Chapter 26 Zoning

ARTICLE 4 STANDARDS FOR SPECIFIC LAND USES

DIVISION 1 – STANDARDS FOR SPECIFIC LAND USES

26-107 Purpose and Applicability [Source: 26-622]

The purpose of this Article is to set forth the procedure, criteria, and standards applicable to unique or unusual land uses which require special regulation. These regulations are established to insure the compatibility of such uses with the surrounding land uses. Please refer to Article III, Division 6 for parking requirements and regulations.

26-108 Adult-Oriented Business [Source: 26-685.4100 – 26-685.5200 and NEW]

The purpose of this subsection is to prevent community-wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods that can be brought about by the concentration of adult-oriented businesses near each other or proximity to other incompatible uses such as schools for minors, places of worship, and residentially zoned districts.

It has been demonstrated in various communities that the concentration of adult-oriented businesses causes an increase in the number of transients in the area, and an increase in crime, and in addition to the effects described herein can cause other businesses and residents to move elsewhere. It is, therefore, the purpose of this Division to establish reasonable and uniform regulations to prevent the concentration of adult-oriented businesses or their proximity to incompatible uses, while permitting the location of such businesses in appropriate areas.

By the adoption of this section, the City Council does not intend to condone or legitimize the distribution of obscene material, and the City Council recognizes that state law prohibits the distribution of certain materials and expects and encourages law enforcement officials to enforce state obscenity statutes against such illegal activities within the City.

(a) Application. Any person, association, partnership, group, or corporation wishing to operate, any adult-oriented business shall submit an application for an Administrative Permit, to the Community Development Director or their designee. Possession of other State or City licenses does not exempt the applicant from this permit. The Community Development Director or their designee shall grant or deny a permit application in accordance with the provisions of grounds for denial pursuant to subsection (m) below. An Administrative Permit application for an adult-oriented business or adult-oriented business performer shall be signed by the applicant and shall contain or include the following information:

(1) A nonrefundable permit processing fee, as set by City Council resolution.

(2) If the applicant is an individual, the individual shall state their legal name, including any aliases, address, and submit satisfactory written proof that he or she is at least eighteen (18) years of age.

(3) If the applicant is a partnership, the partners shall state the partnership's complete name, address, the names of all partners, whether the partnership is general or limited, and attach a copy of the partnership agreement.

(4) If the applicant is a corporation, the corporation shall provide its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of California, the names and capacity of all officers and directors, the name of the registered corporate agent and the address and contact information of the registered office for service of process.

(5) If the applicant is an individual, he or she shall sign the application. If the applicant is other than an individual, an officer of the business entity or an individual with a ten (10) percent or greater interest in the business entity shall sign the application.

(6) If the adult-oriented business applicant intends to operate the adult-oriented business under a name other than that of the applicant, the applicant shall file the fictitious name of the adult-oriented business and show proof of registration of the fictitious name.

(7) A description of the type of adult-oriented business for which the permit is requested and the proposed address where the adult-oriented business will operate, plus the names and addresses of the owners or lessors of the proposed premises.

(8) The address to which notice of action on the application is to be mailed; the address shall not be a post office box.

(9) An applicant must state under penalty of perjury that he or she (as well as any of the officers, directors, or partners in the business) does not have a conviction for a specified criminal activity, or the equivalent in another state for which:

(i) If the conviction is a misdemeanor offense—Less than two (2) years have elapsed since the date of the conviction or the date of release from confinement imposed for the conviction, whichever is the later date.

(ii) If the conviction is a felony offense—Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date.

(iii) If the convictions are of two (2) or more misdemeanor offenses or a combination of misdemeanor offenses occurring within a twenty-four-month period—Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date.

(10) The names of all employees, independent contractors, and other persons who will work at the adult-oriented business, including performers.

(11) A sketch or diagram showing the interior configuration of the premises or the adult-oriented business, including a statement of the total floor area occupied by the adult-oriented business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

(12) A certificate and map prepared within thirty (30) days prior to application depicting the building and the portion thereof to be occupied by the adult-oriented business and the

property line of any other adult-oriented business within seven hundred and fifty (750) feet of the primary entrance of the adult-oriented business for which a permit is requested; and the property lines of any church, school, park, residential zone or use within five hundred (500) feet of the primary entrance of the adult-oriented business.

(13) A diagram of the off-street parking areas and premises entries of the proposed business showing the location of the lighting system.

(14) A security plan that satisfies the requirements of subsection (f) below.

(15) Any individual who has been issued an Administrative Permit shall promptly supplement the information provided as part of the application for the permit required by this section, including, but not limited to, each and every location within the City where the individual is performing, within fifteen (15) calendar days of any change in the information originally submitted.

(b) Any individual wishing to perform as an adult oriented business performer shall submit an application to the Community Development Director. Possession of other state or City licenses does not exempt the applicant from this permit. The Community Development Director or their designee shall grant, conditionally grant, or deny a permit application in accordance with the provisions of section 26-108 (e) (Permit processing; grounds for denial). An application for a performer permit shall be signed by the applicant and shall contain or include the following information:

(1) A nonrefundable permit processing fee, as set by City Council resolution.

(2) The applicant's legal name and any other names (including "stage names" and aliases) used by the applicant; age, date, and place of birth; height, weight, and hair and eye color; and present residence address and telephone number.

(3) A copy of the applicant's driver's license, or other current government-issued identification.

(4) The address to which notice of action on the application is to be mailed.

(5) An applicant must state under penalty of perjury that he or she does not have a conviction for a specified criminal activity, or the equivalent in another state for which:

(i) If the conviction is a misdemeanor offense—Less than two (2) years have elapsed since the date of the conviction or the date of release from confinement imposed for the conviction, whichever is the later date.

(ii) If the conviction is a felony offense—Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date.

(iii) If the convictions are of two (2) or more misdemeanor offenses or a combination of misdemeanor offenses occurring within a twenty-four-month period—Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date.

(6) The applicant must declare under penalty of perjury whether he or she has ever been licensed or registered as a prostitute, or otherwise authorized by the laws of any other jurisdiction to engage in prostitution in such other jurisdiction. If the applicant has ever been

licensed or registered as a prostitute, or otherwise authorized by the laws of any other state to engage in prostitution, the applicant shall provide the place of such registration, licensing or legal authorization, and the inclusive dates during which he or she was so licensed, registered, or authorized to engage in prostitution.

(7) The applicant's fingerprints on a form provided by the police department, and a passport-size color photograph clearly showing the applicant's face. Any fees for the photographs and fingerprints shall be paid by the applicant.

(8) If the application is made for the purpose of renewing a performer permit, the applicant shall attach a copy of the permit to be renewed.

(9) Any individual who has been issued a performer permit shall promptly supplement the information provided as part of the application for the permit required by this section, including, but not limited to, each and every location within the city where the individual is performing, within fifteen (15) calendar days of any change in the information originally submitted.

(10) All persons who have been issued a business permit shall supplement the information provided as part of the application for the permit required by this section, including, but not limited to, the names of all performers required to obtain a performer permit, within fifteen (15) calendar days of any change in the information originally submitted.

(c) For both a business permit application, the Community Development Director or their designee shall determine whether the application is complete within thirty (30) days of receipt. The application shall be determined to be complete upon receipt of all required documentation and fees. The Community Development Director or their designee shall thereafter approve or deny the permit within thirty (30) days of determining that the application is complete in accordance with the provisions of this section.

(d) Business Permit Grounds for denial. The Community Development Director or their designee shall deny a business permit application for adult entertainment on the following grounds:

(1) The building, structure, equipment or location used by the business for which an adult-oriented business permit is required do not comply with the requirements and standards of the health, zoning, fire and safety laws of the city and the state, or with the locational or development and performance standards and requirements of this Article.

(2) The applicant has knowingly made any false, misleading or fraudulent statement of material fact in the application for an adult-oriented business permit, or within any subsequently updated information, renewal or report required by this Division.

(3) An applicant is under eighteen (18) years of age.

(4) The adult-oriented business does not comply with the locational standards.

(5) The applicant has, within the previous twelve (12) months, had a permit for an adult-oriented business denied or revoked or is applying for a new permit within the period in which the existing permit has been suspended.

(6) The applicant (or any officers, directors, or partners in the business) has been convicted of any specified criminal activity for which:

(i) If the conviction is a misdemeanor offense—Less than two (2) years have elapsed since the date of the conviction or the date of release from confinement imposed for the conviction, whichever is the later date.

(ii) If the conviction is a felony offense—Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date.

(iii) If the convictions are of two (2) or more misdemeanor offenses or a combination of misdemeanor offenses occurring within a twenty-four-month period—Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date.

(iv) If for an adult performer business permit- The applicant has knowingly made any false, misleading or fraudulent statement of material fact in the application for an adult-oriented performer permit, or within any subsequently updated information, renewal or report required by this Division.

(e) Grounds for denial. The Community Development Director or their designee shall deny an administrative permit for an adult performer application on the following grounds:

(1) The applicant has knowingly made any false, misleading, or fraudulent statement of material fact in the application for an adult oriented performer permit, or within any subsequently updated information, renewal or report required by this division.

(2) The applicant is under eighteen (18) years of age.

(3) The applicant has, within the previous twelve (12) months, had a performer permit denied or revoked or is applying for a new permit within the period in which the existing permit has been suspended.

(4) The applicant has, within the previous twelve (12) months, had a prostitution permit denied, suspended, or revoked.

(5) The applicant has been convicted of any specified criminal activity for which:

(i) If the conviction is a misdemeanor offense—Less than two (2) years have elapsed since the date of the conviction or the date of release from confinement imposed for the conviction, whichever is the later date.

(ii) If the conviction is a felony offense—Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date.

(iii) If the convictions are of two (2) or more misdemeanor offenses or a combination of misdemeanor offenses occurring within a twenty-four-month period—Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date.

(iv) In the event a business or performer permit is denied, the applicant shall not reapply for a period of twelve (12) months from the date the denial becomes final.

(f) Location. The adult-oriented business is to be located in the Service-Commercial (S-C) zone, Medium-Commercial (C-2) zone, heavy-commercial (C-3) zone, regional-commercial (RC) zone, manufacturing (M-1) zone, or the urban center and general urban zones in the Downtown Plan.

(1) Adult-oriented businesses may not be located within the proximity of the following (measured in a straight line from the property line to zone boundary):

(i) Within five hundred (500) feet of any residential zone or any lot upon which a residential use is legally occurring at the time this Article is adopted and continues to occur at the time the application is reviewed;

(ii) Within five hundred (500) feet of any lot upon which there is located a church or other religious facility or institution, public park, or educational institution which is utilized by minors;

(iii) Within seven hundred and fifty (750) feet of another adult-oriented business, provided that this separation requirement also applies from adult-oriented businesses that are in adjacent cities; and

(iv) Within one hundred (100) feet of the civic center property line.

(2) The adult-oriented business shall not be located in an area where the traffic from the adult oriented business shall increase the volume capacity ratio below level of service E; or, will worsen the existing condition at level of service F; or increase the volume capacity ratio by 0.02, all as determined by the city engineer.

(g) Moving signs, as defined in Article 1, as well as signs with changeable copy and temporary signs are not permitted for adult businesses. Exterior signs shall not depict recognizable specified anatomical areas or adult entertainment activities. Advertisements, displays of merchandise, signs or any other exhibit depicting specified anatomical areas or adult entertainment activities placed within the interior of buildings or premises shall be arranged or screened to prevent public viewing from outside such building or premises.

(h) Exterior painting. Buildings and structures shall not be painted or surfaced with any design that would simulate a sign or advertising message and cannot be established or maintained such that the exterior appearance of the structure is substantially inconsistent with the external appearance of structures on abutting properties.

(i) Development standards. Except as set out herein or otherwise restricted by law, the adult oriented business shall comply with the development standards, including signage standards, for the zone in which the business is located.

(j) Display of adult oriented material or merchandise. The adult-oriented business shall not display any adult oriented material or merchandise in such a manner so as to be visible from any location other than within the adult-oriented business.

(k) Exclusion of minors. The adult oriented business shall not be accessible to any person under the age of eighteen (18), and such exclusion shall be clearly posted at all entrances.

(l) Areas open to public view. No area within the adult oriented business shall be visible from its exterior.

(m) Nude adult-oriented performances are prohibited. Adult oriented performers shall wear no less than pasties to cover the nipple areas of female breasts, and a g-string that covers the genital area.

(n) Interior orientation. The interior of the adult oriented business shall be configured such that there is an unobstructed view, by use of the naked eye and unaided by video, closed circuit cameras or any other means, of every public area of the premises (excluding restrooms), including, but not limited to, the interior of all individual viewing areas, from a manager's station which is no larger than thirty-two (32) square feet of floor area with no single dimension being greater than eight (8) feet in a public portion of the establishment. No public area (excluding restrooms), including, but not limited to, the interior of any individual viewing area, shall be obscured by any door, curtain, wall, two way mirror or other device which would prohibit a person from seeing into the interior of the individual viewing area, solely with the use of the naked eye and unaided by video, closed circuit cameras or any other means, from the manager's station. A manager shall be stationed in the manager's station at all times the business is in operation or open to the public in order to enforce all rules and regulations. No individual viewing area shall be designed or operated to permit occupancy of more than one (1) person at a time.

(o) Business hours. No adult oriented business shall operate from the hours of 2:00 a.m. to 7:00 a.m.

(p) Parking lot lighting. The parking lot lighting system shall be designed to produce a minimum light level of three (3) foot-candles on the entire parking facility's horizontal surface.

(q) Interior Lighting. All areas of the adult-oriented business shall be illuminated at a minimum of the following foot-candles, minimally maintained, and evenly distributed at ground level:

(1) Arcade: Ten (10) foot-candles in public areas;

(2) Bookstores: Twenty (20) foot-candles;

(3) Cabaret: Five (5) foot-candles, except during performances, at which times the lighting shall be at least 1.25 foot-candles;

(4) Individual viewing booths: 1.25 foot-candles;

(5) Motion picture theater: Ten (10) foot-candles, except during performances, at which times the lighting shall be at least 1.25 foot-candles;

(6) Theater: Five (5) foot-candles, except during performances, at which times the lighting shall be at least 1.25 foot candles;

(7) Other establishments not listed above: Twenty (20) foot-candles ground level (excluding those areas shielded by tables and similar obstructions).

(r) Operation of individual viewing areas. Each machine used to 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, shall be located in an individual viewing area. Any individual viewing area of the adult oriented business shall be separated from patrons by a floor to ceiling plexiglass or other clear, permanent barrier and shall be

operated and maintained with no holes, openings, or other means of direct visual or physical access between the interior space of two (2) or more individual viewing areas. No individual viewing area may be occupied by more than one (1) person at any one (1) time.

(s) Separation zones. Whenever live entertainment is provided, patrons shall be physically separated from performers by a buffer zone of at least six (6) feet and no physical contact between performers and patrons shall be permitted. This provision shall not apply to an individual viewing area where the stage is completely separated from the individual viewing area by a floor to ceiling permanent, solid barrier.

(t) Use of single building for multiple uses. No building, premises, structure, or other facility shall be permitted to contain more than one (1) type of adult oriented business as such types of adult oriented business are defined in Article 1. For the purposes of this section, the phrase "adult oriented business" shall not be considered a single type of adult oriented business.

(u) Payment of gratuity. No patron shall directly or indirectly pay or give any gratuity to any performer and no performer shall solicit or accept any gratuity from any patron.

(v) Separate restrooms. The adult-oriented business shall provide separate restroom facilities for male and female patrons and employees. The restrooms shall be free from adult oriented material. Only one (1) person shall be allowed in the restroom at any time, unless otherwise required by law, in which case the adult oriented business shall employ a restroom attendant of the same sex as the restroom users who shall be present in the restroom during operating hours. The attendant shall prevent any person(s) from engaging in any specified sexual activities within the restroom and shall ensure that no person of the opposite sex is permitted in the restroom.

(w) Parking. The adult oriented business complies with the city's parking standards for the underlying use. Where no city parking standards exist for a particular underlying use, the applicant shall provide one (1) space per occupant as based upon the maximum occupancy as determined by the building official.

(x) Security plan. A detailed security plan is submitted to the Community Development Director that describes measures that will be implemented to provide adequate security both within the interior and exterior of the premises of the business, specifically including, but not limited to, measures to comply with the requirements of for areas open to public view and parking.

