five (25) percent.

Advisory Agency. The planning commission is hereby designated as the advisory agency referred to in the Subdivision Map Act. As such, it will be charged with the duty of making investigations and reports on the design and improvement of proposed divisions of real property, the imposing of requirements or conditions thereon, and having the authority to approve, conditionally approve or disapprove tentative maps of subdivisions.

Aircraft :

- (1) *Aircraft.* A device that is used or intended to be used for flight in the air, including, but not limited to hang gliders, motorized hang gliders, ultralights, hot-air balloons, planes and helicopters.

Alley. A public or private right-of-way less than forty (40) feet wide which affords a means of vehicular access to the side or rear of properties abutting a street or highway.

Allowable building area. That site area not included in the required front, side or rear setbacks. See "Floor area Ratio".

Amendment. A change in the wording, content or substance of this chapter, or a change in the zone boundaries upon the zoning map, a part of this chapter, when adopted by the city council in the manner prescribed by law.

Appeal board. The city council is hereby designated as the "appeal board" referred to in the Subdivision Map Act, with all the functions and powers thereof.

Applicant means a person who has applied for, but not obtained any license, permit, certification, or renewal.



Areas of undue concentration. A census tract (as defined by Section 23958.4 of the California Business and Professions Code.) where an undue concentration in the number of alcohol licenses exists as determined by the department of alcoholic beverage control (ABC).

Arborist. A person who is a California Certified Arborist; a person accredited by the International Society of Arboriculture in California.

Architectural extension. A tower, or other tall element that extends beyond the roof of a building for the sole purpose of serving as an architectural or aesthetic feature.

Architectural lighting. Any arrangement, other than signage, of lighting to outline or highlight certain features such as the shape of a building or the decoration of a wall or window.

Athletic club. A site containing two (2) or more indoor or outdoor facilities such as gymnasiums, racquetball courts, and swimming pools, which devotes less than ten (10) percent of its building floor area to massage or bathhouse activities (also called health spa).

Attic. The space between a pitched roof and ceiling of the highest floor of the house.

Automaker shall mean a company that manufactures cars.

Automobile wrecking. The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.

Awning. A structure of malleable material which is designed to provide shelter and is attached to the underlying permanent structure.

26-19 "B" Definitions

Bachelor apartment. One (1) room and bath, without cooking facilities, in a multiple dwelling.

Basement. That portion of a building where perimeter walls and floor are completely below adjacent grade except for six (6) inches of wall as measured from the bottom of the sole to the bottom plate. The basement, when designed for, or occupied for business, manufacturing, or for dwelling purposes (subterranean garages exempted), shall be considered a story.

Bedroom. A bedroom is a room used for sleeping purposes that is separable from other rooms by walls with a door and/or an opening/doorway less than 5 feet in width whether designated as a bedroom or den, study, library, bonus room, media room, or other similar term. A kitchen, hall, powder room, pantry, kitchen nook, laundry room, garage, and bathroom shall be specifically excluded, without limitations.

Billiards. Billiard and pool games shall mean any of the several games on a table (including those coin-operated), surrounded by an elastic ledge or cushions, with balls which are intended to be propelled by cues.

Billiard parlor, main use. Any place containing billiard tables not as an accessory to a main use.

Billiard parlor, accessory use. A use accessory to a main use, containing four (4) or more billiard tables and no more than 10 percent of the total floor area available for customer assembly and/or dining.



Block. All property fronting upon one (1) side of a street between intersecting and intercepting streets, or between a street and a right-of-way, waterway, terminus or dead-end street, or city boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

Body piercing. The business of perforating the skin using a needle or otherwise, so as to produce a piercing on the cartilaginous part of the ear or any part of the body.

Box size. The size of a tree's container when sold, if boxed.

Building. Any structure having a roof built for support, shelter, or enclosure of persons, animals, chattels, or property of any kind; but excluding all forms of vehicles even though immobilized. Where this chapter requires, or where special authority granted pursuant to this chapter requires, that a use shall be entirely enclosed within a building, this definition shall be qualified by adding "and enclosed on all sides."

Building, Enclosed. A Building enclosed on all sides.

Building coverage. The area of a lot covered by buildings or other roofed structures, including any eaves extending more than two (2) feet beyond any support structure. Permeable roof materials (e.g., lattice-work) covering two hundred (200) square feet or less will not be included in the lot coverage calculation.

Building frontage. That side of a building which contains the main entrance for pedestrian ingress and egress. If more than one (1) main entrance exists, the one that most nearly faces or is oriented to the street of highest classification as portrayed on the current master plan of streets and highways shall be considered the building frontage. If all streets are of the same classification, the side of the building with the smallest lineal dimension containing a main entrance shall be considered the building frontage.

Building height. The vertical distance measured from the highest point of the roof structure to the lowest adjacent finished "grade" of the same structure, but exclusive of vents, air conditioners, chimneys, or other such incidental appurtenances, and/or the necessary depth needed to accommodate subterranean parking in commercial and multiple family residential zones.

Figure 1-1
Exhibit

Building identification sign. A sign or signs which portray, through the use of words or symbols, the identifying name assigned to the building by the owner thereof.

Building line. A line running parallel to a lot line, that is the same distance from the lot line as the closest portion of a building on the site.

Figure 1-2
Exhibit

Building site shall mean:

- (1) The ground area of one (1) lot or parcel, or



- (2) The ground area of two (2) or more lots or parcels when used in combination for a building or permitted group of buildings, together with all open spaces as required by this chapter.

Business or commerce. The purchase, sale or other transaction involving the handling or disposition of any article, service, substance or commodity for livelihood or profit; or the management of office buildings, offices, recreational or amusement enterprises; or the maintenance and use of offices, structures and premises by professions and trades rendering services.

26-20 "C" Definitions

Cannabis shall have the same definition as that set forth in California Health and Safety Code section 11018.

- (1) *Medical cannabis* shall mean cannabis used for medical purposes in accordance with California Health and Safety Code section 11362.5.
- (2) *Cannabis cultivation* shall mean any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

Canopy structure. A sheet of flexible material, fabric or membrane such as nylon, plastic, or other similar material that is supported by or attached to a frame having a location on the ground and made of fiberglass, metal, wood or plastic or any other similar material. Canopy structures may be used as tents or to provide shelter or covering for storage of automobiles, boats, recreational vehicles, or other similar uses. Canopy structures include but are not limited to, prefabricated canopies ready-made for simple assembly, and canopies which are built, constructed or composed of parts joined together in some definite manner, but excludes awnings attached to buildings and temporary coverings used to protect property during government-ordered aerial sprayings.

Caliper. The maximum diameter of the trunk of a tree measured at four-and-a-half (4.5) feet above the natural grade. In the case of multi-trunked trees, "caliper" shall mean the sum of the calipers of each individual trunk measured at four-and-a-half (4.5) feet above grade.

Car dealership shall mean a dealership selling new vehicles that has obtained permission and authority to sell vehicles as a direct agent of a major automaker.

Carport. A shelter for an automobile consisting of a roof; with or without walls, but not containing a door.

Child day care facility. A facility, licensed by the State of California, which provides nonmedical care to children under eighteen (18) years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four-hour basis. Child day care facilities include day care centers, and family day care home.

Club, nonprofit. An association of persons for some common nonprofit purpose but not including groups organized primarily to render a service which is customarily carried on as a business. The serving of alcohol in conjunction with a club shall be permitted only when the use is as defined in Section 23428.9 of the California Business and Professions Code.

Commercial cannabis activity includes cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of: 1) cannabis and cannabis products, including medical cannabis, medical cannabis and medical cannabis products within the meaning of California Business and



Professions Code Section 26000, et seq., and 2) Adult-use cannabis, cannabis products, cannabis and cannabis products, except for personal cultivation as permitted in Section 26-113 of the West Covina Development Code.

- (1) *Cannabis dispensary* means a premises where medical cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers, pursuant to Section 26000 - 26352, medical cannabis and medical cannabis products as part of a retail sale.
- (2) *Cannabis transport dispensary* means any person or entity that transports or offers to transport cannabis in any vehicle or by any other means. A person who is transporting cannabis to a qualified patient for whom he or she is the primary caregiver shall not be a "cannabis transport business."
- (3) *Primary caregiver, cannabis* is an individual, designated by a qualified patient or by a person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person as is further defined in California Health and Safety Code section 11362.7.
- (4) *Qualified cannabis patient* is a person who is entitled to the protections of the California Health and Safety Code section 11362.7, inclusive of a person with an identification card as that term is defined in California Health and Safety Code section 22362.7.

Commission. The planning commission of the city.

Community Development Director. The Community Development director, or their designee.

Composting. A method of waste treatment in which organic solid wastes are biologically decomposed under controlled, aerobic or anaerobic conditions.

Computer game/internet access centers. Any place of business providing one (1) or more computers for public use for the purpose of playing computer games, accessing the internet, or other computer use as a main use or as a secondary or incidental to another use. For the purpose of the chapter, government facilities providing computers for public use shall not be considered as computer game/internet access centers.

Convalescent home. An institution where nursing, dietary and other personal services are rendered to convalescents, but excluding mental cases and cases of contagious or communicable diseases and excluding surgery or primary treatment. Convalescents are persons who are gradually recovering health after an illness; or persons requiring post-operative attention.

Coordinated entry system. A centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

Court. Any portion of the interior of a lot or building site which is wholly or partially surrounded by buildings, and which is not a required front, side or rear yard.

26-21 "D" Definitions



Dance, cabaret. Any dance or dancing held or engaged in at any place or premises licensed by the state to sell, serve or dispense intoxicating liquor for consumption in or at such place or premises.

Dance or dancing schools. The teaching of dancing in any room or building where food is not served as a normal part of its operation and the hours of operation do not extend beyond 10:00 p.m.

Day care center. Any child day care facility, licensed by the State of California, other than a family day care home, and includes infant care centers, preschools, and extended day care facilities.

Decorative block. Masonry units having significant texture, scoring and/or clay faces.

Dedication. A conveyance of land from the private to the public interest for public use pursuant to a request for approval of a final map.

Density. The number of residential units per net acre of land.

Development activity. The work done pursuant to a development proposal approved by the city.

Development application. Any application for a construction permit, precise plan of design, conditional use permit, variance, tentative subdivision map, or a similar approval for the development of property.

Division. Synonymous with the term "subdivision" as used in Article 8.

Dog-proof fence. A fence six (6) feet high of heavy gauge chain link, masonry block, or comparable weatherproof material, or a combination thereof, with a footing which is at least four (4) inches wide and twelve (12) inches deep, below grade.

Donation drop boxes. Any metal, plastic, cardboard or wooden box, bin, container, trailer, accessory structure, or similar facility located outside of an enclosed building or in a parking lot or public place, provided by a person, organization, or collection center for the primary purpose of receiving or storing donated items, including household goods and clothing. The term "donation drop box" does not include any such box located inside of a building or structure.