(y) Security guards. For an adult oriented business that provides live entertainment, at least one (1) security guard shall be on duty outside the premises, patrolling the grounds and parking areas, at all times while the business is open and providing live entertainment. If the occupancy limit of the premises is greater than fifty (50) persons, an additional security guard shall be on duty inside the premises for each additional fifty (50) patrons permitted. The security guard(s) shall be charged with preventing violations of and enforcing compliance by patrons with the requirements of this division, and notifying the appropriate authorities of any violations of law observed. Any security guard required by this subparagraph shall be uniformed in such a manner so as to be readily identifiable as a security guard by the public and shall be duly licensed as a security guard as required by applicable provisions of state or local law. No security guard required pursuant to this subparagraph shall act as a door person, ticket seller, ticket taker or admittance person while on duty as a security guard.

(z) The business location, structure, and equipment complies with all applicable health, fire, building, or other state, federal, or local laws and regulations.

(aa) The owner or manager of an adult oriented business will not permit any employee on the premises to engage in a live showing of specified anatomical areas. The owner or manager of an adult oriented business shall be responsible to ensure compliance with this division by employees, performers and patrons.

26-109 Alcohol Beverage Sales Establishments [Source: 26-685.100 – 26-685.979 and NEW]

The purpose of this section is to provide conditions for the establishment of commercial uses that serve and/or sell alcohol (retail on-sale and off-sale licenses) and to do so in accordance with certain requirements designed to ensure compatibility of such services with surrounding commercial and residential development, to not create any undue concentration of such licenses, and to not create any adverse effect on the health and welfare of the community.

(a) The required permit as specified in Article II Division 2 in specified commercial and manufacturing zones for any business that sells alcohol for off-site consumption, except for service stations that sell alcohol, which requires a conditional use permit pursuant to section 26-109 (b)

(b) Service Stations Selling Beer and Wine for Off-Premises Consumption

(1) Conditional Use Permit Required. Any service station located in specified commercial and manufacturing zones may sell beer and wine for off-site consumption with a conditional use permit. The sales of distilled spirits shall not be allowed.

(2) The site shall comply with all current development standards for service stations as set forth in the West Covina Municipal Code, including, but not limited to, the minimum number of parking spaces prior to the approval of a conditional use permit to allow off-sale of alcohol.

(3) Unless otherwise noted, the following requirements shall apply to all gasoline service stations selling beer and wine:

(i) A maximum of ten (10) percent of the retail floor area shall be allowed for the display and sale of alcohol. Merchandise stacking shall not be included in the retail floor area calculation when determining the maximum area for display and alcohol sales.

(ii) The sale of beer in quantities fewer than three containers is prohibited and no alcoholic beverage shall be sold in unit quantities less than the distributor's intended resale units.

(iii) No beer and wine shall be displayed within five feet of the cash register or front door.

(iv) The advertisement of beer and wine shall not be permitted at motor fuel islands.

(v) Identification card reader is required to determine the authenticity of the identification that displays the age of the individual.

(vi) No beer and wine shall be sold from or displayed in an ice tub.

(vii) No coin or other fee-based operated video games or video entertainment machines shall be permitted on the premises.

(viii) Signage shall be posted in the parking lot and on the exterior of the building notifying persons that alcohol shall not be consumed on the premises.

(ix) Signs shall be prominently posted, stating that California State Law prohibits the sale of beer and wine to persons under the age of 21 years.

(x) A CCTV surveillance system shall be installed that views and records all areas within the interior of the store sales floor and the exterior of the gasoline station, including all points of ingress/egress from the street.

(xi) A Flock Safety camera with license plate recognition that is integrated with the Police Department's system shall be installed at every vehicle entry/exit points for the site.

(c) On-site instructional tasting events at for off-sale premises may be established as follows:

(1) A Conditional Use Permit is required for businesses which offer instructional tasting events.

(2) Conditional Use Permits for instructional tasting may only be granted to businesses with an active off-sale or on-sale liquor license from the department of alcoholic beverage control (ABC).

(d) Alcohol service (on-sale licenses) may be established in conjunction with the following uses, only in the zones specified in Article II, with the approval of a Conditional Use Permit:

(1) Clubs, lodge halls, and similar facilities as defined in section 23428.9 of the California Business and Professions Code;

(2) Main use billiard parlor with a kitchen and dining area as specified in this Article; or

(3) A major motel or a major hotel as defined in this Division;

(e) Alcohol service (on-sale licenses) may be established in conjunction with the following uses, only in the zones specified in Article II, with the approval of an Administrative Permit:

(1) Bona fide eating place as defined in section 23038 of the California Business and Professions Code

(f) Alcohol Beverage Manufacturing (ABM) uses, and Accessory Tasting rooms may be established subject to and Administrative Permit and the following:

(1) The ABM shall comply with all federal, state, and local laws and regulations, including a valid license from the California Alcohol Beverage Control (ABC) Board for the specific type of alcoholic beverage manufacturing occurring on site.

(2) The ABM use located in a commercial zone shall not exceed six thousand (6,000) square feet of gross floor area (GFA), unless otherwise permitted by the Administrative Permit.

(3) The ABM in a commercial zone may not exceed production of fifteen thousand (15,000) barrels per year.

(4) The ABM located in a commercial zone must include an accessory tasting room.

(5) The ABM may not be located within five hundred (500) feet of the nearest property line of any elementary, secondary, or high school, as measured from the nearest property line of the site on which the alcohol manufacturing use is located.

(6) All production activities shall be located completely within the ABM facility. All on-site storage shall be located within the ABM facility.

(7) The display of alcoholic beverages shall not be located outside of an ABM and accessory tasting room facility.

(8) Accessory uses such as cooking facilities, and the sales of alcohol for off-site consumption may be allowed as a part of the administrative permit provided that the proposed accessory use complies with the applicable development standards of this title, is permitted in the underlying zone and that the accessory uses are incidental and do not substantially alter the character of the principal use.

(9) The ABM and accessory tasting room use shall not be open to the public, except for the following hours:

(i) Manufacturing and Production: 7:00 a.m. - 7:00 p.m. Monday - Saturday.

(ii) Accessory Tasting Room (Industrial Zone): 12:00 p.m. - 9:00 p.m. Sunday - Thursday, and 11:00 a.m. - 10:00 p.m. Friday - Saturday.

(iii) Accessory Tasting Room (Commercial Zone): 12:00 p.m. - 9:00 p.m. Sunday - Thursday, and 11:00 a.m. - 12:00 p.m. Friday-Saturday. Additional hours may be permitted through an Administrative Permit.

(10) Service trucks used for the purposes of loading and unloading materials, ingredients, products, and equipment shall be restricted to the hours of 8:00 a.m. - 6:00 p.m. Monday - Friday and 11:00 a.m. - 6:00 p.m. on Saturday; the use of service trucks for the purposes of loading and unloading materials, ingredients, equipment, and finished product shall be prohibited on Sunday.

(11) To the greatest extent feasible, access and loading bays are discouraged from facing toward a street.

(12) The purchase, consumption, tasting and sales of alcoholic beverages shall be limited to only those products produced on site.

(13) Ancillary retail sales shall be limited to only those retail items directly associated with the on-site ABM facility and accessory tasting room.

(14) The ABM use or accessory tasting room shall not charge an admission fee, cover charge, or require a minimum purchase.

(15) A sewage plan and all on-site infrastructure shall be approved by the appropriate City departments.

(16) The ABM and accessory tasting room use shall comply with Chapter 15 Article IV- Noise Regulations.

(17) A security plan, including a video surveillance system and exterior lighting plan, satisfactory to the Chief of Police shall be submitted to and approved by the Police Department prior to the issuing of a Certificate of Occupancy. The video surveillance system shall be installed to assist with monitoring the property on both the interior and exterior. A Digital Video Recorder (DVR), capable of exporting images in TIFF, BMP, or JPG format shall be used. Recording shall be retained for no less than thirty (30) days. Exterior lighting shall clearly illuminate the

common areas surrounding the building including, but not limited to, the entrance and exit doors, as well as the business address.

(18) No more than ten percent (10%) of the square footage of the windows and transparent doors of the premises shall be allowed to bear advertising, signs, or any other obstructions. All advertising, signage or other obstructions shall be placed and maintained to ensure a clear and unobstructed view of the establishment's interior. Window signs displaying prices shall be prohibited. No advertising or signage shall be placed in the area above three (3) feet or below six (6) feet in height of all windows measured from grade.

(19) Tours of the ABM and accessory tasting room use shall occur on regularly scheduled days and times. The operator shall ensure that tours do not negatively impact adjacent businesses or property owners.

(20) ABM and accessory tasting room uses located adjacent to or across from residential areas shall be restricted from utilizing natural ventilation practices that may negatively impact neighboring residences and may be required to install mechanical air filtration systems.

(g) Breweries, wine blending, and distilleries

(1) In addition to the standards for the underlying zone, the following requirements shall apply to breweries, wine blending business, distilleries and accessory tasting rooms:

(i) A brewery, wine blending or distillery use may not exceed production of 15,000 barrels per year for breweries or 150,000 gallons for wine blending/distillery uses.

(ii) All production activities and on-site storage shall be located completely within the facility. Off-site storage is permitted, provided it meets all applicable provisions of the underlying zone. The display of alcoholic beverages shall be located within the manufacturing area and accessory tasting room facility.

(iii) The brewery, wine blending, or distillery use, and accessory tasting room use shall be allowed to operate and be open to the public during the following hours:

a) Manufacturing and Operation: 7:00 A.M. to 7:00 P.M. Monday through Saturday; and Accessory Tasting Room Open to the Public: 11:00 A.M. to 12:00 A.M. daily.

(iv) Service trucks used for the purposes of loading and unloading materials, ingredients, products, and equipment shall be restricted to the hours of 7:00 A.M. to 6:00 P.M. Monday through Friday and 9:00 A.M. to 6:00 P.M. on Saturday.

(v) The consumption, tasting, and sales of alcoholic beverages shall be limited to only those products produced on site, unless the use establishes a bona fide eating establishment.

(vi) Ancillary retail sales, including the sale of beer, wine or distilled spirits for off-premises consumption, shall be limited to only those retail items directly associated with the on-site facility and accessory tasting room.

(vii) The brewery, wine blending, distillery use, or accessory tasting room shall not charge an admission fee, cover charge, or require a minimum purchase.

(viii) A security plan, including a video surveillance system and exterior lighting plan, satisfactory to the Community Development Director or designee, shall be submitted and

approved prior to issuing a Certificate of Occupancy. The video surveillance system shall be installed to assist with monitoring of both the interior and exterior of the property. A Digital Video Recorder (DVR) or similar video recording device, capable of exporting images in TIFF, BMP, or JPG format shall be used. Recording shall be retained for no less than 30 days. Exterior lighting shall clearly illuminate the common areas surrounding the building including, but not limited to, the entrance and exit doors and the business address.

(ix) No more than ten percent of the window display area (including any transparent doors) shall be allowed to bear advertising, signs, or any other obstructions. All advertising, signage, or other obstructions shall be placed and maintained to ensure a clear and unobstructed view of the establishment's interior. Window signs displaying prices shall be prohibited. No advertising or signage shall be placed in the area above three (3) feet or below six (6) feet in height of all windows measured from grade.

(x) Tours of the brewery, wine blending, or distillery use, and accessory tasting room use shall occur on regularly scheduled days and times. The operator shall ensure that tours do not negatively affect adjacent businesses or property owners.

(xi) The business shall be restricted from utilizing ventilation practices that may negatively affect residences and may be required to install mechanical air filtration systems to the satisfaction of the Community Development Director or designee.

(xii) Any proposed alcohol establishment shall comply with all Police Department conditions imposed, including those listed under Section 19 "Building/Site Security" of City Council Resolution 95-20.

26-110 Amusement and entertainment facilities [Source: 26-685– 26-685.19]

The purpose of this Division is to permit the operation of amusement and entertainment facilities, through consideration of physical treatment and compatibility with the community and surrounding property.

(a) The permit required (as specified in Article II Division 2) shall be obtained prior to establishing an amusement and entertainment facility.

(b) The following special development standards shall apply to amusement and entertainment facilities:

(1) Hours of operation shall be limited to between eight (8:00) a.m. to twelve o'clock (12:00) midnight. The Community Development Director or their designee may, after three (3) months of operation approve extended hours of operation. The hours of operation must be posted in a conspicuous place.

(2) All activities associated with the use shall comply with the standards of the noise ordinance. An accessory computer game/internet access center with ten (10) or more computers, shall be subject to the granting of an Administrative Permit, or if located in the Neighborhood Commercial (N-C) zone a Conditional Use Permit is required, as specified in Article VI, Divisions 3 and 5 of this Chapter.

(3) Windows shall not be obscured by placement of signs, dark window tinting, shelving, racks, or similar obstructions.

(4) The operator of the use shall provide night lighting and other security measures to the satisfaction of the Chief of Police.

(5) Exterior lighting shall not intrude on surrounding properties.

(6) The operator shall demonstrate an ability to prevent problems related to potential noise, litter, loitering, crowd control and parking.

(7) A security plan, including a video surveillance system, exterior lighting plan, noise, litter, loitering, crowd control and parking to the satisfaction of the Chief of Police shall be submitted to and approved by the Police Department prior to the issuing of a Certificate of Occupancy.

(8) The development standards of the zone in which this use is to be located shall apply (as specified in Article III, unless this section specifically permits or prohibits otherwise.

(9) Such other conditions as deemed by the Planning Commission or Community Development Director or their designee to reasonably relate to the purpose of this Division, such as but not mandatory or limited to:

(i) Windows shall be maintained to allow an unobstructed view of the interior.

(ii) Noise, congregation, parking, and other factors generated by the use, which are detrimental to the public health, safety, and welfare.

(iii) Review of the computer game/internet access center, main or accessory use, operation permitted by the Administrative Use and/or Conditional Use Permit is required after six (6) months after opening, then annually thereafter. Ownership changes shall meet the same requirements. The current or new business owner and/or applicant shall be responsible for all fees associated with the review. A deposit shall be submitted to the Planning Division in the amount equal to ½ of the pertinent current application fee. The review deposit shall be paid prior to occupancy or business license issuance.

(iv) At no time shall alcoholic beverages be sold, dispensed, possessed, brought, or allowed on the premises of any amusement and entertainment facility except in those cases where the facility is accessory to a bona fide eating place with a Conditional Use Permit for on-sale alcohol service.

(c) Specific development requirements for a game arcade:

(1) No arcade shall be located within one thousand (1,000) feet of a public or private school conducting classes between first and twelfth grades. The distance shall be measured over a pedestrian path of travel from the nearest customer entrance of the arcade to the nearest accessible portion of any school property.

(2) Conditions of approval of a Conditional Use Permit for an amusement and entertainment facility:

(i) No admittance of juveniles under sixteen (16) years of age until 1:30 p.m. except on Saturday, Sunday, holidays, and school vacations.

(ii) No one under twelve (12) years of age admitted unless supervised by an adult.

(iii) One (1) attendant, twenty-one (21) years of age or older, is required for every twenty-five (25) games; two (2) attendants minimum required for a main use or accessory use game arcade.

(iv) Review of the operation permitted by the Conditional Use Permit is required every six (6) months for a period of two (2) years, beginning on the date of the start of operation of a main use game arcade. The business owner and/or applicant shall be responsible for all fees associated with the review. A deposit shall be submitted to the Planning Division in the amount equal to two times the current Conditional Use Permit application fee. The review deposit shall be paid prior to occupancy or business license issuance.

(v) The Conditional Use Permit may be revoked, amended, or suspended by the Planning Commission under the provisions of Article VI of this Chapter.

(vi) Licenses or permits as required in Chapter 5, Article V and Chapter 14 of the West Covina Municipal Code shall be obtained prior to the start of the operation of the use.

(vii) Amusement and entertainment facility business hours: 10:00 a.m. to 10:00 p.m. The Planning Commission may approve extended hours of operation under certain circumstances; but in any case, after 10:00 p.m. attendance shall be limited to adults and minors accompanied by a parent or legal guardian.

(viii) No sound created by the entertainment facility, or its patrons shall be detected from the exterior of the facility.

(3) Such other conditions as deemed by the Planning Commission to reasonably relate to the purpose of this Division, such as but not mandatory or limited to:

(i) Review of the operation permitted by the Conditional Use Permit is required every six (6) months for a period of two (2) years, beginning on the date of the start of operation of an accessory use game arcade.

(ii) Windows shall be maintained to allow an unobstructed view of the interior.

(iii) Accessory use game arcade business hours, if different from business hours of the main use.

(d) Specific development requirements for billiard parlors.

(1) Spacing of tables. A clear and unobstructed distance of six (6) feet shall be provided between tables, and between tables and walls or other obstructions.

(2) Lighting. The interior and exterior of the building and the front and rear parking lot shall be brightly lit with no dark areas. Exterior lighting shall be installed and maintained in a manner eliminating any nuisance to adjacent residential property.

(3) Floor covering. All floor surfaces of the playing and spectator area shall be covered with fabric carpet.

(4) Proximity to school. No billiard parlor shall be located within one thousand (1,000) feet of a public or private school conducting classes between the first and twelfth grades. This distance shall be measured over a pedestrian path of travel from the nearest customer entrance of the parlor to the nearest accessible portion of any school property.

(5) Open view. All billiard parlors shall be so constructed and maintained that a clear and unobstructed view of the entire interior thereof may at all times be had from the street or sidewalk in front of the same, except in those cases where the billiard parlor is an accessory use to a bona fide eating place, as defined in section 23038 of the California Business and Professions Code. No partitions forming rooms, stalls, or other enclosures where the public congregates shall be permitted. This provision, however, shall not be construed to preclude the maintenance of washrooms, toilet rooms for proper purposes or the maintenance of closets for storage purposes exclusively.

(6) Conditions of approval of a Conditional Use Permit for a billiard parlor:

(i) At no time shall alcoholic beverages be sold, dispensed, possessed, brought or allowed on the premises of any billiard parlor except in those cases where the billiard parlor is an accessory use to a bona fide eating place utilizing no more than 10-percent of the total floor area available for customer assembly and/or dining. In no case shall alcoholic beverages be allowed within a primary/main use billiard parlor.

(ii) No person shall operate a billiard parlor between the hours of 2:00 a.m. and 6:00 a.m., or permit or allow any person to play billiards or remain in any billiard parlor between the hours of 2:00 a.m. and 6:00 a.m. This section, however, shall not be construed to prevent regular employees from performing necessary work within the premises.

(iii) Any billiard parlor shall be always subject to police inspection and supervision for the purpose of ascertaining if the provisions of this Article are being observed, and no personnel shall hinder, obstruct, or delay any police officer from entering any such place.

(iv) No person shall keep any door or entrance to any billiard parlor locked, barred, or barricaded in such a manner as to make it difficult for access to police officers while two (2) or more persons are present.

(v) No person shall permit gambling of any kind or description or playing any games whatsoever for money or anything of value, within any billiard parlor.

(vi) No card table shall be kept, or any card games played or allowed in any billiard parlor.

(7) Main use billiard parlors and all accessory use billiard parlors shall comply with the following:

(i) No person under the age of sixteen (16) years shall be in, remain in, enter, or visit any billiard parlor, unless accompanied by a person over twenty-one (21) years of age who is responsible for the minor's control and supervision.

(ii) No person having charge or control of the billiard parlor shall permit or allow any person under the age of sixteen (16) years to be in, remain in, enter, or visit any billiard parlor, unless such minor person is accompanied by a person over twenty-one (21) years of age who is responsible for the minor's control and supervision.

(iii) The provisions of paragraphs (i) and (ii) of this section shall not apply to any person under the age of sixteen (16) years, if such person while in any billiard parlor is a member of a bona fide organized recreational group attending such room as a part of its activities, and there is in charge of such group and accompanying such group, while in a billiard parlor, a person over the age of twenty-one (21) years.

(iv) No person shall represent themselves to have reached the age of sixteen (16) years to obtain admission to a billiard parlor or to be permitted to remain therein when such person in fact is under sixteen (16) years of age.

(v) No person under the age of eighteen (18) years shall be in, remain in, enter, or visit any billiard parlor after 10:00 p.m. and before 6:00 a.m. of the next day, unless accompanied by his/her parent, guardian or other person having the legal care, custody, or control of such person.

(vi) No person having charge or control of any billiard parlor shall permit or allow any person under the age of eighteen (18) years to be in, remain in, enter, or visit any billiard parlor, after 10:00 p.m. and before 6:00 a.m. of the next day, unless accompanied by his/her parent, guardian or other person having the legal care, custody, or control of such person.

(vii) The proprietor or manager of such billiard parlor shall maintain a notice at the front entrance thereof to the effect that a person under the age of sixteen (16) years of age is prohibited from entering the same unless accompanied by a person over twenty-one (21) years of age who is responsible for his/her control and supervision.

(viii) No alcohol shall be served in main use billiard parlors.

26-111 Animal Keeping [Source: 26-391 (5)]

The purpose of this Division is to permit and regulate the keeping and maintenance of animals on any lot or parcel being legally used as a single-family residence and/or zoned for residential use without changing the residential character of surrounding neighborhoods. The following animals of such type, size and number so as not to be capable of inflicting harm or discomfort or endangering the peace, health or safety of any person or property.

(a) Household pets: Provided that not more than three (3) adult dogs or four (4) adult cats, one (1) miniature pot-bellied pig or a combination of three (3) such animals may be kept on any lot unless a Conditional Use Permit has been granted authorizing the development, maintenance, and operation of a hobby kennel on the lot.

(b) Poultry and fowl provided that not more than six (6) birds are maintained on any lot or parcel.

(1) Roosters are prohibited.

(2) Domestic homing pigeons, in excess of six (6) birds and not more than twenty-four (24) birds on any lot or parcel may be permitted subject to the approval of an Administrative Permit and compliance with the standards listed below. Domestic homing pigeons are defined as members of the family Columbidae, and include "racing pigeons," "fancy pigeons," and "sporting pigeons," as defined by the American Racing Pigeon Union and can be identified by a numbered leg band issued by a recognized national or state pigeon organization or other organization recognized by the City of West Covina.

(i) A detailed plan of the loft showing its location on the property and evidence of membership and/or certification by one (1) of the above-mentioned organizations shall be submitted in conjunction with the Administrative Permit application.

(ii) The loft shall be of sufficient size and design, and constructed of such material, that it can be maintained in a clean and sanitary condition.

(iii) No loft structure shall be closer than ten (10) feet to any separate accessory building on the subject site.

(iv) Lofts and pigeons shall be located no closer than thirty-five (35) feet from any property line and/or habitable building on the subject site.

(v) Lofts and pigeons shall be located no closer than one hundred (100) feet from any school or hospital property.

(vi) All feed for pigeons shall be stored in sealed containers in a manner as to protect against intrusion by rodents and other vermin.

(vii) The hours in which exercising/training may occur are limited by the Administrative Permit.

(viii) Each pigeon shall not be allowed out of its loft more than one (1) time in a twenty-four-hour period.

(ix) Pigeons shall not be allowed out of their loft except for exercising/training or when being transported for a flight.

(x) Facilities and equipment shall be cleaned daily and maintained in a clean and healthy condition.

(xi) No one shall release pigeons to fly for exercise, training, or competition except in compliance with the following:

(xii) The owner of the pigeons must be a member in good standing of an organized pigeon club, such as the American Racing Pigeon Union, Inc., the International Federation of Racing Pigeon Fanciers, the National Pigeon Association, the American Tippler Society, the International Roller Association, the Rare Breeds Pigeon Club, or a local club which has rules that will help preserve the peace and tranquility of the neighborhood.

(xiii) Pigeons shall not be released for flying which have been fed within the previous four (4) hours.

(xiv) All pigeons shall be banded and registered with one (1) of the national pigeon associations/registries.

(c) Small animals such as rabbits, chinchillas, hamsters, reptiles, and other small animals (subject to Section 671, Title 14, of the California Code of Regulations) raised for:

(1) Domestic noncommercial use in residential zones. Provided not more than a total of six (6) of such animals maintained on a site.

(d) Bovine animals, sheep and goats or any combination thereof shall only be allowed in the R-A zone on sites having at least twenty thousand (20,000) square feet, provided that the following ratio of animals to lot area is maintained and that they are owned only by persons residing on the parcel:

Table 1 Number of bovine animals per lot size xxx

No. of Animals	Lot Area

1	20,000 sq ft
2	35,000 sq ft
3	43,560 sq ft (one acre)

(e) Horses may be maintained on lots of twenty thousand (20,000) square feet or greater. The number of horses over nine (9) months of age permitted to be maintained shall be as follows:

Table 2 Number of horses per lot size

No. of Horses	Minimum Lot Area (Square feet)
2	20,000
3	27,500
4	35,000
5	42,500+

(f) For lots that abut equestrian facilities and trails, the number of horses permitted to be maintained shall be increased as follows:

Table 3 Number of horses per lot size (adjacent to special facilities park)

No. of Horses	Minimum Lot Area (Square feet)
2	20,000
3	25,000
4	30,000
5	35,000+

(g) The keeping of horses under ten (10) months of age are not subject to the limitations stated above.

(h) An additional number of horses, bovine animals more than those permitted above, may be maintained up to a maximum of ten (10), subject to the granting of a conditional use permit.

(i) Commercial boarding or breeding of horses may be permitted subject to the granting of a conditional use permit.

(j) Poultry, homing pigeons, small animals, bovine animals, and horses must be kept within a corral, pen, or other suitable enclosure maintained so as to confine such animals. In addition, horses must be provided with a corral or stable area of the following minimum sizes:

(1) Corral: Two hundred forty (240) square feet per horse; minimum dimensions of twelve (12) feet by twenty (20) feet;

(2) Stable: Twelve (12) feet by twelve (12) feet per horse.

(3) Corrals shall be a minimum of five (5) feet in height and shall be constructed of material to adequately confine the horses.

(k) The location of barns, corrals, or stables shall comply with applicable zoning setback requirements. A barn, corral, or stable may be located within fifty (50) feet of a front property line at the

discretion of the Community Development Director or their designee or his designee through an Administrative Permit where the design and appearance of such structures is determined to be harmonious with and complementary to that of surrounding properties.

(l) Refuse from animals shall be stored in water-tight receptacles with close fitting lids or stockpiled for composting. The outer layer of manure shall be covered with polyethylene tarp and sealed by covering the edges with soil for animal composting. Stored animal refuse shall be disposed of not less than once per week.

(m) Barns, corrals, or stables shall be cleaned and maintained on a weekly basis such that dust, flies, and odors shall not be detectable from adjacent properties.

(n) Notwithstanding the poultry and animals permitted to be kept, no wild and dangerous or wild and potentially dangerous animal or animals (as defined in Chapter 6 Article I of this Code) shall be brought into, kept, harbored, possessed, liberated, or maintained on any portion of any lot or within any building or structure thereon.

(1) This prohibition shall not apply to any offspring of any legally kept wild animal until such offspring reaches an age of four (4) months.

(2) This prohibition shall not apply to any circus or show involving the temporary exhibition of wild animals when otherwise permitted under this Code.

(o) Miniature pot-bellied pig. Miniature pot-bellied pigs 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 shall be permitted.

(1) Only one (1) miniature pot-bellied pig shall be permitted per single-family residential lot.

(2) If kept outdoors, the pot-belly pig must be maintained at least twenty (20) feet from any habitable dwellings (other than the permittees).

(3) Breeding of the pot-bellied pig is prohibited. Each pig shall be surgically altered to prevent reproduction. Evidence of such surgery shall be submitted to the City prior to the approval of an Administrative Permit for miniature pot-bellied pigs.

(4) The owner of the miniature pot-bellied pig is responsible for ensuring that the animal is maintained in a manner which complies with Chapter 6, Article II pertaining to the general keeping of miniature pot-bellied pigs and the licensing requirements thereof.

(5) The keeping of adult dogs and adult cats in conjunction with a miniature pot-bellied pig shall be limited such that the total number of adult household pets, including the one (1) miniature pot-bellied pig, shall not exceed three (3) for a single-family residential property.

(6) If kept as an indoor pet, a minimum of one hundred (100) square feet outdoor cemented, or turfed, fenced with solid footings, smooth-surfaced floor run shall be provided.

(7) If kept outdoors a minimum of two hundred (200) square feet cemented, or turfed, fenced with solid footings, smooth-surfaced floor run shall be provided. Said fenced area must comply with all setback requirements for the underlying area district and be maintained in an orderly and odor-free manner.

26-112 Body Art [Source: 26-685.6700 – 26-685.7200]

(a) Body Piercing. The practice of body piercing shall be allowed in conjunction only with a beauty shop or jewelry store use. Only body piercing uses shall supply body piercing services to the public. Medical practitioners licensed by the State of California under the Business and Professions Code Chapter 5 (commencing with Section 2000 of Division 2) who utilize body art activities as part of patient treatment are exempt from the registration and permitting requirements of this Division.

(1) The practice of body piercing shall be subject to and comply with the following standards and regulations:

(i) Body piercing uses established and operated only in the zones specified in Article II Division 2 and shall occupy no more than ten (10) percent of the gross floor area of the primary business.

(ii) Body piercing uses may only be established in permitted businesses with a minimum of one thousand two hundred (1,200) square feet of gross floor area.

(iii) The permit required (as specified in Article II Division 2) shall be obtained prior to establishing a body piercing use.

(iv) The body piercing use shall comply with the Los Angeles County Code Department Regulations Body Art Title 11-Health and Safety Code Division 1 - Health Code Chapter 11.36-Body Art Establishments and Environmental Health Regulations Part 1 Public Health Chapter 36 Body Art Regulations as adopted July 1999 or as may be amended in the future.

(v) A business license as required by Chapter 14 of the West Covina Municipal Code shall be obtained prior to the start of the operation.

(vi) The Community Development Director or their designee may impose other conditions deemed necessary to reasonably relate to the purpose of this Division.

(b) Tattooing. The practice of tattooing established and operated only in the zones specified in Article II Division 2 and shall be subject to the permit required (as specified in Article VI Division 4). Tattooing shall comply with the following standards and regulations:

(1) Tattooing uses may only be established in a tenant space with a minimum of one thousand (1,000) square feet of gross floor area.

(2) Tattooing uses shall be located a minimum of three hundred (300) feet from a residential use, religious facility, public parks, or educational institution which is utilized by minors (measured from property line).

(3) Tattooing uses shall be located more than one thousand five hundred (1,500) feet from the perimeter of the tenant space of any other tattooing use.

(4) Tattooing uses shall not operate between the hours of 10:00 p.m. and 10:00 a.m.

(5) Temporary or mobile tattooing uses or events are not allowed by this section.

(6) The parking requirement for a tattooing use shall be consistent with standards for personal service business. Accessory use tattooing shall comply with the parking requirements for primary use.

(7) The tattooing use shall comply with the Los Angeles County Code title 7, Chapter 7.94, Body Art Establishments.

(8) A business license as required by Chapter 14 of the West Covina Municipal Code shall be obtained prior to the start of the operation of the use.

(9) The Planning Commission may impose other conditions deemed necessary to reasonably relate to the purpose of this Division.

26-113 Cannabis [Source: 26-685.1000 – 26-685.10500, NEW]

Commercial cannabis uses and activities are prohibited in the City of West Covina, and no commercial cannabis uses shall operate, locate, or otherwise be permitted or established within the City, even if located within or associated with an otherwise permitted use, and neither the City Council nor City staff shall approve any use, interpretation, permit, license certificate of occupancy, Zoning Code or General Plan amendment allowing the operation and/or establishment of commercial cannabis uses.

(a) No person shall own, operate, engage with or manage a commercial cannabis activity in the City of West Covina. No person shall lease or offer to lease any facility or any location for a commercial cannabis use in the City of West Covina. No person shall employ any person or be employed at a commercial cannabis business in the City of West Covina, whether or not such employment is on a paid or volunteer basis.

(b) Personal cultivation. Cultivation of cannabis indoors for personal consumption shall be permitted within a fully enclosed and secure structure by persons twenty-one (21) years of age or older, which shall conform to state law and the following minimum standards.

(1) The cultivation of cannabis by any person, including primary caregivers and qualified patients, collective, cooperatives or dispensaries, for commercial cannabis activity, as defined in Article I Division 4- Definitions.

(2) Cannabis plants shall be cultivated by a person or primary caregiver exclusively for personal use only and shall not be donated, sold, distributed, transported, or given to any other person or entity.

(3) Outdoor cannabis cultivation by any person, including primary caregivers, qualified patients, and dispensaries, for any purpose including medical or non-medical (recreational) purposes is prohibited in all zoning districts within the City of West Covina.

(4) No person shall cultivate more cannabis plants indoors than is expressly authorized by State Law.