Dripline. An imaginary line on the ground, at the furthest extension of the canopy around the circumference of the tree. Typically, the dripline is not a perfect circle.

Drive-through facility. Any establishment which is designed to enable persons to receive a service or purchase or consume goods while remaining within a motor vehicle, typically associated with banks, eating and drinking establishments, pharmacies and other commercial uses.

Driveway. A paved area for access to an approved parking area or for parking of vehicles.

- (1) A "primary driveway" shall be defined as that area providing direct access from the street to a garage, carport, or required parking space(s). No driveway established prior to June 1, 1991, by permit, shall be considered nonconforming.
- (2) A "secondary driveway" shall be defined as that area providing direct access to a fully-screened side or rear yard area for the purpose of parking or storing recreational vehicles, recreational equipment and trailers, and/or utility trailers.



Dwelling. A building or portion thereof designed and used exclusively for residential purposes and occupancy, with exception of permitted home occupations, including single family, and multiple dwellings, but shall not include hotels or motels.

- (1) *Dwelling unit.* One (1) or more rooms in a dwelling or apartment house designed for occupancy by one (1) family or similar household unit for living or sleeping purposes, and having only one (1) kitchen.
- (2) *Dwelling, single-family.* A detached building designed exclusively for occupancy by one (1) family or similar household unit and containing one (1) dwelling unit.
- (3) *Dwelling, multiple.* A cluster of attached or detached dwelling units.
 - (a) *Apartment.* A room or group of rooms that is designed, used or intended to be used as a single-family unit and is located in a multiple-family dwelling.
 - (b) *Attached townhouse.* Two or more single-family dwelling units connected by common walls along the sides with either shared or unshared foundations.
 - (c) *Condominium.* The ownership of single units in a multi-unit project with common elements.

26-22 “E” Definitions

Eating place, bona fide. An eating place as defined in Section 23038 of the California Business and Professions Code.

Efficiency units. Also known as single-room occupancy (SRO) residential hotels. A facility that contains five (5) or more guestrooms containing no more than four hundred (400) square feet of habitable space.

Emergency shelters (homeless). A facility that provides immediate and short-term housing, limited to occupancy of six (6) months or less, to homeless persons or families on a first-come, first serve basis where the individual(s) must vacate the facility each morning and have no guaranteed bed for the next night. The facility may offer minimal supplemental supportive services that may include counseling, food, and access to social programs. No individual or household may be denied emergency shelter because of an inability to pay (consistent with Section 50801(e) of the California Health and Safety Code).

Encroach. To extend beyond the allowed limits.

Entertainment, live (in conjunction with a commercial use). Any performance conducted in conjunction with and accessory to a commercial use including, but not limited to, live bands or performances, public singing (for karaoke, see separate definition), and similar activities.

26-23 “F” Definitions

Family. Family means an individual or group of individuals, related or unrelated, living together as a single housekeeping unit, including necessary servants. A family does not include institutional group living situations such as a residential facility, rest home, dormitory, or similar use, nor does it include such commercial group living arrangements such as a roominghouse, motel, hotel, or similar uses.

Family child care home. A home, licensed by the State of California, which regularly provides care, protection and supervision of children, in the provider's own home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away, and includes the following:

- (1) *Large family child care home* means a home that provides family child care for up to twelve (12) children, or for up to fourteen (14) children.
- (2) *Small family child care home* means a home which family child care for up to six (6) children, or for up to eight (8) children.



Flag Lot. A lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip not less than twenty (20) feet in width at any point connecting the main building site area to the frontage street.

Floor area. The square footage of lot areas under solid roof within the surrounding exterior walls of a building, including, but not limited to, habitable attics, basements, lofts, enclosed patios, and sunrooms.

Floor area ratio (FAR). The total gross floor area included within the surrounding exterior walls of all buildings on a lot divided by the net lot area of the subject property. Underground and above-grade parking structures shall not be included in the FAR calculations for commercial and/or multifamily residential development. Parking structures/garages on properties developed with a single-family residential use exceeding 650 square feet shall be included in the FAR calculations.

Frontage. Same definition as Building Frontage.

Front façade. One or more exterior sides of a primary structure, not screened by a solid six (6) foot tall fence/wall, that face the front property line.

Fund-raising events.

- (1) Noncommercial purpose as used herein shall mean the stated purpose of a nonprofit organization as defined in the Internal Revenue Code Section 501(c) [a public entity raising money for an authorized program or purpose].
- (2) Participants as used herein means an individual household, group, family or organization who will pledge or donate any and all proceeds and profits from the sale of such goods to the noncommercial purpose and does not include participants selling such goods for a commercial or personal purpose or profit.
- (3) Sales events as used herein means the indoor or outdoor sale of items which are made or owned by the project sponsors or participants including but not limited to art work, crafts, baked goods, jewelry, quilts, clothing, potted plants, macrame, toys, games, novelties, and knick-knacks for a noncommercial purpose.
- (4) Swap meets means "swap meets" as defined in the Business and Professions Code Section 21661 are prohibited in any zone.

26-24 "G" Definitions

Game arcade, main use. Any place of business containing one (1) or more games of skill or science not as an accessory to a main use.

Game arcade, accessory use. A use accessory to a main use, containing four (4) or more coin-operated games of skill or science.

Garage, private. An accessory building or an accessory portion of the main building designed or used only for the shelter or storage of vehicles owned or operated by the occupants of the main building, having three (3) walls, a roof and a door.

Garage, public. A building other than a private garage used for the care, repair or equipping of automobiles, or where such vehicles are kept for remuneration, hire or sale.



Garage, subterranean. A garage which is a portion of the main structure and so located that (a) all sides but the side which has the main entrance are enclosed by finished grades which are parallel to the garage ceiling and (b) the main entrance is not visible from a street.

Garbage. Every refuse accumulation of animal, fruit, vegetable or other putrescible matter that attends the preparation, consumption, decay, dealing in or storage of meats, fish, fowls, fruit, vegetables or grains. See also "solid waste".

General Plan. The official statement of the city council of the City of West Covina which sets forth its major long-range policies concerning desirable future physical development of the city.

Grade, average. The average of the finished grade at the center of all walls of a building. In case walls are parallel to and within five (5) feet of a sidewalk, the average grade shall be measured at the sidewalk.

Grade, existing. The surface of the ground as it exists prior to disturbance in preparation for a project regulated by this chapter.

Grade, finished. The manufactured surface of the ground as it exists after the completion of a project regulated by this chapter.

Grand opening event. A promotional event held for the purpose of advertising the original opening of a business, a reopening after closure, change in business name, or change in ownership, and completed within six (6) months of that opening or change.

Gross floor area. The area included within the surrounding exterior walls of a building or portion thereof, exclusive of:

- (1) Shaft enclosure.
- (2) Courts.
- (3) Floor area space devoted entirely to heavy mechanical equipment (e.g., air conditioning unit).
- (4) Public restrooms.
- (5) Janitorial equipment room.
- (6) Any other facility common to a central service core.

Gymnasium. A room or building equipped for physical training, sports or exercise that may include accessories such as locker rooms and showers.

26-25 "H" Definitions

Hardscape means any durable, pervious or imperious surface material, including paving for pedestrians and vehicles.

Health and Beauty Spas (Also known as Day spas). Bathhouse. A business that provides a variety of services for the purpose of improving health, beauty, and relaxation through personal care treatments such as massages, facials, body wraps, manicures/pedicures, saunas, steam rooms, or other relaxation treatments.

- (1) Esthetician means a person trained to administer facials, advise customers on makeup and the care of skin and hair and other cosmetic and maintenance procedures.
- (2) Health officer means the county health officer or any other person exercising the duties of health officer of the city.



- (3) License, health and beauty means the license to operate a health and beauty spa as required by the Development Code.
- (4) License authority, health and beauty spa means the police chief or his/her designee charged with the administration of health and beauty spas.
- (5) Massage means any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibration, manipulating, or stimulating the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus or other appliance or device, with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment, or similar preparations.
- (6) Massage technician means any person who administers massage to another person for any consideration whatsoever. "Massage technician" shall include masseur and masseuse.
- (7) Outcall service means the engaging in, conducting or carrying on of any massage or health and beauty spa service for consideration at a location other than a massage parlor or health and beauty spa which has been licensed pursuant to this article.
- (8) Permit, health and beauty spa means the permit to engage in the activities of a massage technician or esthetician or health and beauty spa employee as required by this article.
- (9) Recognized school of massage means any school or institution of learning which has been approved by the superintendent of public instruction of this state pursuant to Education Code Section 94300 et seq., and California Administrative Code, Title 5, Section 18823 et seq. or any successor statute or regulation. Any school or institution of learning offering or allowing courses of a massage technician not approved by the superintendent of public instruction shall not be deemed a recognized school of message.

Heritage tree.

- (a) Any trees identified as such by the planning commission resolution upon the commission findings that the tree or group of trees:
 - (a) Is of historical value because of its association with a place, building, natural feature, or an event of local, regional, or national historic significance;
 - (b) Is identified on any historic or cultural resources survey as a significant feature of a landmark, historic site, or historic district;
 - (c) Is representative of a significant period of the city's development; or
 - (d) Is designated for protection or conservation in a specific plan, conditional use permit, precise plan of design, tract or parcel map or similar development approval.
- (b) *Heritage tree* shall also mean any of the Southern California black walnut tree species (*Juglans californica*), located in the San Jose Hills as found within West Covina's jurisdictional boundaries.
 - (a) This definition shall not affect those Southern California black walnut trees located on R-1 and R-A lots created by any subdivision approved and recorded prior to the effective date of the ordinance enacting this subsection.
 - (b) Any Southern California black walnut tree located on those O-S (Open Space) lots created under the density transfer standards outlined in section 26-59(g), shall further be protected under the guidelines contained in this section.

Hillside areas means those areas which form the complex of hilly topography commonly known as the San Jose Hills, and are so designated on the city's zoning map.

Home occupation. An accessory use or activity of a business nature conducted on residential property by the occupant(s) of the residence. A home occupation shall be clearly incidental and secondary to the



primary residential use of the property and shall not change the residential character of said property or adversely affect the residential neighborhood within which it is located.

Hospital, animal. An establishment in which veterinary services, clipping, bathing, boarding, and other services are rendered to dogs, cats, and other animals.

Hospital and sanitarium. An institution specializing in giving clinical, temporary and emergency services of a medical or a surgical nature to injured persons and patients other than persons suffering from a mental sickness, mental disease, mental disorder or mental ailment.

Hospital, mental. An institution licensed by state agencies under provisions of law to offer facilities, care and treatment for cases of mental and nervous disorders but not licensed to provide facilities and services in surgery, obstetrics and general medical practice. Establishments limiting services to juveniles below the age of five (5) years, and establishments housing and caring for cases of cerebral palsy are specifically excluded from this definition.