(c) Public nuisance. Any violation of this Division shall constitute a public nuisance and may be abated in accordance with applicable laws, including, but not limited to, Chapter 15, Article IX of this Code, or remediated by way of a criminal proceeding, civil action, or abatement. Any use, structure, or property that is altered, enlarged, erected, established, maintained, moved, or operated contrary to the provisions of this Article, is hereby declared to be unlawful and a public

nuisance and may be abated by the City through civil, criminal, and/or administrative proceedings by means of a restraining order, preliminary or permanent injunction, or in any other manner provided by law for the abatement of such nuisances.

(d) Violation. Any person who violates this division shall be guilty of a misdemeanor and be punished in accordance with applicable laws, including, but not limited to, Section 1-37 of this Code.

(e) This Article is not the exclusive means for the abatement of cannabis cultivation within the City of West Covina. The remedies set forth pursuant to this section shall be in addition to any other existing remedies for violations of the Zoning Code, including, but not limited to, any action at law or equity.

26-114 Community assembly facility [Source: 26-684 – 26-684.2]

The purpose of this Division is to provide for the establishment and operation of privately owned community assembly facilities in accordance with certain requirements designed to ensure compatibility of such facilities with surrounding businesses and residential development.

(a) The requirements of this Division shall apply to community assembly facilities such as banquet halls, dance halls, union halls, meeting halls for clubs and other membership organizations, and other similar facilities. Any business which permits a community assembly facility on the premises, whether for profit or not for profit, whether as a primary use or in conjunction with a commercial use, shall be considered a community assembly facility as defined in Article I Division 4.

(b) Community assembly facilities may be established and operated only in the zones specified in Article II Division 2 of the Zoning Code.

(c) The permit required (as specified in Article VI Division 4) shall be obtained prior to establishing a community assembly facility.

(d) The community assembly facility shall be subject to periodic review by the Planning Commission every six (6) months for an initial two (2) years from date of commencement of the facility operation. The current or new business owner and/or applicant shall be responsible for all fees associated with the review. A deposit shall be submitted to the Planning Division in the amount equal to ½ of the pertinent current application fee. The review deposit shall be paid prior to occupancy or business license issuance.

(e) Live entertainment and other entertainment activities conducted on the premises shall be subject to the City noise regulations prescribed in Chapter 15, Article IV of this Code.

(f) The permitted occupancy or total number of patrons allowed to enter the premises for dancing or related activity shall be restricted to two (2) persons per parking space provided on the site or the maximum occupancy permitted by the Uniform Building Code whichever is less.

(g) Hours of operation for community assembly facilities may be established by the Planning Commission but in no case shall extend beyond 1:45 a.m.

(h) A Conditional Use Permit for the community assembly facility use shall be granted personally to the owner of such business or use and shall become null and void upon transfer of ownership or any other interest for such business or use.

(i) There shall be no public nuisance created by such use as a result of noise.

(j) No person in charge of or assisting in the conduct of the facility, or featuring live entertainment, shall permit any person to enter into, to be in or to remain in any place where such dance hall, facility or live entertainment is conducted, who is intoxicated, boisterous, or disorderly. No person in an intoxicated condition shall enter, be in or remain in the facility or where live entertainment is permitted by this Article. No person shall conduct themselves in a boisterous or disorderly manner in or at a dance hall, facility or where live entertainment is permitted by this Article.

26-115 Drive-Through Facilities [Source: NEW]

This Division sets forth the performance standards for the construction and implementation of drive-through restaurants in a manner which ensures the on-going compatibility of such uses with neighboring residential development and other sensitive receptors such as but not limited to schools, hospitals, convalescent homes, etc. A conditional use permit shall be obtained prior to establishing and operating a drive-through facility in a commercial, mixed use and industrial zones, and specific plan zones where applicable, provided that the facility and/or site complies with the following minimum requirements:

(a) Drive-through facilities shall not be within five hundred (500) feet of the Interstate 10 highway. This shall be measured from the building and/or queuing lane, whichever is closer.

(b) Drive-through facilities shall not be within five hundred (500) feet of another drive-through facility. This shall be measured from the building and/or queuing lane, whichever is closer.

(c) Area requirements. Every drive-through facility shall be located on a site having an area of not less than ten thousand (10,000) square feet and a minimum street frontage of not less than one hundred (100) feet.

(d) Drive-through facilities are prohibited in the West Covina Downtown Plan area.

(e) Adequate separation between drive-through facility and adjacent residential developments and other sensitive receptors, as determined by the Community Development Director or their designee and/or Planning Commission, shall be provided by the following methods:

  (1) A minimum distance of fifty (50) feet between the property lines of any residential zone or residential development or other sensitive receptor and the outer perimeter of the drive-through lane(s), outdoor play area, and outdoor seating area shall be maintained.

  (2) The drive-through facility shall not be located within a 500-foot radius of a school or park unless mitigating factors exist.

  (3) A minimum of ten-foot (10) wide landscaped buffer and/or minimum six-foot high noise wall along the property line shall be provided. Said landscape buffer shall be landscaped with specimen plant materials and trees appropriate in size and type to create a solid plant screen, subject to the approval of the Community Development Director or their designee.

  (4) Topographic conditions and natural or constructed barriers (e.g. commercial development, streets and highways, etc.), or combination thereof, existing or proposed.

(f) Design standards. The following standards shall apply to the design of any new development providing a drive-through service.

(1) Drive-through lanes shall not obstruct the circulation routes necessary for access to the property, parking areas (including backup area of parking spaces), and pedestrian walkways.

(2) Pedestrian walkways shall be emphasized by enriched pavement or striping.

(3) Drive-through facilities within an integrated shopping center shall be consistent with the center in terms of architectural design and detailing, roof material, exterior finish materials and color.

(4) Each drive-through aisle shall be appropriately screened with a combination of landscaping, low decorative walls, and/or berms to prevent headlight glare from impacting adjacent residences, businesses, public rights-of-way, and parking lots.

(5) Landscaping along the drive-through aisle shall be a minimum of five (5) feet in width.

(6) Landscaping and fencing shall be consistent with Article III Division 5 and trees should be provided to buffer adjacent uses.

(7) Decorative paving shall be used at project entries and in pedestrian areas to enhance the pedestrian environment.

(8) New street adjacent buildings with drive-through facilities shall orient building entries toward the street to provide direct access to the public sidewalk.

(g) Queuing. Proposed drive-through facilities shall require a parking and queuing study that is based on similar operations, addressing the anticipated traffic volumes and vehicular stacking needs of the proposed business.

(1) Queuing lanes shall be a minimum length of 200 feet starting from the center of a pick-up station or window. Queuing length may vary dependent on the queuing study.

(2) Queuing lanes shall not interfere with the use of or access to any parking or loading spaces.

(3) Drive-through ordering menu shall be located to allow a minimum of four cars to queue behind the ordering vehicles to prevent vehicles from stacking in the drive aisle of the parking lot.

(h) Noise levels shall not increase ambient noise levels by five (5) dba as measured at all property lines abutting residential development and other sensitive receptors. This may be achieved through one (1) or more of the following methods, as determined by the Community Development Director or their designee and/or Planning Commission:

(1) All deliveries and exterior building and landscaping maintenance and cleaning activities may be limited as necessary to achieve compatibility with adjacent sensitive land uses.

(2) Hours of operation may be limited as necessary to achieve compatibility with adjacent sensitive land uses.

(3) The applicant shall provide a noise study prepared by an acoustical engineer indicating that the proposed operation will not increase ambient noise levels by five (5) dba as measured at all property lines abutting residential development and other sensitive receptors.

(4) The applicant shall provide the plans and specifications for any potential noise sources (e.g., the speaker system, trash compactor, delivery trucks, etc.).

(5) The speaker box shall be oriented away from adjacent residences and other sensitive receptors.

(6) A three-foot high wall, hedge, or berm along the outer perimeter of the parking area(s) and drive-through lane(s), except for areas of ingress and egress, shall be provided. The design of this wall, hedge, or berm shall be consistent with the City's safety policies, goals, and objectives.

(7) A minimum ten-foot-wide landscape buffer and/or minimum six-foot high noise wall along the property line. Said landscape buffer shall be landscaped with specimen plant materials and trees appropriate in size and type to create a solid plant screen, subject to the approval of the Community Development Director or their designee.

(8) Topographic conditions, natural or constructed barriers (e.g., commercial development, streets, and highways, etc.), or combination thereof, existing or proposed.

(i) The site shall be served by an improved arterial or collector street adequate in width to carry the quantity of traffic generated by the use without significantly lowering the existing level of service of that street. The Community Development Director or their designee and/or Planning Commission may require the applicant to prepare and submit a traffic study which addresses:

(1) The placement, design, and adequacy of the vehicle queuing aisle.

(2) The use demand for the proposed facility.

(3) On-site circulation and parking lot design.

(j) The facility shall be maintained in an odor and litter free condition, through one (1) or more of the following methods:

(1) Trash enclosures and bins shall be enclosed on all sides to suppress odors and prevent spillage of materials.

(2) Trash enclosures shall be located a minimum of fifty (50) feet from the property lines of any sensitive receptors.

(3) The applicant shall prepare and submit a litter control, and/or recycling plan to the Planning Commission.

(4) Trash enclosures shall comply with the requirements of Article III Section 12-33.

(k) Such other requirements and/or standards as deemed by the Community Development Director or their designee and/or Planning Commission to reasonably relate to the purpose of this Division.

(l) Findings. The Planning Commission shall not grant a Conditional Use Permit for a drive-through facility without finding:

(1) Said facility has adequate vehicle queuing distance, including with due consideration for menu board location, clear of any adjacent public right of way, and shall not create any vehicular or pedestrian travel hazards as demonstrated in a traffic study prepared to the satisfaction of the City Engineer.

(2) That the project substantially conforms with the purpose, intent and provisions of the General Plan, any applicable Specific Plan, or other applicable regulation.

(3) That the location and design of the facility is compatible with surrounding existing uses, includes a prominent main entrance at street or lot frontage, attractive landscaping, and includes sufficient pedestrian amenities, and interior floor area.

(4) The said facility includes sufficient emissions controls to prevent idling vehicles, tunneling of emissions, and associated impacts on employees, visitors, and nearby sensitive receptors.

(5) That said facility includes buffering sufficient to control any spillover impacts, including but not limited to noise, light, and debris that may impact surrounding sensitive receptors.

(6) That said facility, if located within 150-feet of a residential zone, includes appropriate limits on hours of operation of the drive-through. Hours of operation for dine-in or take-out customers shall not be limited.

(7) That said facility is not located in an area of existing overconcentration of drive-through facilities and is not located within a 500-foot radius of a school or park unless mitigating factors exist.

26-116 Electric Vehicle Charging Stations and Solar Carports [Source: NEW]

This Division sets forth design and development standards for Commercial Electric Vehicle Charging Stations and Solar Carports located within parking lots.

(a) Electric Vehicle Charging Stations. This section shall provide additional development standards in addition to the standards adopted in Article XVIII- Permit Process for Electric Vehicle Charging Stations.

(1) Electric vehicle charging stations may only provide required signage for compliance with accessibility requirements and U.S Department of Transportation Federal Highway Administration's Manual on Uniform Traffic Controls.

(b) Solar Carports. This section shall provide development standards for Solar Panel Canopies located within parking lots.

(1) Solar carports shall not be located within any required building setback.

(2) Solar carports shall not be located within 100 feet of the front facing portion of buildings.

(3) Solar carports shall not result in a net loss of any required parking.

(4) Solar carport shall not result in a net loss of any required parking.

(5) No signage shall be permitted on the solar carports other than signage required for ADA and identification purposes.

(6) No offsite advertising.

26-117 Emergency Shelters [Source: 25-26-685.7600]

This Division sets forth a uniform set of standards for emergency shelters to provide temporary housing for people who are not securely housed.

(a) Standards and Regulations. Emergency shelters for people experiencing homelessness shall be subject to and comply with the following standards and regulations.

(1) A single emergency shelter for thirty (30) occupants, or a combination of multiple shelters with a combined capacity not to exceed thirty (30) occupants, shall be allowed as a permitted use per Article II Division 2, consistent with section 65583(a)(4)(A) of the Government Code. All emergency shelters, regardless of the number of occupants, shall meet the minimum standards contained herein below. Any emergency shelter with a capacity greater than thirty (30) occupants shall also be subject to the approval of a Conditional Use Permit, as set forth in Article VI Division 4.

(2) The facility shall operate on a first come, first serve basis with clients only permitted on-site and admitted to the facility between 6:00 p.m. and 7:00 a.m. during Pacific Daylight Time, and 5:00 p.m. and 7:00 a.m. during Pacific Standard Time. Clients must vacate the facility by 8:00 a.m. and have no guaranteed bed for the next night. A curfew no later than 10:00 p.m. shall be established and strictly enforced and clients shall not be admitted after the curfew.

(3) The maximum stay at the facility shall not exceed one hundred eighty (180) days in a three hundred sixty-five (365) day period.

(4) A minimum distance of three hundred (300) feet shall be maintained from any other emergency shelter, as measured from the property line.

(5) A minimum of one (1) staff member per fifteen (15) beds shall be awake and on duty when the facility is open. Facility staff shall be trained in operating procedures, safety plans, and assisting clients. The facility shall not employ staff who have been convicted of a felony or who are required to register as a sex registrant under Penal Code 290.

(6) Bike rack parking shall be provided at the facility at a rate of one space for every four (4) beds.

(7) Exterior lighting shall be provided for the entire outdoor and parking area of the property per the lighting standards of the Parking Lot Design and Lighting Standards.

(8) A waiting area shall be provided which contains a minimum of ten (10) square feet per bed provided at the facility. Said waiting area shall be in a location not adjacent to the public right-of-way, shall be visually separated from public view by a minimum six (6) foot tall visually screening decorative wall or fence and shall provide consideration for shade/rain provisions.

(b) Operational Plan. An operational plan shall be provided. The approved operational plan shall remain active throughout the life of the facility. At a minimum, the plan shall contain provisions addressing the topical areas outlined below.

(1) Security and safety. Addressing both on and off-site needs shall include the following rules and procedures:

(i) The facility shall establish and enforce a strict code of conduct including the prohibition of weapons and their use.

(ii) The facility shall establish procedures for client intake and shall maintain a client roster. The roster shall be made available to the City upon request.

(2) Loitering control. With specific measures regarding off-site controls to minimize the congregation of clients in the vicinity of the facility during hours that clients are not allowed on-site.

(3) Management of outdoor areas. Including a system for daily admittance and discharge procedures and monitoring of waiting areas.

(4) Hiring procedures. Describe procedures for ensuring that staff are not convicted felons or are required to register as a sex registrant.

(5) Staff training. With objective to provide adequate knowledge and skills to assist clients in obtaining permanent shelter and income.

(6) Communication and outreach. With objective to maintain good communication and response to operational issues which may arise from the neighborhood, City staff, or the public.

(7) Screening. Provide criteria to screen clients for admittance eligibility, with objective to provide first service to individuals with connections to West Covina.

(8) Counseling. To provide counseling programs with referrals to outside assistance agencies and provide an annual report on this activity to the City.

(9) Litter control. With an objective to provide for the timely removal of litter attributable to clients within the vicinity of the facility every twenty-four (24) hour period.

(10) Contact information. The operator shall provide the City with the most current contact information for the operator of the facility during the normal daytime office business hours, and the nighttime contact information for the "person on duty" when the emergency shelter is operating.

(11) State law compliance. The operator shall ensure proper compliance with all state laws pertaining to client residency and occupancy.

(12) Emergency response. The operator shall establish standards for responding to emergencies and incidents by expelling clients from the facility. Re-admittance policies for clients who have previously been expelled from the facility shall also be established.

(c) Required Services. The facility shall provide the following services in a designated area separate from sleeping areas:

(1) A recreation area inside the shelter or in an outdoor area visually separated from [public] view by a minimum six (6) foot tall visually screening decorative wall or fence.

(2) A counseling center for job placement, educational, health care, legal services, or mental health services.

(3) Laundry facilities to serve the number of clients at the shelter.

(4) Kitchen and dining area.

(5) Client storage area.

(6) Similar types of facilities to address the needs of homeless clients, as determined by the Community Development Director or their designee.

(d) Parking. An emergency shelter facility shall provide parking as indicated in Article III Division 5.

(e) The facility shall comply with all other laws, rules, and regulations that apply including, but not limited to, building and fire codes. The facility shall be subject to City inspections prior to the commencement of operation. In addition, the City may inspect the facility at any time for compliance with the facility's operational plan and other applicable laws and standards.