Hotel. A building where lodging in sleeping units or suites is available to the transient public and is provided with or without meals for compensation, all for the temporary use of a transient individual who remains as a guest of such establishment less than thirty (30) days, but shall not include jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes and similar buildings where human beings are housed and detained under a legal restraint.

26-26 "I" Definitions

Indoor multi-tenant retail center and indoor swap meet. An indoor commercial area used to accommodate multiple vendors and/or multiple sales areas offering a variety of goods and/or services for sale wherein said sales areas are separated and/or distinguished from one another by means of (1) partitions, screens, walls, barriers, or similar physical devices; and/or (2) different business or sub-business names or other forms of identification as displayed on signs and/or as indicated on sales receipts.

Institution. An establishment maintained and operated by a society, corporation, individual, foundation or public agency for the purpose of providing charitable, social, educational or similar services to the public, groups, or individuals.

26-27 "J" Definitions

Junior accessory dwelling unit shall have the same meaning as that stated in Government Code section 65852.2 as that section may be amended time to time.

26-28 "K" Definitions

Karaoke. A use whereby a song act is performed or participated in by one (1) or more persons when accompanied by audio and/or visual devices. Karaoke entertainment shall be permitted only when in conjunction with a bona fide eating place and when conducted in the main dining area or in an accessory lounge area open to the general public.

Kennel, boarding. Any lot, building, structure, enclosure or premises whereupon or wherein are kept seven or more dogs, cats, or similar small animals in any combination, whether such keeping is for pleasure,



profit, breeding, or exhibiting, and including places where dogs or cats or similar small animals in any combination are boarded, kept for sale, or kept for hire.

Kennel, hobby. The owning, keeping or harboring for show or breeding purposes of four (4) or more adult dogs or cats maintained on the same lot and incidental to the occupancy of the lot for residential purposes, but shall exclude boarding kennels.

Kiosk. A small structure with one or more open sides that is used to vend or sale merchandise or other services.

Kitchen. Any room or any portion of a dwelling unit, guest house or accessory living quarter used, intended or designed to be used for cooking and/or preparing food, including but not limited to counter space, sink(s), microwave ovens, hot plates, refrigeration, and/or wet bars.

Kitchen, efficiency. Limited kitchen facilities which contains a sink, food preparation counter, food storage cabinet, and electric circuitry for common kitchen appliances.

26-29 "L" Definitions

Landfill. A facility located within California that is permitted by CalRecycle to accept and bury solid waste from jurisdictions within and outside of California.

Landscape means an area planted with vegetative materials, such as lawns, shrubs, flowers, trees, drought tolerant groundcover, or plants.

Landscape/vegetation, live means plant matter, including trees, shrubs and ground cover.

Legislative Body. The city council is hereby designated as the legislative body referred to in the Subdivision Map Act. As such, it will be charged with approval or disapproval of final and parcel maps.

Lot as used in this chapter does not mean or include a condominium, but does include:

- (a) A parcel of real property when shown as a delineated parcel of land with a number or other designation on a plat recorded in the office of the county recorder; or
- (b) A parcel of land, the dimensions or boundaries of which are defined by a record of survey recorded pursuant to the provisions of the subdivision map act of the state in the office of the county recorder;
- (c) A parcel of real property not delineated as in (a) or (b) above and containing not less than the prescribed minimum square footage required in the zone in which it is located and which abuts at least one (1) public street, an alley or a private easement determined by the commission to be adequate for purposes of access from a street, and provided further that before building improvements are erected upon such a lot or parcel the private easement right-of-way shall be improved to a standard not less than that defined by the city's specifications for a local street;
- (d) A parcel of land registered under the Land Title Law (Torrens Title), and held under separate ownership from adjacent property on the effective date of this chapter.

Lot area or parcel area. The total horizontal area within the boundary lines of a lot or parcel.



Lot area, net. The lot/parcel area, excluding any public or private access easements such as an alley, highway, street, parkway, or similar right-of-way, or a private driveway serving another property, excluding the flag-strip portion of any lot necessary for vehicle ingress/egress access, and excluding above-ground easements for paved flood control channels not available for use by the property owner.

Lot, corner. A lot situated at the intersection of two (2) or more streets, which streets have an angle of intersection of not more than one hundred thirty-five (135) degrees.

Lot depth. The horizontal length of a straight line drawn from the midpoint of the front lot line and at right angles to such line connecting with a line intersecting the midpoint of the rear lot line and parallel to the front lot line. In the case of a lot having a curved front line the front lot line, for purposes of this section, shall be deemed to be a line tangent to the curve and parallel to a straight line connecting the points of intersection of the side lot lines of the lot with the front lot line.

Lot, flag. A lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip not less than twenty (20) feet in width at any point connecting the main building site area to the frontage street.

Lot, hairpin. A lot having frontage on a single street comprising more than fifty (50) percent of the total perimeter of the lot.

Lot, interior. A lot other than a corner lot, reversed corner lot, hairpin lot, or through lot with a frontage on only one street.

Lot, key. The first lot to the rear of a reversed corner lot and whether or not separated by an alley.

Lot line, front. In the case of an interior lot, a line separating the lot from the street. In the case of a corner lot, the line separating the narrowest street frontage of the lot from the street.

Lot line, rear. A lot line which is opposite and most distant from the front lot line. For the purpose of establishing the rear lot line of a triangular or trapezoidal lot, or of a lot the rear line of which is formed by two (2) or more lines, the following shall apply:

- (a) For a triangular or irregular lot, a line ten (10) feet in length within the lot and farthest removed from the front lot line and at right angles to the line comprising the depth of such lot shall be used as the rear lot line;
- (b) In the case of a trapezoidal lot the rear line of which is not parallel to the front lot line, the rear lot line shall be deemed to be a line at right angles to the line comprising the depth of such lot and drawn through a point bisecting the recorded rear lot line; or
- (c) In the case of a pentagonal lot the rear boundary of which includes an angle formed by two lines, such angle shall be employed for determining the rear lot line in the same manner as prescribed for a triangular lot.

Lot line, side. Any lot boundary line not a front lot line or a rear lot line.

Lot, reversed corner. A corner lot, where the rear of such corner lot abuts the side of another corner lot.

Lot, through. A lot having frontage on two (2) parallel or approximately parallel streets.



Figure 1-3
Exhibit

Lot width, average. The width of the lot as measured from a line drawn perpendicular to a line connecting the mid-points of the front and rear property lines and intersecting the line at a point located one-third the length of the line from the front property line.

Low-and moderate-income and senior citizen housing.

- (a) *Affordable housing costs.* Monthly housing expenses expressed as a proportion of gross monthly income that can be reasonably allocated for this purpose. Housing costs for rental dwelling units shall include (1) monthly rent, and (2) a reasonable allowance for utilities. Housing costs for "for-sale" dwelling units shall include the sum of the actual or projected monthly payments for (1) principal and interest on a mortgage loan, including any loan insurance fees, (2) property taxes and assessments, (3) fire and casualty insurance, (4) property maintenance and repairs, (5) homeowners association fees (if any), and (6) a reasonable allowance for utilities. For households of the following income levels, affordable housing costs shall not exceed the following limits:
 - (1) Very low income households: Thirty (30) percent of fifty (50) percent of the area median income for Los Angeles County, adjusted for household size, divided by twelve (12).
 - (2) Lower-income households: Thirty (30) percent of seventy (70) percent of the area median income for Los Angeles County, adjusted for household size, divided by twelve (12).
 - (3) Moderate-income households: Thirty-five (35) percent of one hundred ten (110) percent of the area median income for Los Angeles County, divided by twelve (12).
- (b) *Affordable sales price.* A sales price at which very low income and lower-income households can qualify for the purchase of target units, calculated on the basis of underwriting standards of mortgage financing available for the housing development.
- (c) *Affordable unit.* A dwelling unit within a residential development which will be reserved for sale or rent to very low, low, or moderate-income households at an affordable sales price or affordable rents in a manner to qualify the residential development for a density bonus under this chapter.
- (d) *Area median income.* Area median income for Los Angeles County as published by the State of California pursuant to California Code of Regulations, Title 25, Section 6932, or successor provision.
- (e) *Common interest development.* Housing that qualifies as a common interest development under Civil Code Section 1551, such as condominiums and housing cooperatives, provided that all units in the development are offered to the public for purchase.
- (f) *Concession or incentive* means one of the following for a housing development with a density bonus:
 - (a) A waiver or a modification in site development standards of this chapter including, but not limited to, a reduction in setback, lot coverage and/or parking requirements that would



otherwise be required that results in an identifiable, financially sufficient and actual cost reduction of the housing development;

- (b) Approval of mixed-use zoning in conjunction with the housing development if the nonresidential land uses will reduce the cost of the housing development, the nonresidential uses are compatible with the housing development and existing or planned projects in the surrounding area; or
- (c) Other regulatory incentives or concessions proposed by the developer or the city that result in an identifiable, financially sufficient and actual cost reduction of the housing development.
- (g) *Density bonus.* A density increase over the otherwise maximum allowable gross residential density as of the date of application by the applicant to the city, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density, as defined in Government Code Section 65915(f).
- (h) *Density bonus housing agreement.* A legally binding agreement between a developer and the City of West Covina and/or the City of West Covina redevelopment agency to ensure that the requirements of this division are satisfied. The agreement, among other things, shall establish (1) the number, size, and location of target units, (2) terms and conditions of affordability, and (3) production schedule.
- (i) *Density bonus units.* Units that are built due to a grant of a density bonus and which exceed the otherwise maximum allowable residential density for the development site.
- (j) *Eligible household.* A household that satisfies the size and income requirements applicable to an affordable unit.
- (k) *Eligible housing development.* A development project for five (5) or more residential units; a project to substantially rehabilitate and convert an existing commercial building to residential use; or the substantial rehabilitation of an existing multifamily dwelling as defined in Government Code Section 65863.4(d), where the result of the rehabilitation would create a net increase in residential units.
- (l) *Lower-income household.* Households whose income does not exceed the lower-income limits applicable to Los Angeles County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.
- (m) *Incentives, additional.* Incentives granted in addition to the incentives required to be granted pursuant to Government Code Section 65915(b).
- (n) *Mandating operating period.* A period of at least thirty (30) years during which the affordable units, the qualified childcare facility, or the senior citizen housing development is operated in accordance with the requirements of state law and this chapter.
- (o) *Moderate income household.* Households whose income does exceed the moderate income limits applicable to the Los Angeles County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Health and Safety Code Section 50093.