26-118 Private Gymnasiums and Fitness Studios [Source: 26-685.20 – 26-685.29]

The purpose of this Division is to serve the need of the public in regard to gymnasiums and fitness studios while guaranteeing the adequacy of the site for the use and the protection of the surrounding properties through consideration of physical treatment, parking requirements and compatibility with surrounding properties.

(a) Application. Gymnasiums and fitness studios may be established only in the zones as specified in Article II Division 2 through a Conditional Use Permit. The application shall include a precise plan for new structures(as specified in Article VI, Division 2).

(b) Development Standards. The development standards of the zone in which this use is to be located shall apply (as specified in Article II, Division 2 of this Chapter) unless this section specifically permits or prohibits otherwise.

(c) Parking shall be required as indicated in Article III Division 5.

(d) Conditions of Approval. Conditions of approval of a Conditional Use Permit for gymnasiums and athletic clubs shall include but not limited to the following:

(1) The Conditional Use Permit shall become null and void upon transfer of ownership or any other interest in the use permitted.

(2) The Conditional Use Permit may be revoked, amended, and suspended by the Planning Commission under the provisions of Article VI of this Chapter.

(3) Licenses and permits as required in Chapter 14 of the West Covina Municipal Code shall be obtained prior to the start of the operation of the use.

(4) Such other conditions as deemed by the Planning Commission to reasonably relate to the purpose of this Division.

26-119 Home Occupation [Source: 26-671 – 26-675]

The purpose of the home occupations provisions is to permit the conducting of a business for supplemental income in residential dwellings without changing the residential character of surrounding neighborhood.

(a) Regulations and Requirements. The following regulations and requirements apply to home occupations:

(1) No employment or help other than the resident members of the resident family.

(2) No mechanical, electrical equipment, or stock material shall be used other than that customarily found in the home associated with a hobby or avocation not conducted for gain or profit except machinery, equipment or stock material which is essential in the conduct of the home occupation, providing that such machinery, equipment or stock material does not generate, emit or create noise, dust, vibration, odor, smoke, glare, electrical interference, fire

hazard or any other hazard or nuisance to any greater or more frequent extent than normally experienced in an average residential neighborhood.

(3) No contact with the public or sale of products on the premises except by mail or telephone.

(4) No generation of pedestrian or vehicular traffic beyond the amount normal to a residential neighborhood.

(5) No more than one (1) room or two hundred (200) square feet, whichever is less, shall be employed for the home occupation.

(6) No garage, accessory building or open ground space shall be employed for home occupation or for storage of equipment, supplies, or products, except the vehicle (and equipment, supplies or products stored within the vehicle) employed by the home occupation.

(7) No commercial advertising or identifying signs.

(8) In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character prior to the installation of the home occupation.

(9) There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes. (Private telephone excluded).

(10) These regulations shall not apply to community care facilities except when in conflict with a specific state licensing requirement.

(b) Permitted uses regarding home occupations are limited to sales and services type business with no on-site contact with the public, production and assembling of small quantities of items. Contact with clients is limited to one client on the premises. This does not include family day cares.

(c) The following services and uses require a Conditional Use Permit as set forth in Article VI.

(1) Foster home (more than six (6) children)

(2) Hobby kennel (subject to requirements of section 26-111- Animal Keeping)

(3) Horse boarding or breeding (subject to requirements of section 26-111- Animal keeping)

(d) The following uses by the nature of the investment or operation have a pronounced tendency, once started, to rapidly increase beyond the limits permitted for home occupations and thereby substantially impair the use and value of a residential neighborhood. These specified uses shall not be permitted as home occupations:

(1) Auto Repair

(2) Barber or beauty shop.

(3) Bicycle repair.

(4) Carpentry work.

(5) Dance instruction.

(6) Laundering service.

(7) Massage parlor.

(8) Medical or dental office.

(9) Painting of vehicles, trailers or boats.

(10) Photo developing.

(11) Photo studio.

(12) Private school with organized classes.

(13) Radio or television repair.

(14) Upholstering.

(15) Welding.

26-120 Massage Parlors and Health and Beauty Spas [Source: 26-685.40 – 26-685.49, and NEW]

The purpose for this Division is to serve the need of the public in regard to massage parlors and health and beauty spas while guaranteeing the adequacy of the site for the use and the protection of surrounding properties through consideration of physical treatment and compatibility with surrounding properties.

(a) This Division shall not apply to any uses or professions exempted by Chapter 14 Article V of this Code.

(b) Massage parlors and health and beauty spas may be established only in the zones as specified in Table 2-13 in Article II Division 2 of this Chapter.

(c) The permit required (as specified in Table 2-13 in Article II Division 2) shall be obtained prior to establishing a massage parlor or health and beauty spa.

(d) The development standards of the zone in which this use is to be located shall apply (as specified in Article X, Division 3 of this Chapter unless this section specifically permits or prohibits otherwise.

(e) Parking shall be required as indicated in Article III Division 5.

(f) Massage Parlors and Health and Beauty Spas shall comply with the following minimum standards:

(1) Massage parlors and Health and Beauty Spas shall not be located within 1,000 feet of another massage use;

(2) Massage parlors and Health and Beauty Spas shall not be located within 150 feet from any residential use.

(3) A massage room shall not have light dimmers and shall not be equipped with lamps.

(4) The massage room shall not have any doors but may cover the doorway with draped curtains.

(5) Each massage room or area where massage is performed shall be illuminated with light equivalent to a minimum of forty-watt incandescent light bulb and shall provide sufficient ventilation. Such lighting and ventilation shall otherwise comply with the current mechanical and building code of the city. The lighting in each massage room shall be always activated while the patron is in such room or area.

(6) No massage establishment located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area, shall, during business hours, block visibility into the interior reception and waiting area by curtains, closed blinds, or any other material that obstructs, blurs, or darkens the view into the premises.

(g) No person or persons shall be allowed to live inside the massage establishment at any time. Beds, mattresses, waterbeds, futons, sofa beds, or any type of portable or convertible beds are not permitted on the premises.

(h) No food of any kind shall be cooked or prepared in a massage establishment. No food of any kind shall be for sale or sold in the establishment.

(i) A massage establishment may be inspected at least twice a year for the purpose of determining that the provisions of this chapter are met. Such inspections may be made by the police department, persons employed by the city whose job descriptions require the person to enforce the provisions of this code, including, but not limited to, code enforcement officers, and such other enforcement officials.

(j) Advertising. No permitted massage establishment shall place, publish, or distribute, or cause to be placed, published, or distributed, in any publication or any website, any advertising that depicts any portion of the human body that would reasonably suggest to prospective patrons that any service is available other than those services authorized by the Massage Therapy Act and pursuant to this chapter. No massage establishment shall employ language in the text of such advertising that would reasonably suggest to a prospective patron that any service is available other than those services authorized by this chapter. The massage establishment shall ensure that it and all certified massage professionals comply with Business and Professions Code Sections 4608, 4609 and 4611, by requiring the massage professionals to include the name under which he or she is certified and his or her certificate number in any and all advertising of massage for compensation; to not engage in sexually suggestive advertising related to massage services; to not hold him or herself out as a certified massage professional, or use terms such as “licensed” or “certified,” that implies that an uncertified person is certified as a massage professional; to not falsely state or advertise or put out any sign or card, or to falsely represent to the public, that any individual is licensed, certified, or registered as a massage professional if that individual is not so certified by the CAMTC.

(k) Clothing. A massage professional may not wear attire that is transparent, see-through, or substantially exposes the massage professional’s undergarments or that exposes his or her breasts, buttocks, or genitals, or that in any way willfully and lewdly exposes his or her private parts in any place that is in public or where there are other people present who may be offended or annoyed by such action. Swim attire may not be worn unless the massage professional is providing a water-based massage modality approved by the CAMTC. A massage professional shall not wear any clothing that is deemed by the CAMTC to constitute unprofessional attire. All employees of the massage establishment that are not massage professionals shall also adhere to these clothing requirements.

(l) Responsibility for Conduct of Massage Establishment. The operator and on duty manager shall be jointly responsible for the conduct of all employees while the employees are on the premises of the massage establishment. Any act or omission of an employee constituting a violation of any provision of this chapter shall be deemed to be an act or omission of the operator and on duty manager for purposes of determining whether the massage establishment permit should be revoked, or an application for such permit or renewal thereof, denied.

(m) Conditions of approval of a Conditional Use Permit for health and beauty spas or massage parlors:

(1) Review of the operation permitted by the Conditional Use Permit is required every six (6) months for a period of two (2) years, beginning on the date of the start of operation of the use. The business owner and/or applicant shall be responsible for all fees associated with the review. A deposit shall be submitted to the Planning Division in the amount equal to two times the current Conditional Use Permit application fee. The review deposit shall be paid prior to occupancy or business license issuance.

(2) All persons providing massage services shall obtain a CAMTC certificate.

(3) Signs—Display of Permits. Neither signs nor the front of the business shall be illuminated by strobe, flashing lights or string lights. Each operator and/or on-duty manager shall display the massage establishment permit in a conspicuous public place in the lobby of the massage establishment. In addition, each operator and/or on-duty manager shall ensure: (a) CAMTC Certificates for each massage professional employed at the establishment (whether on-duty or not) are conspicuously displayed in the lobby area of the massage establishment; and (b) that each massage professional has his or her identification card in his or her possession while providing massage services for compensation.

(4) The Conditional Use Permit may be revoked, amended, or suspended by the Planning Commission under the provisions of Article VI Division 4 of the West Covina Municipal Code.

(5) Licenses and permits as required by Section 14-117 of the West Covina Municipal Code shall be obtained prior to the start of the operation of the use.

(6) The use shall be conducted in compliance with all applicable requirements of Article V of Chapter 14 of the West Covina Municipal Code.

(7) Such other conditions as deemed by the Planning Commission to reasonably relate to the purpose of this Division.

(n) Accessory massage service is allowed as an accessory to hair salons, barbershop, nail salons, gyms/fitness studios, medical office/clinic only.

(1) An administrative review shall be obtained prior to establishing accessory massage and prior to issuance of business license and the start of operations subject to the following minimum standards:

(i) A massage room shall not have light dimmers and shall not be equipped with lamps.

(ii) The massage room shall not have any doors but may cover the doorway with draped curtains.

(iii) Each massage room or area where massage is performed shall be illuminated with light equivalent to a minimum of forty-watt incandescent light bulb and shall provide sufficient ventilation. Such lighting and ventilation shall otherwise comply with the current mechanical and building code of the city. The lighting in each massage room shall be always activated while the patron is in such room or area.

(2) A letter signed by the applicant for massage services requesting that the Community Development Director or their designee approve massage services as an accessory use at the subject address. The letter should also include the following:

(i) Applicant's full name, mailing address, and phone number (the applicant must be the same business owner of the primary business.

(ii) The proposed hours of operations for the massage services and hours of operation of the primary use.

(iii) A statement that massage services will not be permitted beyond the hours of operation of the primary use.

(iv) A statement that the proposed massage technician is strictly accessory to the primary use and will abide by all requirements of an accessory use, including permitting no exterior advertising relating to massage services.

(3) A floor plan, drawn to scale, of the primary use indicating location of walls and entries and labeling the intended use of rooms. Specifically, show the following:

(i) The location of the massage room and fixtures related to the business (sink, table, counter, bathroom shall be indicated on the floor plan).

(ii) No separate exterior entrance to the massage room. The path of travel to the massage room should be through the main entrance of the primary use.

(iii) The massage room and other areas devoted to the massage service shall not exceed ten (10) percent of the total business floor area.

(4) A business license from the city treasurer's office is required.

(5) Each individual massage technician shall comply with the requirements of section 14-68 of the Municipal Code.

26-121 Mobile Home Development and Design Standards [Source: 26-631 – 26-641, NEW]

The regulations contained in this Division, in addition to any conditions imposed by a Conditional Use Permit, shall govern the land, buildings, yard restrictions, signs, landscaping, and other improvements required for mobile home parks developed within any such district.

(a) The following general criteria are hereby set forth to guide the Planning Commission in establishing a mobile home park district. The Planning Commission may, based upon compliance with said criteria, approve or deny a request for a mobile home park district.

(1) A mobile home park shall be located on a four (4) lane or wider street.

(2) A mobile home park shall consist of not less than five (5) acres of usable area (ten (10) percent grade or less).

(3) The existing utility systems (water, sewer, drainage, electrical, gas and communications facilities) should be adequate or the construction of new systems possible to serve a mobile home park within the mobile home park district.

(b) The following development standards shall apply to a mobile home park.

(1) The required permit (as specified in Article II Division 2) shall be obtained prior to construction of a mobile home park.

(2) State standards. The mobile home park standards of the state, as the same now exist or as they may be amended, shall apply.

(3) Underground utilities. All utilities shall be underground in accordance with the Municipal Code and approved by the City Engineer.

(4) Off-street parking shall be provided as indicated in Article II Division 5.

(5) Landscaping. The required setback areas shall be landscaped. In addition, there shall be planters, trees, shrubs, and other plant material generally dispersed through the mobile home park. Such landscaping shall be permanently watered and maintained. All such planted areas shall be surrounded by a curb of concrete or comparable material not less than six (6) inches high.

(i) No planting area shall be less than twenty-four (24) square feet in overall area or less than three (3) feet in width (inside dimension) except for raised planter boxes around or near buildings.

(ii) There shall be at least one fifteen (15) gallon size tree provided per mobile home lot.

(iii) Landscaping shall consist of combinations of trees, shrubs, and ground covers with careful consideration given to eventual size and spread, susceptibility to disease and pests, durability, and adaptability to existing soil and climatic conditions.

(iv) Each unused space resulting from the design or layout of parking spaces or accessory structures which is over twenty-four (24) square feet shall be landscaped.

(v) The landscaping plan shall be drawn to a minimum scale of one (1) inch for each fifty (50) feet; shall indicate the square footage of each planting area; shall tabulate the square footage of all landscaped area and percentage of the total site devoted to landscaping; shall identify at the planting area the type of plant; shall list the botanical and common names of all plants with the number of each and their container size; and shall clearly portray the permanent irrigation system.

(6) Walls. A five (5) foot high (minimum) concrete, masonry or decorative block wall shall be provided and maintained on the boundary of the mobile home park. Walls along dedicated street frontages must be set back a minimum distance of fifteen (15) feet from the property line and this setback area shall be landscaped. Type, texture, and color shall be approved by the Planning Commission.

(7) Yards. There shall be a fifteen (15) foot setback along all dedicated street frontages which area shall be landscaped as indicated in subparagraph (e) above.

(8) No mobile home or structure shall be located within five (5) feet of the side or rear line of a mobile home park boundary.

(9) Refuse storage. All outdoor trash, garbage, and refuse containers shall be screened on all sides from public view by a minimum five and one-half (5½) foot high concrete, masonry or decorative block wall and the opening provided with a gate of durable wood or comparable material. Such an area shall be so located as to be easily accessible for trash pickup. Type, texture, and color shall be approved by the Planning Commission.

(10) Lighting. All lighting of the mobile home buildings, landscaping, parking lot, or similar facilities shall be so located and directed as to reflect away from adjoining properties.

(11) Mechanical equipment. All ground mechanical equipment shall be completely screened behind a permanent structure, and all roof top mechanical equipment on permanent structures shall be placed behind a permanent parapet wall and be completely restricted from all view.

26-122 Mobile services

(a) The purpose for this division is to serve the need of the public for convenient and economical services to residents and business while guaranteeing the adequacy of the site for the use and the protection of surrounding properties.

(b) Mobile Services permitted

(1) For the purposes of this division, mobile services shall include specified commercial services that are rendered at residences or places of business, provided only in response to direct requests for such services. Mobile services shall be limited to those typically and customarily provided by stationary service businesses permitted in the commercial zones (not including the M-1 zone) of the city.

(2) Mobile services shall not include services that, in the opinion of the Community Development Director, would pose a negative impact upon nearby properties when provided.

(3) Mobile services involving the maintenance of stationary property fixtures shall be exempt from the provisions of this division, notwithstanding that such services must comply with the provisions of Chapter 14 of the West Covina Municipal Code (Licenses and Business Regulations). These services shall include, but are not limited to, gardeners, pool maintenance, and building contractors.

(4) Mobile food vendors requiring a business license permit, as stated in section 14-161, shall be allowed only in commercial and manufacturing zones. However, a mobile food vendor may conduct business on a property used or zoned for residential purposes during the construction or reconstruction of any structure on that property if the area actually being constructed or reconstructed consists of 2,500 square feet or greater in area. Such operation shall comply with the provisions of Chapter 14 of the West Covina Municipal Code (Licenses and Business Regulations).