- (p) *Senior citizen housing development.* A housing development consistent with the California Fair Employment and Housing Act (Government Code Section 12900 et seq., including 12955.9 in particular), which has been "designed to meet the physical and social needs of senior citizens," and which otherwise qualifies as "housing for older persons" as that phrase is used in the Federal Fair Housing Amendments Act (42 U.S.C. § 3607(b)) and implementing regulations and as that phrase is used in California Civil Code Sections 51.2 and 51.3.
- (q) *Specific adverse impact.* A "specific adverse impact" as defined in Government Code Section 65589.5.
- (r) *State law.* California Government Code Sections 65915 through 65918.
- (s) *Substantial rehabilitation.* The rehabilitation of dwelling units including correction of code violations, Title 24 upgrades, seismic rehabilitation (where appropriate) and accessibility upgrades such that the units is returned to the city's housing supply as decent, safe and sanitary housing. The minimum cost threshold for substantial rehabilitation is forty thousand dollars (\$40,000.00) per unit, which shall be adjusted each calendar year, beginning in 2014, to account for the cumulative change in the Consumer Price Index published for Los Angeles County, or if such index is no longer published, such equivalent index as shall be selected by the planning director.
- (t) *Target units.* Those dwelling units within a housing development that are produced in exchange for a density bonus and/or other incentives, including dwelling units that will be reserved for sale or rent to very low income households, lower-income households, and/or qualifying residents pursuant to the terms of a density bonus housing agreement.
- (u) *Very low income households.* Households whose income does not exceed the very low income limits applicable to Los Angeles County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Health and Safety Code Section 50105.

Low barrier navigation center. A Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

26-30 "M" Definitions

Major hotel or major motel. A hotel or motel that has a minimum of one hundred (100) rooms or suites, and has conference rooms, banquet rooms or ballrooms available for hire by the public.

Major promotional event shall mean an outdoor or grand opening event where outdoor display, sale or dispensing of merchandise or food, temporary signs, and/or activities relating thereto, conducted wholly on private property, may encroach into any driveway, parking or landscape areas.

Maps:

- (a) *Final Map.* Refers to the land division map creating five (5) or more lots submitted to the city council for final approval and to the city engineer for compliance with all applicable regulations of this chapter and of the Subdivision Map Act. Such map shall substantially conform to the tentative map approved by the planning commission. Subsequent to approval by the city council, the map shall be recorded with the county recorder.



- (b) *Parcel map.* Refers to the land division map creating four (4) or less lots or as required by the Subdivision Map Act and submitted to the city council for final approval and to the city engineer for compliance with all applicable regulations of this chapter and of the Subdivision Map Act. Such map shall substantially conform to the tentative map approved by the planning commission. Subsequent to approval by the city council, the map shall be recorded with the county recorder.
- (c) *Tentative map.* A map made for the purpose of showing the design and improvements of a proposed subdivision and the existing conditions in and around it.

Master plan of streets. The plan as adopted and amended by the city council indicating the width and alignment of existing and proposed principal arterial, minor arterial and collector streets.

Materials recovery facility or MRF. A permitted recycling facility that receives recyclable material, including, but not limited to, any covered material, for mechanical or manual sorting into specification-grade commodities for sale to a broker or end market.

Medical services, clinic/office. A facility other than a hospital primarily focused on the care of outpatients where individuals receive medical, dental, mental health, surgery and/or other personal health care services from a State-licensed healthcare professional.

Membrane structure. A sheet of flexible material, fabric, or membrane such as nylon, plastic, or other similar material that is supported by or attached to a frame having a location on the ground and made of fiberglass, metal, wood, or plastic or any other similar material. Membrane structures may be used as tents or to provide shelter or covering for storage of automobiles, boats, recreational vehicles, or other similar uses. Membrane structures include but are not limited to, prefabricated canopies ready-made for simple assembly, and canopies which are built, constructed, or composed of parts joined together in some definite manner, but excludes awnings attached to buildings and temporary coverings used to protect property during government-ordered aerial sprayings.

Miniature pot-bellied pig. A pig or hog and commonly referred to as a pygmy pig or mini pig, which stands no higher than twenty (20) inches at the shoulder, and is no longer than forty (40) inches from the tip of the snout to the end of the buttocks, and weighs no more than one hundred twenty (120) pounds.

Mobile food vendor. Mobile food vendor shall mean any person or entity operating a vehicle, trailer, cart, wagon bicycle, dray, conveyance, or structure on wheels, not firmly fixed to a permanent foundation and which is required to be registered with the California Department of Motor Vehicles, that offers the sale of food or beverages. This does not include food caterers providing services for private events and ice cream trucks selling exclusively ice cream products from a motor vehicle.

Mobile home park. Any area used to accommodate one (1) or more mobile homes.

Mobile home marketing complex. A sales complex consisting of not more than ten (10) models, a sales office, a children's play area, landscaping and off-street parking designed and used only for the marketing of dwellings or lots within a subdivision or within a planned residential development overlay zone or in a planned community development zone.

Motel. A group of attached buildings containing individual sleeping units or suites available to the transient public for compensation where a majority of such units open individually and directly to the outside, and where a garage is attached or a parking space is conveniently located to each unit, all for the temporary use



by automobile tourists or transients where such an individual remains as a guest of the establishment less than thirty (30) days; and such words of this definition shall include motor lodges.

Multi-family, definitions pertaining to Article 2, Division 1.

- (a) *Common areas* shall mean the entire condominium project excepting all units therein granted or reserved to individual ownership.
- (b) *CC&R's* shall mean conditions, covenants, and restrictions of any condominium project, community apartment house or any other planned development.
- (c) *Condominium*:
 - (1) Condominium shall mean an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in a space in a residential building on such property.
 - (2) *Stock cooperative*: A "stock cooperative" is a corporation which is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, if all or substantially all of the shareholders of such corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the share or shares of stock in the corporation held by the person having such right of occupancy.
 - (3) *Community apartment*: An apartment in which an undivided interest in the land is coupled with the right of exclusive occupancy of any apartment located thereon.
- (d) Condominium project shall mean either of the following:
 - (1) The entire parcel of real property divided, or to be divided, into condominiums, including all structures thereon.
 - (2) The entire parcel of real property converted or to be converted into condominiums, as defined in section c above.
- (e) *Unit, condominium* means either of the following:
 - (1) The element of a condominium project which is not owned in common with the owners of other condominiums in the project.
 - (2) Dwelling unit of a condominium project defined in section d above.

Multi-trunked tree. A tree with a division of its trunk at less than four-and-a-half (4.5) feet above natural grade.

26-31 "N" Definition

Nonconforming building. A building, or portion thereof, which was lawfully erected or altered and maintained, but which, because of the application of this chapter to it, no longer conforms to the development standards of the zone in which it is located.

Nonconforming use. A use which was lawfully established and maintained but which, because of the application of this chapter to it, no longer conforms to the use regulations of the zone in which it is located.

- (a) *Illegal Non-Conforming Status*. A use, structure, site feature, or parcel shall be designated as having Illegal Non-Conforming status if it was not lawfully established under the regulations of the jurisdiction in which it was located at the time of its establishment or has not continuously remained in compliance with all terms and conditions imposed upon the use, structure, or site feature upon its establishment or imposed upon it any time thereafter.
- (b) *Legal Non-Conforming Status*. A use, structure, or site feature shall be designated as having Legal Non-Conforming status if it was lawfully established under the regulations of the jurisdiction in which it was



located at the time of its establishment and has continuously remained in compliance with all terms and conditions imposed upon the use, structure, or site feature upon its establishment or imposed upon it any time thereafter, based on evidence provided by the property owner, tenant, or applicant. Legal Non-Conforming status shall also be assigned if non-conformities were created by a public improvement, such as a street widening project.

Noncommercial purpose. The purpose of any nonprofit organization which has obtained recognized state or federal tax-exempt status.

Nonprofit organization means an organization as defined in section 113841 of the Cal. Health and Safety Code

26-32 "O" Definitions

Open Space, as used in section Article 2, Division 1, and Article 2, Division 5, means land areas which are not occupied by buildings, structures, streets, or alleys excepting other special landscaped areas of recreationally oriented uses.

- (1) *Common open space* (usable, maximum twenty (20) percent grade). Open space which is suitably located and improved for common recreational purposes.
- (2) *Private open space* (usable, maximum twenty (20) percent grade). Open space which is designed and maintained for the sole and exclusive use of the occupants of not more than one (1) dwelling and may include covered patio areas.

Open space land. Any parcel or area of land or water which is primarily unimproved and devoted to an open space use, and which is designated in the city's environmental quality element and general plan as any of the following:

- (1) Open space for the preservation of natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other specific study purposes; rivers, streams, bays and estuaries; and coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.
- (2) Open space used for the managed production of resources, including, but not limited to, forest lands, rangeland, agricultural lands and areas of economic importance for the production of food or fiber; areas required for recharge of ground water basins; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.
- (3) Open space for outdoor recreation, including but not limited to, areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches and rivers and streams; and areas which serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic corridors.
- (4) Open space for public health and safety, including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas flood plains, watersheds, areas presenting high fire risks, areas required for



the protection of water quality and water reservoirs and areas required for the protection and enhancement of air quality.

Organization. Any partnership, corporation, or association, including any firm, company, society, congregation, assembly, or league, and shall include any director, officer, trustee, receiver, assignee, agent, or other similar representative.

Outdoor display. A display of a business' goods or services, placed outside the building.

Outside display. The storage of goods, equipment, merchandise, or exhibit outside of a building for any purpose other than outside display.

Outside storage. The storage of goods, equipment, or materials outside of a building for any purpose other than outside display.

26-33 "P" Definitions

Parapet. The extension of an exterior building wall above the roof structure.

Parcel. A legally divided plot of land. In the context of this chapter, "parcel" will be interchangeable with the word "lot."

Parties of interest. Any corporation or entity owning or controlling in fee or by easement land within the subdivision; any person, corporation or entity making application for the subdivision; any person, corporation or entity having a beneficiary interest in the subdivision, including lenders and mortgage holders.

Passageway shall have the same meaning as that stated in Government Code section 65852.2 as that section may be amended time to time.

Patio, covered means any attached or freestanding solid or lattice cover open on at least three sides.

Patio, enclosed means any attached or freestanding patio that is enclosed by walls on all sides.

Permanent make-up. The business of inserting pigment under the surface of the skin in the facial area by pricking with a needle or otherwise, so as to produce an indelible mark or figure visible through the skin. The application of permanent make-up is intended to principally consist of, but not necessarily limited to, the application of permanent eyeliner, eyebrows, lip liner, lip color, and beauty marks.

Pet store. Every person, place or premises engaging in the business of selling dogs, at retail, and by virtue of the sales of dogs is required to possess a permit pursuant to Section 6066 of the Revenue and Taxation Code, as defined in California Health and Safety Code Section 122125.

- (1) *License authority* means the agency charged with the administration of this article.
- (2) *Permit* means the permit to engage in the activities of a pet store as required by this article.
- (3) *Person* means any individual, partnership, corporation or association.



Planter. An area devoted to vegetation and closely bounded by paving, building walls, garden walls, or other edge features.

Plot plan. A site plan showing construction or other improvements and the location of existing structures and construction on the site or plot.