(5) The Community Development Director shall be authorized to make determinations regarding the conformance of proposed mobile services with these stated criteria, provided, however, that the decision of the Community Development Director may be appealed to the Planning Commission pursuant to the procedures of section 26-190 of this chapter.

(c) Standards for mobile services operation.

(1) Mobile services provided at residences may be rendered only to the residents of the subject property. Mobile services provided at places of business may be rendered only to the owner or proprietor of the subject business, or to employees of the subject business with the consent of the owner or proprietor.

(2) Mobile services may be provided only in response to direct request for such services, and may not be provided through "door-to-door" solicitation.

(3) The total number of days that a service may be provided at a particular residence or place of business by a given mobile service operator shall be limited to a maximum of five (5) during any given thirty-day period.

(4) Mobile services may be rendered only between the hours of 8:00 a.m. and 9:00 p.m., except as prohibited by noise regulations contained in Chapter 15 of the West Covina Municipal Code.

(5) Mobile services shall be provided entirely within enclosed buildings, with the exceptions of the following services:

(i) Auto repair and services provided at single-family residential properties, provided it occurs in conformance with section 26-45 of this chapter (including the prohibition of power tools after 8:00 p.m.), and further provided that oil, gasoline, and other flammable or hazardous materials are properly disposed of in accordance with environmental laws and regulations.

(ii) Auto repair and services provided at multiple-family residential properties, provided it occurs in conformance with section 26-45 of this chapter (including the prohibition of power tools after 8:00 p.m.), and further provided that oil, gasoline, and other flammable or hazardous materials are properly disposed of in accordance with environmental laws and regulations.

(iii) Services provided at residential properties, provided it occurs within a commercial service vehicle designed for the particular service provided.

(6) Licenses and permits as required in Chapter 14 of the West Covina Municipal Code (Licenses and Business Regulations) must be obtained by operators of mobile services.

(7) The Community Development Director shall be authorized to make exceptions to these standards, based on extraordinary circumstances, provided that negative impacts are not created, provided, however, that the decision of the Community Development Director may be appealed to the Planning Commission pursuant to the procedures of section 26-190 of this chapter.

26-123 Temporary leasing centers, Modular trailers and Model Homes [Source: 26-641 – 26-660 and New]

Notwithstanding any other provisions of this Chapter, after a tentative subdivision map or precise plan has been approved, a model home marketing complex may be constructed within the area covered by the tentative subdivision map if all the conditions of this division are complied with.

(a) The owner or developer of land within a subdivision who desires to construct a model home marketing complex therein shall file the following with the Community Development Director or their designee:

(1) The model home marketing complex site plan (which must be a typical representation of the proposed development), including plot plans showing the proposed location and elevation of

all models and of all other structures proposed to be built, the location of roads, walks, parking areas and other improvements within the complex and landscaping plans.

(2) An "Agreement and Consent to Judgment" signed and acknowledged by both the owner and the developer guaranteeing that all land and improvements constructed as part of the model home complex shall conform to the final subdivision map, zoning and improvement plans, or guaranteeing that if the final subdivision map is not recorded within eighteen (18) months from the date of the agreement or any authorized extension thereof, all of the improvements shall be removed at the sole cost of the owner thereof and the land restored to its former condition. The form of the agreement shall be approved by the City Attorney before it is filed.

(3) The legal description of the area including each individual lot within the subdivision upon which the model home marketing complex is to be constructed.

(b) The Community Development Director or their designee shall review the plot plans of a proposed model home marketing complex and may either approve, amend, or disapprove the plot plans.

(c) Any applicant dissatisfied with the action of the Community Development Director or their designee may appeal in the manner and within the time specified in section 26-190.

(d) After the plot plans have been approved by the Community Development Director or their designee, the owner or developer may apply to the building official for the necessary permits required for the construction of the model home marketing complex in accordance with the approved plot plans. All plans, specifications and certificates required for compliance with the building code, together with the payment of the prescribed fees, shall be required.

(e) Plans and specifications shall be submitted to the City Engineer for the construction of necessary streets, curb, gutters and paving to serve the model home complex and necessary utilities, sewers and storm drains shall be constructed. Plans and specifications shall be approved by the City Engineer prior to issuance of building permits. Final street construction may be deferred until such time as the model home complex is no longer in use provided a bond, in an amount approved by the City Engineer, guaranteeing final street construction, is posted.

(f) The owner or developer shall also construct on the model home complex site suitable and adequate toilets and washing facilities for public use. The plans and specifications for such facilities and their location shall be approved by the building official prior to construction. The facilities shall be permanently maintained in a clean and sanitary manner to the satisfaction of the health department.

(g) A model home marketing complex may be constructed in a Planned Residential Development overlay zone or in a Planned Community Development zone for which no tentative subdivision map is required if the owner or developer complies with all the conditions of this division with the following exceptions:

(1) Reference to the approved tentative subdivision map shall mean the approved development plan for the planned residential development or the planned community development, whichever is applicable.

(2) Reference to the removal of improvements if a final subdivision map is not recorded shall refer to a notice to remove improvements issued by the Community Development Director or their designee of the City for noncompliance with master plan requirements or with

development plan requirements. Removal of improvements may be required within eighteen (18) months of the date of the approval of the development plan unless an extension of time is approved by the Planning Commission.

(h) No residential occupancy shall be permitted in any dwelling unit constructed as a part of a model home marketing complex until the Community Development Director or their designee and City Engineer have certified that all the requirements of this Chapter which are applicable to the unit have been met and the building official has finally certified that all building code requirements have been met.

(i) A fee as established by a resolution of the City Council is required for the application and review of the plot plans for a model home complex. Building permit and engineering fees required by other provisions of this Code shall be paid.

26-124 Outdoor Dining- [Source: NEW]

(a) Outdoor dining and seating areas may be permitted for approved restaurant or other similar uses subject to the following standards:

(1) Outdoor dining and seating areas that are less than or equal to 25 percent of the restaurant's gross floor area are subject to the approval of the required permit as specified in Article II Division 2.

(2) Outdoor dining and seating areas exceeding 25 percent of the restaurant's gross floor area are subject to the approval of the required permit as specified in Article II Division 2.

(3) Outdoor dining areas located on public walkways shall be limited to commercial areas within the plaza area and which provide meal service, specialty food service or full menu food services.

(4) Outdoor dining areas located on City owned properties shall require a separate encroachment permit issued by the Engineering Division and a lease agreement with the City that includes indemnification of the City.

(5) Dining areas adjacent to storefronts shall not be permitted in areas where less than an eight (8) foot minimum sidewalk width exists, unless additional or lesser public walkway is approved by the Community Development Director or their designee. The dining area must permit at least four feet of unobstructed area of public walkway.

(6) The outdoor dining area shall be located in a manner which will not interfere with visibility, vehicular or pedestrian mobility or access to City or public utility facilities. The determination of whether an outdoor dining area, or any part thereof, interferes shall be made by the Community Development Director or their designee at the time of application based on the characteristics of each proposed site.

(7) All Fire Department regulations and standards concerning exterior lighting and power must be met. These regulations and standards will be supplied at the time of application.

(8) Any permanent supports for shade structures, such as solar sails shall obtain the appropriate building permit and Fire Department approval for use of the solar sails. For purposes of lot covered, solar sails shall not be considered towards lot coverage.

(b) Operating requirements and restrictions.

(1) Tables and other outdoor dining components shall be located on the same site as the restaurant, within private property.

(2) Outdoor dining areas are limited to the serving and consumption of food and non-alcoholic beverages. An approval to serve alcoholic beverages within the outdoor dining shall comply with the standards established by the state Department of Alcohol Beverage Control and shall require a permit as specified in Article II Division 2.

(3) Displaying merchandise within the outdoor dining area is prohibited.

(4) Any proposed furnishings associated with the outdoor dining areas shall not obstruct or restrict the lines of sight of vehicles.

(5) Applicants requesting outdoor dining areas exceeding 25 percent of the restaurant's gross floor area shall provide evidence of sufficient parking onsite or provide a parking study analyzing on-site parking impacts that is prepared by a licensed civil or traffic engineer.

(6) Components associated with the outdoor dining areas shall be arranged in a manner that is compliance with all local, state, and federal laws, including but not limited to, the Americans with Disability Act.

(7) Access to entrances and exits, fire hydrants and fire lanes shall not be obstructed.

(8) The use of amplified music including live entertainment within outdoor dining areas shall require live entertainment approval pursuant to Article II Division 2.

(9) Lighting shall be incorporated into the façade of the building and shall complement the style of the building. Lights on buildings shall not be glaring at pedestrian or vehicular traffic and should illuminate only the outdoor dining area.

(10) Heating sources are not permitted for outdoor areas when underneath an awning canopy or other temporary or permanent structure.

(i) Any temporary shade structures such as canopies, etc. shall obtain a Temporary Use Permit from the Planning Division.

(11) The outdoor dining area shall be kept in a good state of repair and maintained in a clean, safe, and sanitary condition at all times. Regular cleanup of trash and debris shall be the responsibility of the business owner.

(12) If table service is not offered, then outdoor dining area must contain waste receptacles for use by the public and employees.

(13) All moveable furniture shall be stored indoors during hours of non-operation or shall be secured to the satisfaction of the City.

(c) Design standards.

(1) The outdoor dining area may be defined by placement of fencing or other suitable dividers as required or approved by the Community Development Director or their designee and shall be in keeping with the aesthetic and architectural character of the building.

(2) Outdoor dining areas and associated structural elements, awnings, covers, furniture, umbrellas, or other physical elements shall be compatible with the overall design of the main structures.

(3) The outdoor dining area shall be defined by placement of portable but sturdy fencing or other suitable dividers such as planter boxes, as required or approved by the Community Development Director or their designee and shall be in be compatible with the business's exterior aesthetic features. All fences and/or dividers shall be of durable material, fire safe, structurally sound, aesthetically pleasing, and compatible with adjoining improvements or structures.

(d) Any modification to public surfaces, such as borings for recessed sleeves or post holes must be approved in advance by the Community Development Director or their designee. A cash deposit or bond, posted in a form acceptable to the City Attorney's office, in the amount of $1,000.00 and shall be posted by the permittee to ensure proper site restoration.

(e) Parking requirements for outdoor dining shall be consistent with the provisions of Article III Division 6.

26-125 Portable Self-Storage Containers [Source: 26-411.5]

This section provides location, development, and operating requirements for portable self-storage containers.

(a) *Temporary placement on residential zoned properties developed with a residential use.* Storage containers may be located on a lot developed with a single-family residence, duplex, or multi-family residential on a temporary basis, subject to the following standards:

(1) *Short-term location.* One (1) container may be located on a lot up to a total of fourteen (14) days in a calendar year without the approval of any permit.

(2) One (1) storage container may be located on a lot in conjunction with active construction with a valid Building and/or grading permit on the same lot. The storage container shall be removed from the site within ten (10) days of building permit final.

(3) *Location.* The temporary storage container shall be located no closer than 5 feet from the rear and side property lines. Location within the front setback shall be limited to no more than fourteen (14) days unless screened from the public right-of-way. The temporary storage container shall not impede access to the garage and/or carport. The temporary storage container shall not be located on the driveway if parking of at least two vehicles is not feasible.

(4) *Size.* Storage containers shall be no greater than twenty (20) feet in length, ten (10) feet in height, and ten (10) feet in width.

(b) *Temporary placement on commercial properties.* Temporary storage containers may be located on a commercial lot subject to the following standards:

(1) *In conjunction with permitted active construction.* Storage containers may be temporarily located on a commercial site for the storage of construction materials and/or store/retail inventory in conjunction with active construction with a building or grading permit.

(i) The location of the temporary storage container shall be indicated on a site plan approved by the Planning and Engineering Divisions prior to its placement on site.

(ii) The temporary storage container(s) shall be screened and secured with temporary construction fencing.

(iii) The temporary storage container(s) and temporary construction fencing shall be removed within 7 days after building permit final or the issuance of a temporary certificate of occupancy, whichever comes first.

(2) *Size.* Storage containers shall be no greater than twenty (20) feet in length, ten (10) feet in height, and ten (10) feet in width.

(c) *Permanent placement.* Permanent placement of storage containers is prohibited on vacant lots and lots developed with a single-family residence, multifamily residence and/or commercial use.

(d) The temporary storage container shall be immediately removed at such time as the storage container becomes a nuisance or danger due to its conditions.

26-126 Recycling Facilities [Source: 26-685.90 – 26-685.99]

The purpose of this Division is to address the critical statewide issue of diminishing landfill capacity. Consistent with the waste diversion goals and objectives adopted as part of the City's source reduction and recycling element, this Division is intended to conserve, to the extent possible, remaining landfill capacities, by promoting an integrated waste management approach whereby each waste stream is handled in the most efficient and environmentally sound manner and providing the public with convenient recycling and/or disposal alternatives. This Division further seeks to guarantee the adequacy of the site for the proposed use and ensure the protection of the surrounding properties through review and consideration of physical design and compatibility with surrounding properties.

(a) *Permitted zones and required permit.* No person or entity shall be permitted to place, construct, or operate a recycling facility, materials recovery facility, and/or a solid waste transfer station without first obtaining the required permit indicated in Article II Division 2of this Zoning Ordinance. This permit is in addition to and is intended to supplement permits required by state law to protect local health, safety and welfare. Any business seeking a land use permit must obtain a business license.

(b) *Development standards.* The following development standards, in addition to the requirements of the underlying zone shall apply. In no case shall there be more than one (1) small collection facility, donation drop box, and/or reverse vending machine located and approved on the same site, shopping center, and/or lot. Where the following code provisions conflict with other, the stricter requirements shall apply.

(1) *Small collection facility.* Unless otherwise noted, the following requirements shall apply to all small collection facilities:

(i) The center shall be established in conjunction with an existing or planned commercial use, industrial use, or service facility (herein referred to as the “host use”) which is in compliance with the zoning, building and fire codes of the City of West Covina.

(ii) The center shall be no larger than five hundred (500) square feet, and the placement of a small collection facility shall not create a parking deficit.

(iii) The center shall be set back at least fifty (50) feet from a right-of-way line, unless deemed adequately screened by the Community Development Director, or their designee, or Planning Commission and shall not obstruct pedestrian or vehicular circulation.

(iv) No power-driven processing equipment except for reverse vending machines shall be employed.

(v) Containers shall be constructed and maintained with durable waterproof, leakproof and rustproof material, covered and locked when the center is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate the materials collected and the collection schedule.

(vi) All recyclable material shall be stored in containers or in the mobile unit vehicle, and no materials shall be left outside of containers when the attendant is not present.

(vii) The facility shall be maintained free of vermin, litter, and any other undesirable materials, and be swept at the end of each collection day and cleaned weekly.

(viii) Noise levels shall not exceed sixty (60) dBA as measured at the property line of a residentially zoned or occupied site; otherwise, noise levels shall not exceed seventy (70) dBA.

(ix) Attended facilities shall have a minimum distance of two hundred and fifty (250) feet of a site solely zoned for or occupied by a residential use. This minimum distance requirement does not need to be met if the facility is at least one hundred fifty (150) feet from a site zoned or occupied for residential use and is separated from that site by an arterial street.

(x) Attended facilities shall operate only during the hours between 8:00 a.m. and 7:00 p.m. on weekdays and 10:00 a.m. and 6:00 p.m. on weekends and holidays.

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

(xii) The facility shall not impair the landscaping required for any concurrent use.

(xiii) No additional parking spaces are required for customers of the recycling center when located in an established parking lot of the host use; one (1) space will be provided for the attendant, if needed.

(xiv) Small collection facility shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.

(xv) Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary host use unless all of the following conditions exist:

(c) The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation.

(d) A parking study shows that the existing parking capacity is not already fully utilized during the time the recycling facility is in operation.

(xvi) If the permit expired without renewal, the recycling facility shall be removed from the site on the day following permit expiration.

(xvii) A twelve-inch by twelve-inch sign which states the redemption value offered shall be posted daily.

(xviii) The small collection facility shall be screened when determined by the review authority to reduce visibility impacts from off-site and main traffic areas on-site.

(xix) Small collection facilities shall only be located on a property with a market that is greater twenty thousand (20,000) square feet in floor area.

(2) *Donation drop boxes.* Unless otherwise notes, the following requirements shall apply to all donation drop boxes:

(i) Donation drop boxes must be attended by employee(s) per the schedule approved and posted on the site.