Pool bathroom or detached bathroom. A bathroom that is detached and incidental to the house for the purpose of use by individuals outside the house and having only an exterior entrance to access the bathroom.

Porte cochere. A porch roof projecting over a driveway at the entrance to a building and sheltering those getting in or out of vehicles.

Porch means a roofed approach to a doorway extending from the exterior wall of the structure that has a floor, a roof, and structural supports but is not permanently, seasonally, or temporarily enclosed with solid materials.

Precise street plan. The plan indicating the exact width, grades and alignment of proposed streets as approved by the city engineer.

Proprietor. A person with an ownership or managerial interest in a business. An ownership interest is deemed to exist when a person has a ten (10) percent or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt. A managerial interest is deemed to exist when a person can or does have, or can or does share, ultimate control over the day-to-day operations of a business.

Public Tree. Any tree planted in or upon any street, park, parkway, or public area in the city.

Public transit shall have the same meaning as that stated in Government Code section 65852.2 as that section may be amended time to time.

26-34 "Q" Definitions

26-35 "R" Definitions

Recreation equipment includes;

- (a) A commercial coach, mobile home, recreational vehicle or travel trailer, as defined in the California Health and Safety Code, Division 13, Chapter 1, Part 2, Section 18000, et seq. This definition excludes pickups with shells that do not extend above the height of the cab, and vehicles not over six feet high and fourteen (14) feet long.
- (b) A mobile home, camp trailer, house car, trailer coach, camper, trailer, or utility trailer as defined in the California Vehicle Code, Division 1, Sections 100, et seq.
- (c) A boat, defined as a vessel or any other description of watercraft used, or capable of being used, as a means of transportation on water.
- (d) A boat trailer, defined as a vehicle used to transport a boat.
- (e) Any other vehicle or structure originally designed, or permanently altered in such a manner to permit occupancy or use for living or sleeping purposes. The vehicle or structure may be designed or



equipped with wheels, or be capable of being mounted on wheels and used as a conveyance on roadways used by the public; it may be propelled or drawn by its own or other motive power.

Recreation vehicle shall mean a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational center (private). Any use, on a site or enclosed in a building, that is operated by private enterprise and open to the public to provide recreation services or facilities, such as but not limited to tennis, racquetball, skateboard courses, and is not listed separately in Article 2 as a use allowed by right or with a conditional use permit, such as billiard parlors, bowling alleys, dance halls, game arcades, golf courses, gymnasiums, race tracks, skating rinks, slot cars, and theaters.

Recyclable material. Reusable material, including, but not limited to, metals, glass, plastic, and paper, which may be intended for reuse, remanufacture or reconstitution. Recyclable material does not include solid waste or hazardous materials. Recyclable material may include used motor oil collected and transported in accordance with sections 52250.11 and 25143.2(b)(4) of the California Health and Safety Code.

Recycle. The process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products and not intended for disposal.

Religious facility. Includes, but is not limited to, any building, structure, or place intended to be used primarily or exclusively by a religious body or organization for religious uses, including but not limited to: worship, religious meetings, study of religious texts, spiritual retreats, religious counseling, or other purposes connected with the body or organization's formal or informal system of beliefs and faith.

Rest home. A facility in which nursing, dietary and other personal services are furnished to invalids and aged persons; but in which are kept no persons suffering from a mental sickness, mental disease, mental disorder or mental ailment or from a contagious or communicable disease, and in which are performed no surgical or other primary treatments such as are customarily provided in sanitariums or hospitals or in which no person are kept or served who normally would be admissible to a mental hospital.

Retail uses. A use wherein goods or articles are sold directly to the consumer.

Rooming house. A residence or dwelling, other than a hotel, motel, or rest home, wherein either three (3) or more rooms are rented, or housing is provided to three (3) or more individuals, under three or more separate written or oral rental agreements, lodger agreements, leases or subleases or combination thereof, regardless of whether the owner, agent or rental manager resides within the residence.

Rubbish. Discarded bottles, cans, jars, scrap metals, paper, wood, glass, crockery, rags, garden and lawn trimmings, and other normal refuse except garbage.



Sanitarium. See "hospital."

Screening. Blocking of a potentially disruptive object from sensitive surroundings or blocking of a disruptive object from a potentially sensitive object.

Schools, charter, elementary, junior high and high. Institutions of learning which offer instruction in the several branches of learning and study required to be taught in the public schools by the education code of the state.

Second-hand store. A business involved in the retail sale of used goods and merchandise, whereby the sale of such used goods and merchandise comprise 25 percent or more of total monthly sales volume. This definition does not include pawn shops.

Senior citizen housing. Projects designed only for senior citizen (age 55 or older) and handicapped housing.

Service station. A use where one (1) of the primary functions is the retail sale of motor fuel for motor vehicles. In addition, a service station may offer and consist of minor sales, services, and facilities. See section 26-128 of this chapter for permitted and prohibited sales, services, and facilities.

Setback. A portion of the lot required to remain free of construction and/or any structure.

Setback line, corner lot street side. A line which is the minimum required horizontal distance between the side street lot line and a line parallel thereto on the lot.

Setback line, required front. A line which is the minimum required horizontal distance between the front lot line and a line parallel thereto on the lot.

Setback line, required rear. A line which is the minimum required horizontal distance between the rear lot line and a line parallel thereto on the lot.

Setback line, required side interior. A line which is the minimum required horizontal distance between the interior side lot line and a line parallel thereto on the lot.

Short term rental. A rental of any dwelling, in whole or in part, to any person(s) suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

Sign shop. A commercial space dedicated to the production of identification, advertising, and other signs (including banners). Sign shops are considered retail/service uses unless they include operations producing noise, dust, smoke, odor, or other irritants, such as but not limited to metal working, screen printing, casting, glass-working, outdoor storage of materials, or other industrial processes incompatible with a retail or mixed-use district. Such a business shall be classified as a "sign shop, industrial."

Significant Tree. A tree located on private and/or public property that meets one (1) or more of the following requirements:

- (a) is located in the front yard of a lot or parcel and has a caliper of one (1) foot or more;
- (b) is located in the street-side yard of a corner lot and has a caliper of one (1) foot or more;



- (c) is located anywhere on a lot, has a caliper of six (6) inches, or more, and is one of the following species:

Common Name	Genus/Species
Oak (any oak tree native to California, including, but not limited to:	
Valley Oak	Quercus lobata
California Live Oak	Quercus agrifolia
Canyon Oak	Quercus chrysolepis
Scrub Oak	Quercus dumoso
Mesa Oak	Quercus engelmannii
Interior Live Oak	Quercus wislizenii
California Sycamore	Platanus racemosa
American Sycamore	Platanus occidentalis

Signs.

- (a) *A-Frame sign.* A temporary freestanding sign, usually hinged at the top, or attached in a similar fashion, and widening at the bottom to form a shape similar to the letter "A."
- (b) *Advertising sign.* A sign that identifies one (1) or more uses, products, or a service obtainable on the premises through the use of words, letters, symbols, or combination thereof.
- (c) *Awning sign.* A non-electric sign printed on, painted on, or attached to a cloth awning. The awning structure itself shall be subject to building setbacks. Awning signs, for the purposes of the regulations of this article, shall be treated as wall signs.
- (d) *Balloon display.* An arrangement of one (1) or more balloons, with or without any message thereon, which are individually less than thirty-six (36) inches in any dimension and inflated with air, helium, or gas, that are tethered at a fixed location and are primarily intended to draw attention to that location. Balloon displays shall not include balloons arranged in a manner that cumulatively spell out a word.
- (e) *Banner.* A sign made of cloth, heavy duty plastic, or similar lightweight, flexible material (except paper), attached to or suspended from any structure, building, staff, pole, line, framing, or other projection, and used for temporary advertising purposes, not including "flags".
- (f) *Canopy sign, building.* A sign, placed on a vertical plane, affixed flat against the fascia of a permanent covering that projects from the building (building canopy), and that does not extend above or below the edges of such fascia. As used in this definition, canopy shall not include awnings and other canopy covers made of cloth, metal, and other materials, which are not an integral part of the building. Building canopy signs, for the purposes of the regulations of this article, shall be treated as wall signs.
- (g) *Canopy sign, cloth.* A non-electrical sign printed on, painted on, or attached to a cloth canopy. The canopy structure itself shall be subject to building setbacks. Cloth canopy signs, for the purposes of the regulations of this article, shall be treated as wall signs.
- (h) *Commercial sign.* Any sign that does not meet the definition of a noncommercial sign, including, but not limited to, signs on commercial sites.



- (i) *Detached signs.* A free-standing sign that is not attached to a building. Detached signs include monument signs, pylon signs, and pole signs.
- (j) *Directional sign.* A sign intended for the purpose of directing pedestrians and/or motorists.
- (k) *Double-faced sign.* A sign with two (2) faces, with each face oriented one hundred eighty (180) degrees from the other.
- (l) *Flag.* Any fabric or bunting containing distinctive colors, patterns, symbols, or logos of a government agency, political subdivision, corporation, church, or other entity.
- (m) *Hand-held sign.* A commercial sign held by a person or persons in a manner to attract attention to an area, development, business, or service.
- (n) *Hanging sign.* A sign that is attached to, but hangs or projects below the underside of an awning, canopy, arcade, eave, overhang, or other covering that projects outward from the face of a building.
- (o) *Sign height.* The vertical distance from the ground (measured from the adjacent street curb elevation) to the top of the highest element of a sign, including any structural element. Where specified, however, height may also mean the vertical dimension of the sign area or sign face.
- (p) *Identification sign.* A sign that portrays, through the use of words, letters, logos, or symbols, the name and/or type of business conducted on the premises, or any product or service obtainable on the premises.
- (q) *Information sign.* A sign that provides information related to a use, product, event, business, or activity on the premises and that is not displayed for the purpose of advertising products or services. Information signs include signs indicating the location of business facilities (e.g. entrances, walk-up windows, self-service operations), and operational information (e.g. hours of operation, menus, credit card logos, restroom labels).
- (r) *Inflatable sign.* An inflated balloon, in any shape or in the form of any character or animal, and over thirty-six (36) inches in diameter in any dimension, made of vinyl, fabric, cloth, or other similar, lightweight, flexible material, held up by means of cold air, and primarily intended to draw attention to that location.
- (s) *Logo.* A word, letter, symbol, design, or other graphic representation, separate from the sign text that identifies a business, activity, product, or company. A logo is considered a sign or part of a sign.
- (t) *Menu board sign.* A sign on the site of a drive-through restaurant, either detached or attached to the building, displaying the type and price of food and beverages sold in connection with and oriented towards the drive-through lane.
- (u) *Monument sign.* A detached sign with a wide base.
- (v) *Moving sign.* A sign that moves or creates an appearance of movement, flashing, blinking, reflecting, revolving, or any other similar sign constructed or maintained to, in any way, simulate motion.
- (w) *Nameplate.* A sign that contains only the name and/or address of the occupants of the building or portion thereof.