(ii) Donation drop boxes shall be established in conjunction with an existing or planned commercial use, industrial use, or service facility (herein referred to as the "host use") which is in compliance with the zoning, building, and fire codes of the City of West Covina.

(iii) The drop box location shall be no larger than one thousand (1,000) square feet.

(iv) The drop box shall be set back at least fifty (50) feet from a right-of-way line, unless deemed adequately screened by the Community Development Director or their designee or Planning Commission and shall not obstruct pedestrian or vehicular circulation.

(v) Donation drop boxes shall be constructed and maintained with durable waterproof, leakproof and rustproof material, covered and locked when the center is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate the materials collected and the collection schedule.

(vi) All donated material shall be stored in the drop box and no materials shall be left outside of containers.

(vii) The drop box shall be maintained free of vermin, litter, and any other undesirable materials, and be swept at the end of each collection day and cleaned weekly.

(viii) Noise levels shall not exceed sixty (60) dBA as measured at the property line of a residentially zoned or occupied site; otherwise, noise levels shall not exceed seventy (70) dBA.

(ix) Donation drop boxes shall have a minimum distance of two hundred and fifty (250) feet of a site solely zoned for or occupied by a residential use.

(x) Donation drop boxes shall operate only during the hours between 8:00 a.m. and 9:00 p.m.

(xi) An approved donation drop box shall be open and attended at least six (6) days of the week. If the donation drop box is open only six (6) days in a week, an attendant shall patrol the donation drop box on any day that the donation drop box is not open to clean up any discarded items within the site.

(xii) Donation drop boxes shall be open at least six (6) hours a day on weekdays and four (4) hours a day on weekends.

(xiii) Donation drop boxes shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation and display a notice stating that no material shall be left outside the containers.

(xiv) The facility shall not impair the landscaping required for any concurrent use.

(xv) No additional parking spaces are required for customers of the donation drop box when located in an established parking lot of the host use; one (1) space will be provided for the attendant, if needed.

(xvi) Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary use.

(xvii) Graffiti-resistant coatings shall be used on approved donation drop boxes to assist in deterring graffiti.

(xviii) If the permit expires, the donation drop box shall be removed by the owner of the donation drop box from the site on the day following permit expiration or when the business ceases. The provisions of the California Welfare and Institutions Code, section 150 et seq. are incorporated by reference here.

(xix) This section does not apply to religious facilities or non-profit businesses which place and operate their own donation boxes on the property at which they operate.

(3) Reverse vending machines.

(i) Provide and maintain a minimum illumination level of two-foot candles within a minimum twenty-five-foot radius around the reverse vending machines from dusk to dawn.

(ii) Provide an eight-foot wide unobstructed clear walkway area in front of the reverse vending machines. Consideration may be given to alternative solutions such as recessing the machines into the building frontage of the adjacent lease space.

(iii) The placement of the reverse vending machines shall not obstruct any portion of a storefront window or door and shall be placed immediately in front of or inserted into, the facade of the building.

(iv) Where practicable, the reverse vending machines shall be placed in a location away from the most heavily traveled pedestrian areas within the vicinity of the store being served and in compliance with the other provisions of the WCMC.

(v) The machines shall be located within thirty (30) feet of a primary entrance to the commercial structure, and shall not obstruct pedestrian, handicapped or vehicular circulation. If a more suitable location presents itself because of the layout and/or architecture of the development, the Community Development Director or their designee may approve a variation to the location.

(vi) The machines shall not occupy parking spaces required by the primary use(s).

(vii) The machines shall occupy no more than fifty (50) square feet of floor space per installation, including any protective enclosure, and shall not be more than eight (8) feet in height.

(viii) The machines(s) shall be constructed and maintained with durable waterproof material.

(ix) Reverse vending machines shall be clearly marked to identify the type of material to be deposited, operation instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.

(x) The machines shall be maintained in a clean, vermin free, and litter free condition daily. This shall include the cleaning of the machines and the surrounding walkways to reduce the discoloration, stickiness, and likelihood for attracting vermin. A cleaning schedule shall be submitted for approval via a Community Development Director or their designee's modification to the approved precise plan for the site. Said cleaning schedule shall identify the tasks to be undertaken, and the frequency of those tasks.

(xi) Operating hours shall be at least the operating hours of the primary host use.

(xii) A twelve-inch by twelve-inch sign which states the redemption value offered shall be posted prominently on or adjacent to the machines.

(xiii) Reverse vending machines do not require additional parking spaces for recycling customers.

(4) *Material recycling facilities and solid waste transfer or processing stations.* These requirements are minimum land use requirements which supplement the requirements of state law permits. Additional requirements may be required through the Conditional Use Permit process.

(i) Site location criteria:

(a) Said facilities shall not substantially increase vehicular traffic, noxious odors, or existing noise levels in adjacent residential areas on local residential streets or shall be mitigated.

(b) Said facilities shall not substantially lessen the usability and suitability of adjacent or nearby properties for their existing use.

(c) The site shall be served by an improved arterial street adequate in width and pavement type to carry the quantity and type of traffic generated by said use without significantly lowering the existing level of service of that arterial.

(d) The site shall be adequate in size and shape to accommodate said use, and to accommodate all yards, walls, vehicular stacking, parking, landscaping, and other required improvements.

(ii) Site development standards.

(a) All buildings, structures or improvements shall meet the setback requirements of the underlying zone. Setbacks may be used only for the following purposes: passage or temporary standing of automobiles, landscape areas or light poles.

(b) All waste unloading, loading, and processing equipment and activities shall be contained within an enclosed building with only sufficient openings for ingress/egress of vehicles and ventilation.

(c) Sufficient off-street parking shall be provided to accommodate all company, employee, and visitor vehicles on-site.

(d) On-site truck stacking and maneuvering area shall be provided as necessary to accommodate the anticipated vehicular usage of the facility, depending on the size and nature of the facility. No truck stacking and maneuvering area shall be permitted within the required front and street side yard setback and shall be completely screened by solid masonry walls not less than six (6) feet in height with appropriate landscaping and irrigation.

(e) Any leachate and other liquid flow that may result shall be contained on-site and disposed of through an on-site treatment and/or sewer system to a regular or industrial sewer. Such leachate must also be handled pursuant to the requirements of the integrated waste management board, regional water quality control board, and Los Angeles County Department of Health.

(f) Average noise levels shall not exceed seventy (70) dBA as measured at the property line of the facility in cases where any abutting nonresidential zoned property is impacted, and sixty (60) dBA as measured at the property line of the facility in cases where any abutting residentially zoned property is impacted.

(g) Adequate safety features (e.g., sprinkler systems, alarm systems, materials screening program, emergency procedures) shall at a minimum be incorporated into the design of the facility.

(h) Adequate dust, odor and noise controls shall be incorporated into the facility to minimize generation and off-site transmission of dust, odor, and noise.

(i) All materials stored outside shall either be in processed bales or kept within storage bins constructed and maintained with durable waterproof, leakproof and rustproof material, covered and locked when the center is not attended, secured from unauthorized entry and removal of material, and of a capacity sufficient to accommodate the materials collected and the collection schedule.

(j) All lighting shall be focused and directed and so arranged as to prevent glare or direct illumination on streets or adjoining property.

(k) The lighting system shall be so designed to produce a minimum maintained average lighting level of one (1) footcandle on the entire facility's horizontal surface.

(l) If the MRF/transfer station facility is located within five hundred (500) feet of property occupied by residential use, operating hours of operation shall at a minimum be restricted to between 6:00 a.m. and 8:00 p.m., and the average noise levels during this time shall be in accordance with subsection (c)(2)f. above, except for indoor activities such as, but not limited to, dispatching of vehicles and administration. Said hours may be extended for some or all activities when appropriate mitigation measures and acceptable noise performance standards during these extended operating hours, as determined by the Planning Commission or Community Development Director, or their designee, are in place.

(m) All open areas, other than landscaped planter beds, shall be paved with not less than two and one-half (2½) inches of asphaltic concrete or an equivalent surface meeting the established standards and specifications of the engineering department, shall be graded and drained to adequately dispose of all surface water and shall be maintained in good repair at all times.

(n) No operating portion of the site shall be visible from public view. This requirement may at a minimum be satisfied by a solid masonry wall not less than six (6) feet in height, landscaping, existing topographic conditions, or a combination thereof.

(o) A minimum of twenty-foot wide planters shall be provided along all street frontages except for driveway openings.

(p) A daily cleaning program for floors, equipment and facility buildings and grounds and ongoing maintenance program shall be established to the approval of the West Covina Enforcement Waste Management Agency.

(q) Refuse shall be handled as quickly as possible to avoid long term exposure on-site.

(r) All incoming or outgoing trucks shall be completely enclosed or equipped with an impermeable tight-fitting cover to suppress odors and prevent spillage of materials.

(s) No waste, trash except for separated recyclables, shall be stored at the facility overnight for longer than twenty-four (24) hours, unless the facility is properly permitted to do so.

(t) Additional noise controls including use of the best available noise suppression and control technology shall be used if necessary to achieve the established noise control performance standards.

(u) The facility operator shall prepare and implement a noise monitoring and abatement program, which shall be approved by the City Enforcement Waste Management Agency. The program shall monitor noise levels at the property line of at a minimum of three (3) sensitive receptor locations within the potential impact zone of the project. If noise levels at these locations exceed performance standards the operator shall notify the City within twenty-four (24) hours and institute additional noise reduction measures to bring noise emanating from the facility into compliance with the standards within thirty (30) days or otherwise seek City approval for a time extension. Data from all noise monitoring activities are to be recorded and made available for review by the City upon request.

(v) The facility shall comply with Rule 402 of the South Coast Air Quality Management District.

(w) Upon detection, extremely odorous loads entering the MRF shall be transferred as soon as possible.

(x) When necessary, the MRF operator shall treat waste in the MRF with odor suppressants to comply with the baseline odor standards. A certified industrial hygienist shall establish baseline indoor odor standards and perform quarterly inspections to monitor odor levels.

(y) Additional odor controls, including the base available odor suppression technology, shall be used if necessary to minimize the release of fugitive odors.

(z) The facility operator shall prepare and implement an odor monitoring and abatement program, which shall be approved by the West Covina Enforcement Waste Management Agency. The program shall ensure that odor levels within the facility are kept within the baseline odor standards and that odors emanating from the facility shall not exceed the odor detection thresholds at the facility's boundary line. The program shall use the services of a certified industrial hygienist to monitor odor levels on a quarterly basis, both within the facility and at a minimum of three (3) sensitive receptor locations within the potential impact zone of the project. If odor levels at these monitoring locations exceed the odor detection thresholds, the operator shall notify the City within twenty-four (24) hours and institute additional odor reduction measures to meet the specified odor performance standards. The facility operator shall bring the odor level into compliance with the baseline odor standards within thirty (30) days or shall otherwise request an extension of time from the City in order to reach compliance. Data from all odor monitoring activities are to be recorded and made available for review by the City upon request.

(iii) *Load inspection program.* All material recovery facilities, solid waste transfer stations or other solid waste management facilities will be required to institute a load inspection program (LIP) as part of their daily operations. The requirements for the LIP are as follows: The facility operator shall prepare and implement a program for screening loads at the facility gate house, and for checking loads at the facility building(s) and areas of operation. The load inspection program shall include inspection for hazardous wastes and other ineligible wastes and shall include procedures for their handling and disposal. Specifics of the program will be submitted to the City in a written report for their review and comment. The program shall be approved by the West Covina Enforcement Waste Management Agency.

(e) Signage. Reverse vending machines shall have a sign area of a maximum of two (2) square feet per machine, exclusive of operating instructions.

(1) Recycling centers may have signage provided as follows:

(i) Identification signs with a maximum of sixteen (16) square feet.

(ii) The signs must be consistent with the architectural style and character of the host use.

(iii) Directional signs, bearing no advertising message, may be installed on the site with the approval of the Community Development Director or their designee, if deemed to be necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way.

(2) Materials recovery facilities and solid waste transfer or processing stations shall have signs as provided for the zone in which they are located.

26-127 Restaurants, Limited-Service, Take-Out, Delivery-Only only [Source: NEW]

The purpose of this Section is to ensure that Limited-Service, Take-Out, Delivery Only restaurants do not result in adverse impacts on adjacent properties and residents or on surrounding neighborhoods by reason of customer and employee parking demand, traffic generation, noise, light, litter, or cumulative impact of such demands in one area. Limited-Service, Take-Out, and Delivery-Only restaurants shall be located, developed, and operated consistent with the following standards.

(a) Applicability. The provisions of this Section shall apply to all new Limited-Service and Take-Out Only Restaurants, and to any existing such restaurant that is expanded by more than 10 percent of the gross floor area or increase of more than 25 percent of the number of seats.

(b) Litter. Employees shall collect on-site and off-site litter including food wrappers, containers, and packaging from restaurant products generated by customers on the subject property and abutting public parking at least once per business day. On-site trash and recycling containers shall be maintained and kept from overflowing.

(c) In addition to meeting the standards of Chapter 12- Garbage and Rubbish Collection, one on-site outdoor trash and one recycling receptacle shall be provided for each entrance to the establishment.

(d) Equipment. No noise-generating compressors or other such equipment shall be placed on or near the property line adjoining any Residential District or any property used for residential uses.

26-128 Service Stations [Source: 26-661 – 26-670]

The purpose of service stations is to supply motor fuel to motor vehicles. Additionally, specified accessory services and sales may be provided in conjunction with service stations, either as an extension of the service station or as a separate multi-tenant use. Only service stations shall sell gasoline from a pump to the general public.

(a) Development Standards.

(1) *Zoning.* Service stations may be established and operated only in the zones specified in Table 2-13 in Article II Division 2 of this Chapter.

(2) A Conditional Use Permit shall be obtained prior to establishing a service station as specified in Article VI, Division 4 of this Chapter.

(3) The development standards of the zone in which the service station is to be located shall applied, unless otherwise permitted or prohibited by this section.

(4) Materials, goods or commodities offered for sale, rent or storage upon the premises of service stations shall be located on the gasoline pump island or islands or within a structure enclosed on at least two (2) sides which shall be visible only from adjacent abutting streets and located a minimum of fifteen (15) feet from any street-side property line.

(5) The minimum site size required for service stations is fifteen thousand (15,000) square feet.

(b) Permitted incidental uses:

(1) In additional to the sale of motor fuel, a service station may offer and consist of the following sales, services, and facilities:

(i) Motor oil;

(ii) Lubrication including grease rack or elevator;

(iii) Minor tire service;

(iv) Minor battery service;

(v) Minor motor tune-up;

(vi) Head lamp adjusting;

(vii) Brake adjustment and repair;

(viii) Sale of automotive accessories ;

(ix) Car washes, hand and/or automatic;

(x) Rental of trailers, trucks, and other such vehicles, limited to twenty-five (25) percent of the site area, shall not interfere with the required parking or access and shall be located a minimum of fifteen (15) feet from any street-side property line;

(xi) The sale of nonalcoholic drinks, packaged food, tobacco and similar convenience goods, but only as an accessory or incidental use, enclosed within the main building.

(xii) Vending machines subject to the condition of paragraph (xi).

(xiii) Fast-food restaurants and other similar food service establishments offering quick food service from a limited menu of items generally served in ready-to-consume individual portions often in disposable wrappings or containers for consumption either within the restaurant or for carry-out. Such uses may also provide drive-through service as per section 26-115.

(c) Car washes.

(1) Car washes established in conjunction with service stations shall be subject to the following minimum standards and conditions, which may be made more restrictive as necessary through the Conditional Use Permit process.

(i) Noise levels shall not exceed 70db(A) at the property line. If the property line is adjacent to residential property, the noise level shall not exceed 65db(A).

(ii) The wash and dry mechanism shall be contained entirely within a building.

(iii) A water recovery system shall be installed and in operation at all times.

(iv) All wash fluids used shall be biodegradable and environmentally safe.

(v) The car wash shall in no way interfere with the primary function of motor fuel distribution, automobile access, or traffic circulation.

(vi) Accessory items normally associated with a car wash, such as vacuums, may be permitted provided they meet the above-specified criteria.

(vii) Hours of operation may be limited through the Conditional Use Permit process.

(d) Prohibitions.

(1) A service station shall not be established or maintained without facilities to pump gasoline.

(2) Garage, mechanical repair service not specifically mentioned in section 26-128 (b), including but not limited to the following items are prohibited:

(i) Battery repair.