- (x) *Neon lighting and sign.* Any electric gas tube lighting and any sign containing argon, neon, krypton, helium, or xenon.
- (y) *Noncommercial sign.* A sign not connected with a commercial business or activity.
- (z) *On-site sign.* A sign that identifies, informs, or advertises a use, product, activity, event, business message, or service located or provided at the site upon which the sign is located. On-site signs may include noncommercial signs.
- (aa) *Off-site sign.* A sign that identifies, informs, or advertises a use, product, activity, event, business message, or service not located or provided at the site upon which the sign is located, including, but not limited to, billboards and noncommercial signs.
- (bb) *Pageantry sign.* A type of signage that is intended to be elaborate and ceremonious. Examples include banners, kiosks, and similar signage used for advertising (on- or off-site), decorative purposes, or to announce festivals and other special events.
- (cc) *Pennant.* Any lightweight plastic, paper, fabric, or other similar, flexible material, suspended from or attached to a rope, wire, string, or pole, usually in a series, designed to move in the wind.
- (dd) *Pole sign.* A detached sign, other than a monument sign, affixed to the ground by a single support structure.
- (ee) *Political sign.* A sign that contains a political message such as a message supporting a candidate for public office, a political party, or a position on a particular political or ideological issue. Political signs shall be considered as temporary noncommercial signs.
- (ff) *Portable sign.* A temporary sign which is not permanently affixed to a building, structure, or on the ground, and is capable of being carried or readily moved from one location to another. This may include, but is not limited to, "A" frame or sandwich signs, or a sign which leans on a stationary object, building, or structure. Portable signs shall not include banners, pennants, flags, inflatable signs, vehicle signs, and hand held signs, which are defined separately.
- (gg) *Primary frontage.* The side of a building where the main entrance for its pedestrian ingress and egress is located. If more than one (1) main entrance exists, the entrance that most nearly faces or is oriented toward the street of highest classification as portrayed on the current master plan of streets and highways shall be considered the primary frontage. If all streets are of the same classification, the side of the building with the shortest lineal dimension containing a main entrance shall be considered the primary frontage.
- (hh) *Projecting sign.* A sign that projects from and is supported by a wall or building with the display surface of the sign at or near a ninety (90) degree angle to the building facade. Projecting signs are separate from "hanging signs" that are attached to the underside of a covering that projects from the building.
- (ii) *Promotional sign.* A sign, in addition to permanent signage, placed on a temporary basis and used to promote a special event or product available at the site on which the sign is located.
- (jj) *Pylon sign.* A detached sign affixed to the ground by two (2) supports.



- (kk) *Readerboard sign.* A sign designed to allow the changing of copy through manual, mechanical, or electrical means.
- (ll) *Roof sign.* A sign attached to a building that is characterized by one (1) or more of the following:
- (1) Sign is placed atop, or projects above the top edge of, a roof, mansard roof, canopy, or a similar structure not at a vertical plane; or
 - (2) Sign is placed atop, or projects above the top edge of, a parapet wall, canopy fascia, or a similar structure at or near a vertical plane, or
 - (3) Sign is placed on a tower or similar wall structure that extends above the top of the roof or parapet wall of a building.
- (mm) *Sign.* A device or structure for visual communication which shall include any announcement, declaration, demonstration, display, illustration, or insignia visible from outside, which is used to identify, inform, or promote the interests of any person, business, or organization.
- (nn) *Sign area.* The entire area within straight lines that form up to a maximum of two rectangles outlining the extremities of the element (including panel, placard, cabinet) upon which the sign is placed. Where no such element exists (for example, individual channel letter signs mounted on a building), sign area shall mean the entire area within two rectangles and outline each individual character or symbol. Support structure shall not be included in this area unless such support structures are designed in such a manner as to form an integral part of the sign or display.
- (oo) *Sign face or surface.* The surface of the sign upon, against, or through which the copy is displayed or illustrated on the sign.
- (pp) *Sign copy.* The words, letters, logos, or symbols displayed on a sign.
- (qq) *Sign program.* Comprehensive design standards and/or sign criteria for particular sites that signs are subject to, in addition to sign regulations contained in this Development Code.
- (rr) *Single-faced sign.* A sign with one (1) face.
- (ss) *Temporary noncommercial sign.* A sign, constructed of cloth, banner, canvas, light fabric, cardboard, wallboard, plywood, or other material, with or without frames, which is erected for a limited period of time to convey a noncommercial message, including signs regarding time specific events, such as elections. Temporary noncommercial signs shall include political signs.
- (tt) *Tenant directory sign.* A sign listing two (2) or more tenants or occupants of a building, complex, or shopping center.
- (uu) *Trademark.* A sign permanently or temporarily attached or placed on a vehicle or trailer, as defined by the California Vehicle Code.
- (vv) *Wall sign.* A sign affixed flat against a building wall at a vertical plane that does not project above top edge of a parapet wall, and that does not extend above or below the edges of the building wall fascia. Building canopy signs, cloth canopy signs, and awning signs shall, for the purposes of this article, be treated as wall signs.
- (ww) *Window sign.* A sign that is applied or attached to a window or located within two and one-half (2.5) feet of the inside of a window.



Single apartment. One (1) room and bath, with cooking facilities in a multiple dwelling.

Small collection facility, as distinguished from a MRF. A facility for the collection and acceptance by donation, redemption or purchase of recyclable materials. As used herein, such a facility does not occupy an area of more than five hundred (500) square feet unless operated on the same site and in conjunction with a materials recovery facility or solid waste transfer station. A recycling center does not include storage containers or collection activity located on the premises of a residential, commercial, or manufacturing use and is used solely for the recycling of material generated by that residential property, business or manufacturer and not held out for public use.

- (a) Small collection facilities centers are further defined to include, but are not limited to, these following specific types:
 - (1) *Buy back recycling center.* A recycling facility which pays a fee for the delivery and transfer of ownership to the facility of source separated materials for the purpose of recycling or composting.
 - (2) *Drop-off center.* A facility which accepts delivery or transfer of ownership of source separated materials for the purpose of recycling or composting without paying a fee.
 - (3) *Reverse vending machine(s).* An automated mechanical device which accepts at least one (1) 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.
 - (4) *Bulk reverse vending machines.* a reverse vending machine that is larger than fifty (50) square feet, is designed to accept more than one (1) container at a time, and will pay by weight instead of by container.

Small residential rooftop solar energy system shall mean all of the following:

- (a) A solar energy system that is not larger than ten (10) kilowatts alternating current nameplate rating or thirty (30) kilowatts thermal.
- (b) A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City of West Covina and all State of California health and safety standards.
- (c) A solar energy system that is installed on one- and two-family homes of R3 occupancy as defined by the California Building Code.
- (d) A solar panel or module array that does not exceed the maximum legal building height as defined by the City of West Covina.

Solar Energy Systems shall mean either of the following:

- (a) Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.
- (b) Any structural design feature of a building whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating, space cooling or water heating.

Solicit and commercial [solicitations]. The request, directly or indirectly, for the purpose of selling, or taking orders for any goods, wares or merchandise for future delivery and shall include traveling, or going from door-to-door of residential dwellings, in any public street or sidewalk, or in any public place or building. A



solicitation shall be complete when the request is made, whether or not the person being solicited makes a purchase or places an order.

Solid waste. All putrescible and nonputrescible solid, semi-solid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition, and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes.

Solid waste transfer or processing station or transfer station. A facility as defined and permitted under state law used by persons and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle including railroad cars for transport to a solid waste handling facility. Transfer station may also include material recovery facilities and recycling centers, except that permits shall be required only as required by state law.

Source separated material. The segregation, by the generator, of materials designated for separate collection for some form of materials recovery or special handling.

Stable, private. A detached accessory building in which horses owned by the occupants of the premises are kept, and in which no horses are kept for hire or sale.

Stable, public. A stable other than a private stable.

Stand. A structure for the display and sale of products with no space for customers within the structure itself.

State freeway. Any section of a state highway which has been declared to be a freeway by resolution of the California Highway Commission pursuant to section 100.3 of the Streets and Highways Code.

Storage container. Any portable or moveable structure or container, constructed of varied materials including metal, wood, plastic or synthetic substances, or any combination thereof, which is designed and intended for the storage or transport of items, goods, clothing, furniture, equipment, or materials, etc. Storage containers that have been permanently fixed to a location on the ground shall still be deemed to meet this definition. Storage containers do not include non-habitable structures of less than one hundred twenty (120) square feet.

Storage lot. A site devoted to the commercial outdoor or indoor storage (mini-warehouses) of goods and vehicles.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar, garage, or unused underfloor space is more than six (6) feet above finished grade for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above the finished grade at any point, such basement, cellar, garage, or unused underfloor space shall be considered as a story.

Streets and Highways:



- (a) *Adjoining Exterior streets.* Streets contiguous to the boundaries of the subdivision and/or streets within which boundaries of the subdivision are contained. The streets may or may not provide direct access to the subdivision.
- (b) *Private streets.* Undedicated streets built to the standards and specifications as adopted from time to time by resolution of the planning commission and shall be not less than twenty-eight (28) feet in width between curbs.
- (c) *Street.* A public thoroughfare which affords primary means of access to abutting property.
- (d) *Street, arterial* means any street or road passing adjacent to, or through a subdivision which carries the major flow of traffic and for which the traffic entering from side road and streets may be controlled.
- (e) *Street line.* The boundary line between a street and the abutting property.
- (f) *Street, side.* A street which is adjacent to a corner lot and which extends in the general direction of the line determining the depth of the lot.
- (g) *Subdivision Streets.* Streets contained entirely within the boundaries of the subdivision. The street's primary function is to provide access to the subdivision.

Structure. Anything constructed or erected which requires location on the ground or attached to something having a location on the ground, but not including fences or walls used as fences less than six (6) feet in height.

Structural alteration. Any change in the supporting members of a building such as foundations, bearing walls, columns, beams, floor or roof joists, girders or rafters, or changes in roof or exterior lines.

Subdivision. The division, by any subdivider, of any units or unit of improved or unimproved contiguous land shown on the latest equalized County assessment roll as a unit or as contiguous units for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easements or railroad rights-of-way. Subdivision includes a condominium project, as defined herein or in California Civil Code Section 1351(f), a community apartment project, as defined herein or in California Civil Code Section 1351(d), a stock cooperative, as defined herein or in California Civil Code Section 1351(m), a cooperative apartment as defined herein, or 2 or more air space lots as defined herein. Any conveyance of land to a governmental agency, public entity, or public utility shall not be considered a division of land for purposes of computing the number of parcels. "Subdivision" does not include anything excluded from the definition of subdivision in the Subdivision Map Act unless otherwise provided for herein.

Sunroom. A room with large windows and sometimes a glass roof, designed to allow in a lot of sunlight.

Supportive housing. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

Stock cooperative. A corporation which is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, if all or substantially all of the shareholders of such corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the share or shares of stock in the corporation held by the person having such right of occupancy.



Tandem parking shall have the same meaning as that stated in Government Code section 65852.2 as that section may be amended time to time.

Tattooing. The business of inserting pigment under the surface of the skin by pricking with a needle or otherwise, so as to produce an indelible mark or figure visible through the skin. This definition is not intended to apply to any act of a licensed practitioner of the healing arts performed in the course of his practice. Tattooing does not include application of permanent makeup that is performed as an incidental service in a beauty shop.

Theme shopping use. Retail uses sharing the same facility and selling merchandise similar in characteristics and related in kind, including but not limited to antique malls, jewelry marts, and other uses identified by the planning director.

Trailer park and public camp. Any area or tract of land used or designed to accommodate two (2) or more automobile trailers or two (2) or more camp parties, including tents or other camping outfits and including trailer camps as defined by law.

Tree permit. A tree removal and/or relocation permit, and pruning of any tree in the Oak family.

Tree protection. The safeguarding of trees through proper maintenance, pruning, treatment, fertilizing, feeding, and any other necessary means (standards of California Certified Arborists.)

Tree removal. The uprooting, cutting, or severing of the main trunk of the tree or any act which causes, or may be reasonably expected to cause a tree to die or to be seriously damaged. These acts include, but are not limited to, damaging the root system by machinery, storage of materials within the dripline, soil compaction within the dripline, substantially changing the grade around the root system or trunk, excessive pruning, paving with concrete, asphalt, or other inadequate irrigation; or by attachment of signs or artificial material piercing the bark of the tree by means of nails, spikes, or other piercing objects.

26-38 "U" Definitions

Unattended business. A business which does not have an attendant or other representative of the owner of the business on the premises at all times during which the business is open to the public.

Unmanned aircraft system or drone. An aircraft without a human pilot on board, that is controlled by an operator on the ground, and operated without the possibility of direct human intervention from within, or on the aircraft.

Use. The purpose for which land a building is arranged, designed or intended, or for which either is or may be occupied or maintained.

26-39 "V" Definitions

Vehicle definitions (for zoning purposes only).

- (a) *Commercial vehicle.* A vehicle of a type required to be registered under the State Vehicle Code used or maintained for the transportation of persons for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property.
- (b) *Inoperable vehicle.* Any vehicle (whether partially or fully assembled) in a state of being immobile, unlicensed, or otherwise unable to legally perform its design function on public streets.



- (c) *Gross vehicle weight.* The maximum weight in pounds of the chassis of a truck or truck tractor with full payload as authorized by the chassis manufacturer.
- (d) *Motor vehicle.* A self-propelled vehicle used for the transportation of people or goods on streets.
- (e) *Passenger vehicle.* A motor vehicle designed to carry ten (10) persons or less including the driver. Passenger vehicle also includes motor vehicles designed to carry ten (10) persons or less that are constructed either on a truck chassis or with special features for occasional off-road use. Passenger vehicle includes vehicles commonly called cars, minivans, passenger vans, and sport-utility vehicles. Passenger vehicle is intended to cover the vehicles defined as passenger cars and multipurpose passenger vehicles by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3.
- (f) *Recreational vehicle.* A vehicle, with or without motive power which is for human occupancy on an intermittent basis, excluding boats. Recreational vehicle is divided into two (2) categories as follows:
 - (g) *Motor home.* A motorized vehicle designed for human occupancy on an intermittent basis. A pickup or other truck with a camper mounted on the back is considered to be a motor home. A pickup or other truck with a camper shell (i.e., a fiberglass or aluminum shell used strictly to cover or enclose a truck bed) mounted on the back of such vehicle is not considered to be motor home or recreational vehicle.
 - (h) *Accessory recreational vehicle.* Any nonmotorized vehicle designed for human occupancy on an intermittent basis, such as a vacation trailer or fifth-wheel trailer.
 - (i) *Recreational equipment and trailers.* Recreational vehicles designed for off-road use, such as off-road vehicles, motorcycles, dune buggies, and recreational boats and watercraft and trailers to accommodate them. Recreational equipment mounted or placed on an appropriate trailer are deemed as one (1) vehicle.
 - (j) *Truck.* A motor vehicle designed primarily for the movement of property or special purpose equipment, or a motor vehicle designed to carry more than ten (10) persons. Truck includes vehicles commonly called trucks, pickups, vans, cargo vans, buses, motor homes, and other similar vehicles. Truck is intended to cover the vehicles defined as trucks and buses by the National Highway Traffic Safety Administration, in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3. Pickup trucks, passenger vans, and cargo vans are defined below.
 - (k) *Pickup truck.* A truck with a manufacturer's gross vehicle weight rating of less than eleven thousand five hundred (11,500) pounds, which is equipped with an open flat, stake, or box-type bed not exceeding nine (9) feet in length. "Pickup truck" includes a motor vehicle otherwise meeting the above definition that is equipped with a bed-mounted storage compartment unit commonly called a "utility body."
 - (l) *Passenger van.* A vehicle commercially available in configurations with seating for up to fifteen (15) passengers, with a single rear axle and single rear wheels, and with a gross vehicle weight of less than ten thousand (10,000) pounds.
 - (m) *Cargo van.* A vehicle otherwise available as a passenger van (as defined above) but without its normal passenger seating and often without windows.
 - (n) *Tow truck.* Motor vehicles specifically equipped to tow or otherwise transport passenger cars or trucks are considered either medium or heavy trucks, as appropriate.
 - (o) *Medium truck.* A truck or similar vehicle, other than a pickup truck, passenger van, or cargo van, with a single rear axle and single or dual rear wheels. Truck tractors are in the heavy truck category.
 - (p) *Heavy truck.* A truck, including a truck tractor, and similar vehicles with two (2) or more rear axles.
 - (q) *Utility trailer.* A vehicle designed to be pulled by a motor vehicle which is used to carry property, trash, or special equipment and that is sixteen (16) feet or less in length. Utility trailers that are longer than sixteen (16) feet in length are considered commercial vehicles.
 - (r) *Vehicle.* A device by which any person or property may be drawn or moved over a distance by way of a street, excepting devices moved by human power.



- (s) *Vehicle code.* The Vehicle Code of the State of California. Where operation of vehicles on streets is concerned, the definitions in the vehicle code shall apply rather than those delineated here.

Vesting tentative Map. A “vesting tentative map” is a tentative map as defined in this Article which shall have printed conspicuously on its face the words “Vesting Tentative Map” and which is processed in accordance with Article 8.

26-40 “W” Definitions

Wireless telecommunication facilities.

- (a) *Accessory equipment* means any and all on-site equipment, including, without limitation, back-up generators and power supply units, cabinets, coaxial and fiber optic cables, connections, equipment buildings, shelters, vaults, radio transceivers, transmitters, pedestals, splice boxes, fencing and shielding, surface location markers, meters, regular power supply units, fans, air conditioning units, cables and wiring, to which an antenna is attached in order to facilitate the provision of wireless telecommunication services.
- (b) *Amateur and/or citizen band antenna* shall mean any antenna used for the operation of amateur and/or citizen band radio stations and which is licensed by the Federal Communications Commission.
- (c) *Antenna* shall mean any system of wires, poles, rods, reflecting discs, or similar devices of various sizes, materials and shapes including but not limited to solid or wire-mesh dish, horn, spherical, or bar configured arrangements, used for the transmission or reception of electromagnetic signals.
- (d) *Antenna array* shall mean two (2) or more antennas having active elements extending in one (1) or more directions, and directional antennas mounted upon and rotated through a vertical mast or tower interconnecting the beam and antenna support, all of which elements are deemed to be part of the antenna.
- (e) *Antenna, building-mounted* shall mean any antenna, other than an antenna with its supports resting on the ground, that is directly attached or affixed to the fascia or side wall of a building or structure.
- (f) *Antenna, ground-mounted* shall mean any antenna which is attached or affixed to a free-standing wireless facility with its base placed directly on the ground, specifically including, but not limited to, monopoles and faux trees.
- (g) *Antenna, roof-mounted* shall mean any antenna, other than an antenna with its supports resting on the ground, that is directly attached or affixed to the roof of a building or a mechanical penthouse or parapet enclosure wall which is located on the rooftop of a building.
- (h) *Antenna height* shall mean, when referring to any free-standing wireless facility, the distance measured from ground level to the highest point on the support structure, including antennas measured at their highest point.
- (i) *Approval authority* means the city official responsible for reviewing applications for small cell permits and vested with the authority to approve, conditionally approve, or deny such applications.



- (j) Base station shall have the meaning as set forth in 47 C.F.R. § 1.40001(b)(1), or any successor provision. This means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network (regardless of the technological configuration, and encompassing DAS and small cells). "Base station" does not encompass a tower or any equipment associated with a tower. Base station includes, without limitation:
- (1) Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 - (2) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small cells).
 - (3) Any structure other than a tower that, at the time the relevant application is filed with the city under this division, supports or houses equipment described in subsections (1) and (2) of this definition that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.
 - (4) "Base station" does not include any structure that, at the time the relevant application is filed under this division, does not support or house equipment described in subsections (1) and (2) of this definition. Other structures that do not host wireless telecommunications facilities are not "base stations."
- (k) *Cellular* means an analog or digital wireless telecommunications technology that is based on a system of interconnected neighboring cell sites.
- (l) *Collocation* shall mean the placement of antennas, dishes, or similar devices owned or used by two (2) or more telecommunication providers on one (1) antenna support structure, building, or structure.
- (m) *Concealed* or *concealment* means camouflaging techniques that integrate the transmission equipment into the surrounding natural and/or built environment such that the average, untrained observer cannot directly view the equipment but would likely recognize the existence of the wireless facility or concealment technique.
- (n) *COW* means a "cell on wheels," which is a portable, self-contained wireless telecommunications facility that can be moved to a location and set up to provide wireless telecommunication services, which facility is temporarily rolled in, or temporarily installed, at a location. Under this division, the maximum time a facility can be installed to be considered a COW is five (5) days. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.
- (o) *Decorative pole* means any pole that includes decorative or ornamental features, design elements and/or materials intended to enhance the appearance of the pole or the public rights-of-way in which the pole is located.



- (p) *Direct broadcast satellite service (DBS)* shall mean a system in which signals are transmitted directly from a satellite to a small (not exceeding twenty-one (21) inches in diameter) receiving dish antenna.
- (q) *Distributed antenna system or DAS* means a network of spatially separated antennas (nodes) connected to a common source (a hub) via a transport medium (often fiber optics) that provide wireless telecommunications service within a specific geographic area or building. DAS includes the transport medium, the hub, and any other equipment to which the DAS network or its antennas or nodes are connected to provide wireless telecommunication services.
- (r) *Eligible facilities request* means any request for modification to an existing eligible support structure that does not substantially change the physical dimensions of such structure, involving:
- (1) Collocation of new transmission equipment;
 - (2) Removal of transmission equipment;
 - (3) Replacement of transmission equipment (replacement does not include completely replacing the underlying support structure); or
 - (4) Hardening through structural enhancement where such hardening is necessary to accomplish the eligible facilities request, but does not include replacement of the underlying support structure.
- (s) *Eligible facilities request* does not include modifications or replacements when an eligible support structure was constructed or deployed without proper local review, was not required to undergo local review, or involves equipment that was not properly approved. "Eligible facilities request" does include collocation facilities satisfying all the requirements for a non-discretionary collocation facility pursuant to Government Code § 65850.6.
- (t) *Eligible support structure* means any support structure located in the PROW that is existing at the time the relevant application is filed with the city under this division.
- (u) *Existing* means a support structure, wireless telecommunications facility, or accessory equipment that has been reviewed and approved under the city's applicable zoning or permitting process, or under another applicable state or local regulatory review process, and lawfully constructed prior to the time the relevant application is filed under this division. However, a support structure, wireless telecommunications facility, or accessory equipment that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is "existing" for purposes of this division. "Existing" does not apply to any structure that:
- (1) Was illegally constructed without all proper local agency approvals; or
 - (2) Was constructed in noncompliance with such approvals. "Existing" does not apply where an existing support structure is proposed to be replaced in furtherance of the proposed wireless telecommunications facility.
- (v) *Facility(ies)* means wireless telecommunications facility(ies).
- (w) *FCC* shall mean an abbreviation which refers to the Federal Communications Commission.



- (x) *FCC shot clock* means the presumptively reasonable time frame within which the city generally must act on a given wireless application, as defined by the FCC, and as may be amended from time to time. The shot clock shall commence on "day zero," which is the day the WTFP application is submitted.
- (y) *Free-standing wireless facility* shall mean any free-standing mast, monopole, tripod, or tower utilized for the purpose of supporting an antenna(s). A free-standing wireless facility may be designed to resemble a tree, clock tower, light pole or similar alternative-design mounting structure that camouflages or conceals the presence of an antenna(s).
- (z) *Ground-mounted* means mounted to a pole, tower or other freestanding structure which is specifically constructed for the purpose of supporting an antenna or wireless telecommunications facility and placed directly on the ground at grade level.
- (aa) *Lattice tower* means an open framework structure used to support one (1) or more antennas, typically with three (3) or four (4) support legs.
- (bb) *Modification* means a change to an existing wireless telecommunications facility that involves any of the following: collocation, expansion, alteration, enlargement, intensification, reduction, or augmentation, including, but not limited to, changes in size, shape, color, visual design, or exterior material. "Modification" does not include repair, replacement, or maintenance if those actions do not involve whatsoever any expansion, alteration, enlargement, intensification, reduction, or augmentation of an existing wireless telecommunications facility.
- (cc) *Monopole* means a structure composed of a pole or tower used to support antennas or related equipment. A monopole includes a monopine, monopalm and similar monopoles camouflaged to resemble faux trees or other faux objects attached on a monopole (e.g., water tower).
- (dd) *Mounted* means attached or supported.
- (ee) *Obstruction-free reception window* shall mean the absence of manmade or natural physical barriers that would block the signal between a satellite and an antenna.
- (ff) *OTARD antennas* means antennas covered by the "over-the-air reception devices" rule in 47 C.F.R. § 1.4000 et seq., as may be amended or replaced from time to time.
- (gg) *Personal wireless services* shall have the same meaning as set forth in 47 U.S.C. § 3321(7)(C)(i), as may be amended or superseded, which defines the term as commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.
- (hh) *Pole* means a single shaft of wood, steel concrete or other material capable of supporting the equipment mounted thereon in a safe and adequate manner and as required by provisions of this Code.
- (ii) *Public right-of-way or PROW* means a strip of land acquired by reservation, dedication, prescription, condemnation, or easement that allows for the passage of people and goods. The PROW includes, but is not necessarily limited to, streets, curbs, gutters, sidewalks, roadway medians, parkways, and parking strips. The PROW does not include land owned, controlled, or operated by the city for uses unrelated to streets or the passage of people and goods, such as, without limitation, parks, city hall



and community center lands, city yards, and lands supporting reservoirs, water towers, police or fire facilities and non-publicly accessible utilities.

- (jj) *Radiofrequency emissions (RF)* shall mean the electromagnetic signals transmitted and received using wireless telecommunication antennas.
- (kk) *Reception window* shall mean the area within the direct line between a land-based antenna and an orbiting satellite.
- (ll) *Replacement* refers only to replacement of transmission equipment, wireless telecommunications facilities or eligible support structures where the replacement structure will be of like-for-like kind to resemble the appearance and dimensions of the structure or equipment replaced, including size, height, color, landscaping, materials, and style.
 - (1) In the context of determining whether an application qualifies as an eligible facilities request, the term "replacement" relates only to the replacement of transmission equipment and does not include replacing the support structure on which the equipment is located.
 - (2) In the context of determining whether a SWF application qualifies as being placed upon a new eligible support structure or qualifies as a collocation, an application proposing the "replacement" of the underlying support structure qualifies as a new pole proposal.
- (mm) *Small cell* means a low-powered antenna (node) that has a range of ten (10) meters to two (2) kilometers. The nodes of a "small cell" may or may not be connected by fiber. "Small," for purposes of "small cell," refers to the area covered, not the size of the facility. "Small cell" includes, but is not limited to, devices generally known as microcells, picocells and femtocells.
- (nn) *Small cell network* means a network of small cells.
- (oo) *Substantial change* has the same meaning as "substantial change" as defined by the FCC at 47 C.F.R. 1.40001(b)(7). Notwithstanding the definition above, if an existing pole-mounted cabinet is proposed to be replaced with an underground cabinet at a facility where there are no pre-existing ground cabinets associated with the structure, such modification may be deemed a non-substantial change, in the discretion of the planning director and based upon his/her reasonable consideration of the cabinet's proximity to residential view sheds, interference to public views and/or degradation of concealment elements. If undergrounding the cabinet is technologically infeasible such that it is materially inhibitive to the project, the planning director may allow for a ground mounted cabinet. A modification or collocation results in a "substantial change" to the physical dimensions of an eligible support structure if it does any of the following:
 - (1) It increases the height of the structure by more than ten (10) percent or more than ten (10) feet, whichever is greater;
 - (2) It involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;
 - (3) It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets. However, for towers and base stations



located in the public rights-of-way, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other ground cabinets associated with the structure;

- (4) It entails any excavation or deployment outside the current site. For purposes of this subsection, excavation outside the current site occurs where excavation more than twelve (12) feet from the eligible support structure is proposed;
- (5) It defeats the concealment or stealthing elements of the eligible support structure; or
- (6) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in subsections (1) through (4) of this definition.
- (7) For all proposed collocations and modifications, a substantial change occurs when:
 - a) The proposed collocation or modification involves more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) equipment cabinets;
 - b) The proposed collocation or modification would defeat the concealment elements of the support structure; or
 - c) The proposed collocation or modification violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval that is inconsistent with the thresholds for a substantial change described in this section.

(pp) *Support structure* means a tower, pole, base station, or other structure used to support a wireless telecommunications facility.

(qq) *SWF* means a "small wireless facility" as defined by the FCC in 47 C.F.R. 1.6002(1), as may be amended, which are personal wireless services facilities that meet all the following conditions that, solely for convenience, have been set forth below:

- (1) The facility:
 - a) Is mounted on an existing or proposed structure fifty (50) feet or less in height, including antennas, as defined in 47 C.F.R. § 1.1320(d);
 - b) Is mounted on an existing or proposed structure no more than ten (10) percent taller than other adjacent structures; or
 - c) Does not extend an existing structure on which it is located to a height of more than fifty (50) feet or by more than ten (10) percent, whichever is greater;



- (2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 C.F.R. § 1.1320(d)), is no more than three (3) cubic feet in volume;
 - (3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than twenty-eight (28) cubic feet in volume;
 - (4) The facility does not require antenna structure registration under 47 C.F.R. part 17;
 - (5) The facility is not located on tribal lands, as defined under 36 C.F.R. § 800.16(x); and
 - (6) The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. § 1.1307(b).
- (rr) *Telecommunications tower or tower* bears the meaning ascribed to wireless towers by the FCC in 47 C.F.R. § 1.40001(b)(9), including without limitation a freestanding mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure designed and built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This definition does not include utility poles.
- (ss) *Transmission equipment* means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- (tt) *Utility pole* means any pole or tower owned by any utility company that is primarily used to support wires or cables necessary to the provision of electrical or other utility services regulated by the California Public Utilities Commission. A telecommunications tower is not a utility pole.
- (uu) *Wireless telecommunication facility* shall mean a mechanical device, land and/or structure that is used to transmit and/or receive electromagnetic signals, including but not limited to antennas, microwave dishes, horn, and other types of equipment for the transmission or receipt of such signals, free-standing wireless facilities, equipment buildings or cabinets, parking areas, and other accessory development. Exceptions: The term "wireless telecommunications facility" does not apply to the following:
- (1) Government-owned and operated telecommunications facilities.
 - (2) Emergency medical care provider-owned and operated telecommunications facilities.
 - (3) Mobile services providing public information coverage of news events of a temporary nature.



(4) Any wireless telecommunications facilities exempted from this Code by federal law or state law.

(vv) *Wireless telecommunications facilities master plan* shall mean a narrative and graphic representation of all existing and future wireless telecommunication facilities within the city for one (1) wireless communication provider or applicant.

(ww) *Wireless telecommunications services* means the provision of services using a wireless telecommunications facility or a collocation facility, and shall include, but not be limited to, the following services: personal wireless services as defined in the Federal Telecommunications Act of 1996 at 47 U.S.C. § 332(c)(7)(C) or its successor statute, cellular service, personal communication service, and/or data radio telecommunications.

26-41 "X" Definitions

26-42 "Y" Definitions

Yard. An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter.

Yard, front. A required yard extending across the full width of the lot or parcel of land. The depth of a required front yard shall be a specified horizontal distance between the front lot line and a line parallel thereto on the lot or parcel of land. Said distance shall be measured by a line at right angles to the front lot line, or by the radial line in the case of a curved front lot line. When a lot lies partially within a planned street indicated on a precise plan for such a street, and where such planned street is of the type that will afford legal access to such lot, the depth of the front yard shall be measured from the contiguous edge of such planned street in the manner prescribed in this definition.

Yard, rear. A required yard extending across the full width of the lot or parcel of land. The depth of a required rear yard shall be a specified horizontal distance between the rear lot line and a line parallel thereto on the lot or parcel of land.

Yard, side. A required yard extending along the full length of the lot or parcel of land from the rear line of the required front yard to the required rear yard. The width of the required side yard shall be a specified horizontal distance measured from, and at right angles to, the nearest point of a side lot line toward a line parallel thereto.

26-43 "Z" Definitions