(ii) Tire rebuilding or recapping.

(iii) Painting.

(iv) Body work.

(v) Steam cleaning or radiator repair.

(vi) Transmission rebuilding.

(vii) Motor repairs involving the removal of the head or crank case.

(3) Subleasing of floor space or site area except for any use specifically authorized by section 26-128 (b), subparagraphs (i) through (ix), (xi) and (xiii).

26-129 Skilled nursing facilities, assisted living facilities, dialysis facilities and other similar facilities [Source: NEW]

(a) Skilled nursing facilities assisted living facilities, dialysis facilities and other similar facilities may be established and operated only in the zones and permit required as specified in Table 2-0 and Table 2-13 in Article II of this Chapter. The uses listed shall provide the following information along with the required permit application:

(1) Provide information regarding the ambulance services that are to be provided. This includes the number of expected trips per day, the ambulance company that will service the site, etc.

(2) Provide a fiscal analysis.

26-130 Single Room Occupancy Structure (SRO) [Source: 26-685.80 – 26-685.82]

The purpose of this Division is to assist in providing housing for persons of all income levels, consistent with the public health and safety and good planning practices. The specific purpose of this Chapter is to provide access to clean, comfortable, and safe living conditions for residents. A related purpose is to facilitate new construction of efficiency dwelling units, or the structural conversion of transient occupancy uses into single-room occupancy projects, as appropriate, and to require that efficiency units be consistently maintained in accordance with applicable standards so as not to create a public nuisance.

(a) *Efficiency unit standards.* Efficiency residential units, also known as single room occupancy ("SRO"), shall be subject to and comply with the following standards and regulations.

(1) *Unit size.* Units shall have a minimum size of one hundred fifty (150) square feet and a maximum of four hundred (400) square feet.

(2) *Occupancy.* Each unit shall accommodate a maximum of two (2) persons.

(3) *Lighting.* Exterior lighting shall be provided for the entire outdoor and parking area of the property per the lighting standards of the Parking Lot Design and Lighting Standards (Planning Commission Resolution No. 2513)

(4) *Laundry facilities.* Laundry facilities must be provided in a separate room at the ratio of one (1) waster and one (1) dyer for every twenty (20) units of fractional number thereof, with at least one (1) washer and dryer per floor.

(5) *Cleaning supply room.* A cleaning supply room or utility closet with a wash tub and with hot and cold running water shall be provided on each floor of the SRO facility.

(6) *Bathroom.* Each unit is required to provide a separate bathroom containing a water closet, lavatory and bathtub or shower.

(7) *Kitchen.* Each unit shall be provided with a kitchen sink, functioning cooking appliance and a refrigerator, each having a clear working space of not less than thirty (30) inches.

(8) *Closet.* Each SRO unit shall have a separate closet.

(9) *Trash Enclosure:* An SRO building shall provide a trash enclosure in compliance with the minimum requirements and standards in Section 26-80 of this code.

(10) *Code compliance.* SRO units shall comply with all requirements of the California Building Code. All units shall comply with all applicable accessibility and adaptability requirements. All common areas shall be fully accessible.

(11) *Separation.* An efficiency unit project shall not be located within three hundred (300) feet of any other efficiency unit project, emergency shelter, or other similar program, unless such program is located within the same building or on the same lot.

(12) *Facilities management.* An efficiency units project with ten (10) or more units shall provide on-site management. An efficiency units project with less than ten (10) units may provide a management office on-site.

(13) *Tenancy.* Tenancy of efficiency shall not be less than thirty (30) days.

(14) *Review process.* Applications for efficiency units projects shall be processed in a manner consistent with procedures for a multiple-family residential project per Article VI.

26-131 Kiosk [Source: NEW]

The purpose of this section is to provide standards and regulations for stand-alone kiosks such as water fill stations, key duplication kiosks, or other similar uses that may be an accessory use to another commercial use or as a standalone use.

(a) *Permitted zones and required permit.* No person or entity shall be permitted to place, construct, or operate an unattended or attended stand-alone kiosk without first obtaining the required permit indicated in Article II Division 2 of this Zoning Ordinance.

(1) An unattended kiosk and machines for water refills shall only be permitted in conjunction with a larger retail use and must be located within the commercial building or along the outside wall of the building and shall meet the following development standards:

(i) Graffiti-resistant coatings shall be used on approved machines to assist in deterring graffiti.

(ii) Provide and maintain a minimum illumination level of two-foot candles within a minimum twenty-five-foot radius around the machines from dusk to dawn.

(iii) Provide an eight-foot wide unobstructed clear walkway area in front of the kiosk. Consideration may be given to alternative solutions such as recessing the kiosk into the building frontage of the adjacent lease space.

(iv) The placement of the kiosk shall not obstruct any portion of a storefront window or door and shall be placed immediately in front of or inserted into, the front facade of the building.

(v) Where practicable, the kiosk shall be placed in a location away from the most heavily traveled pedestrian areas within the vicinity of the store being served and in compliance with the other provisions of the WCMC.

(vi) The kiosk shall be located within thirty (30) feet of a primary entrance to the commercial structure, and shall not obstruct pedestrian, handicapped or vehicular circulation. If a more suitable location presents itself because of the layout and/or architecture of the development, the Community Development Director or their designee may approve a variation to the location.

(vii) The kiosk shall not occupy parking spaces required by the primary use(s).

(viii) The kiosk shall occupy no more than fifty (50) square feet of floor space per installation, including any protective enclosure, and shall not be more than eight (8) feet in height.

(2) The following requirements shall apply to stand-alone kiosks with an attendant:

(i) The kiosk shall be established in conjunction with an existing or planned commercial use, or service facility (herein referred to as the “host use”).

(ii) The kiosk shall be no larger than five hundred (500) square feet, and the placement of the kiosk will not create a parking deficit.

(iii) The kiosk shall be set back at least fifty (50) feet from a right-of-way line, unless deemed adequately screened by the Community Development Director, or their designee, or Planning Commission and shall not obstruct pedestrian or vehicular circulation.

(iv) Kiosks shall be constructed and maintained with durable waterproof, leakproof and rustproof material, covered and locked when the kiosk is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate the kiosk services.

(v) All materials shall be stored within the kiosk/structure, and no materials shall be left outside of the kiosk.

(vi) The kiosk shall be maintained free of vermin, litter, and any other undesirable materials.

(vii) Noise levels shall comply with the noise standards in Chapter 15 Article IV.

(viii) Attended kiosks shall have a minimum distance of two hundred and fifty (250) feet of a site solely zoned for or occupied by a residential use. This minimum distance

requirement does not need to be met if the facility is at least one hundred fifty (150) feet from a site zoned or occupied for residential use and is separated from that site by an arterial street.

(ix) Attended kiosks shall operate only during the hours between 8:00 a.m. and 10:00 p.m.

(x) The facility shall not impair the landscaping required for any concurrent use.

(xi) No additional parking spaces are required for customers of the kiosk when located in an established parking lot of the host use; one (1) space will be provided for the attendant, if needed.

26-132 Transitional and Supportive Housing [Source: NEW]

These provisions are intended to allow transitional and supportive housing, as defined in Government Code Section 65582, consistent with State law to ensure equality of treatment for all residential uses regardless of the occupant. Transitional housing is generally described as a type of supportive housing used to facilitate the movement of people experiencing homelessness into permanent housing and independent living. Supportive housing is generally described as permanent housing linked to a range of support services designed to enable residents to maintain stable housing and lead fuller lives.

(a) *Permitted Zones.*

(1) Transitional and supportive housing shall be permitted in any zoning designation in which residential uses are allowed, and subject only to the regulations, permits, parking requirements, and development standards applicable to residential uses of the same type in that zone as specified in Article II Division 2.

(2) Supportive housing shall be permitted in any zone where multifamily and mixed uses are permitted if the proposed housing development satisfies all the requirements of California Government Code Section 65651(a).

(3) If the supportive housing development is located within one-half mile of a major transit stop, no parking spaces are required for the units occupied by supportive housing residents per Government Code Section 65654.

26-133 Wireless Telecommunications within all Land Uses [Source: 26-685.980 – 26-685.999]

(a) This Division sets forth a uniform and comprehensive set of development standards for the placement, design, installation and maintenance of wireless *telecommunication* facilities within all land-use zones of the City. The purpose of these regulations is to ensure that all wireless telecommunication facilities are consistent with the health, safety, and aesthetic objectives of the City, while not unduly restricting the development of needed telecommunications facilities.

(b) *Applicability.* Unless otherwise exempt by this Division, the regulations set forth herein shall apply to wireless telecommunication facilities within the City.

(c) *Exemptions.* The regulations of this Division do not apply to the following:

(1) Single ground-mounted, building- mounted, or roof-mounted receive- only AM/FM radio or television antennas, DBS dish antennas, amateur and/or citizens band radio antennas, for the sole use of the occupant of the parcel on which the antenna is located.

(2) Wireless telecommunications facilities owned and operated by the City or other public agency when used for emergency response services, public utilities, operations, and maintenance.

(3) This exemption does not apply to free-standing or roof-mounted satellite dish antennas greater than twenty-one (21) inches in diameter.

(4) Wireless telecommunication facilities located in the public right-of-way, which are regulated under Article IV of this Chapter.

(d) Prohibited wireless telecommunication facilities in residential zones.

(1) Antennas with a solid or wire-mesh surface with a diameter or maximum width greater than twelve (12) feet are prohibited in residential zones.

(2) No wireless telecommunication facilities are permitted within residential zones except for the following:

(i) Wireless telecommunication facilities listed under 26-133(c)(1) and (2).

(ii) Wireless telecommunication facilities located in residential zones that are developed with permitted nonresidential uses.

(iii) Wireless telecommunication facilities consisting of roof-mounted antennas located on multiple-family residential buildings.

(e) Administrative Permit required.

(1) The following types of wireless telecommunications facilities shall be permitted subject to approval of an Administrative Permit pursuant to Article VI, Division 6 of this Chapter:

(i) New building-and roof-mounted antenna facilities.

(ii) Other forms of wireless telecommunication facilities not specifically addressed within this Division which are designed to integrate with a supporting building and pose minimal visual impacts similar to building and roof-mounted antenna facilities, as determined by the Community Development Director or their designee.

(2) *Review by Planning Commission.* The Community Development Director or their designee may elect to not rule on a request for an Administrative Permit and transfer the matter to the Planning Commission, to be heard within thirty (30) days from the date this election by the Community Development Director or their designee is provided in writing to the applicant.

(f) Conditional Use Permit required. Wireless telecommunication facilities consisting of free-standing wireless facilities shall be permitted subject to approval of a Conditional Use Permit pursuant to Article VI, Division 4 of this Chapter.

(g) Minor modification permitted. See Article 6 Division 6 for minor modification permit process.

(1) Additions or modifications to existing wireless telecommunication facilities which meet all the following criteria shall be permitted subject to approval by the Community Development Director or their designee pursuant to section 26-236:

(i) The overall height of the free-standing wireless facility is not increased by more than 10%, or more than 10 feet, whichever is greater per Title 47 of the Code of Federal Regulations

(ii) No ancillary features are added to the monopole other than the antennas, required safety equipment, and accessory equipment enclosures.

(iii) All conditions of approval for the previous facility have been met.

(iv) No required parking stalls are eliminated in conjunction with the placement of the additional accessory equipment.

(v) The addition or modification is designed to minimize visual impacts.

(vi) The wireless facility has been well maintained and does not consist of damaged flags, dead trees/landscape, discolored elements, peeling paint, graffiti, broken/missing faux branches/fronds, etc.

(2) Additions or modifications to existing wireless telecommunication facilities which do not meet all the above criteria shall be permitted subject to the approval of a Conditional Use Permit pursuant to Article VI, Division 3 of this Chapter.

(h) Conditional Use Permit required. Wireless telecommunication facilities located on City owned property shall be permitted subject to approval of a Conditional Use Permit pursuant to Article VI, Division 4 of this Chapter.

(i) Development standards. All wireless telecommunication facilities regulated under this Division shall comply with the following development standards:

(1) *Site Selection.* City-owned properties shall be considered before privately-owned properties where wireless telecommunication facilities are permitted.

(2) Location on property.

(i) Free-standing wireless facilities or roof-mounted satellite dishes greater than twenty-one (21) inches in diameter and located in residential zones.

(a) No free-standing wireless facilities shall be permitted in the required side yard or front yard.

(b) No free-standing wireless facilities shall be permitted within five (5) feet of the rear property line.

(c) No antennas consisting of a solid or wire-mesh surface shall be permitted on the roof.

(ii) Nonresidential zones (including wireless telecommunication facilities located in residential zones which are developed with permitted nonresidential uses).

(a) No free-standing wireless facilities shall be permitted in the required front or streetside yards of the underlying zone.

(b) No free-standing wireless facilities shall be permitted within five hundred (500) feet of surrounding single-family residences or one hundred feet (100) of surrounding multi-family multifamily residential zones (MF). This distance shall be determined by measuring from the free-standing wireless facility to the nearest property line of the single- or multi-family residence.

(c) No free-standing wireless facilities shall be permitted in a required parking space or driveway.

(d) Free-standing wireless facilities shall be located to the extent feasible to the rear of all existing buildings on the property.

(iii) Height restrictions.

(a) No free-standing wireless facilities shall exceed sixty (60) feet in height measured from the average finished grade of the subject site, except as otherwise approved under Section k.

(b) No roof-mounted antennas shall exceed twenty (20) feet above the peak of the roof (excluding the height of mechanical penthouses and parapets).

(c) In addition to the maximum height limits stated above, free-standing wireless facilities shall be designed at the minimum functional height as demonstrated by RF coverage maps or other alternative acceptable to the Community Development Director.

(d) In the event that the City needs assistance in understanding the technical aspects of a particular proposal, the services of a communications consultant may be required to determine the engineering or screening requirements of establishing a specific wireless telecommunication facility. This service will be provided at the applicant's expense.

(iv) Noise. No portion of a wireless telecommunications facility, including, but not limited to, emergency generators, shall violate the City's noise ordinance at any time.

(i) *Design Standards.* All wireless telecommunication facilities regulated under this section shall comply with the following design standards:

(1) Setbacks for wireless telecommunications facilities shall be determined in each individual case with the minimum setbacks adhering to those required by the zone.

(2) No part of any antenna, telecommunication facility, or support structure shall be in any required front, side or rear setback area, unless it's determined by the approving body that using a setback area is required in achieving the best design.

(3) Telecommunication facilities and antennas shall not be located within 1,500 feet of a property with an existing facility or antenna (measured from property line to property line), unless the proposed facility will be co-located and designed to be fully screened or camouflaged. This shall not be interpreted to include receive only antennas installed for individual residences.

(4) Monopoles and alternative antenna support structures shall be located a minimum of one-half mile (1/2) from other monopole or alternative support structure.

(5) All facilities, antennas and associated structures shall be architecturally designed, located, screened, concealed, or disguised to the extent reasonably necessary to achieve compatibility with adjacent or nearby structures, neighborhoods, and streetscapes. Alternative antenna support structures (e.g., man-made trees) shall be used in lieu of monopoles where there would otherwise be a substantial negative visibility impact.

(6) At least two 24-inch box trees shall be included for any mono-tree. The trees shall be of the same species as the proposed mono-tree.

(i) This requirement may be waived by the Planning Commission or City Council if there are at least two mature trees within 40 feet from the proposed mono-tree (measured from center of tree and center of mono-tree), depending on the maturity and species of the neighboring trees.

(7) All facilities, towers, antennas and associated structures shall have a matte finish to prevent glares and painted to blend into the surrounding background.

(8) Satellite dishes, other than microwave dishes, shall be of mesh construction, except where technical evidence shows that this is infeasible.

(9) Ground level support facilities shall be no taller than 17 feet in height and shall be designed to look like a building or facility typically found in the area. Said facilities shall be located below grade wherever aesthetically desirable.

(10) Security fences shall not be less than six feet in height. Chain-link may be used in those areas where accessory support facilities are not easily visible from the public view, as determined by the Community Development Director.

(11) All satellite dishes greater than one meter in diameter and located in residential zones shall be screened to the extent necessary to achieve concealment when viewed from ground level from any adjacent public rights-of-way, parks, schools, or residentially zoned properties. Such screening may include perimeter fence/wall, landscaping, or a combination thereof, and must achieve its screening effect within sixty (60) days of installation. Roof mounted facilities may incorporate features of the existing roof such as a parapet or the slope of a pitched roof and/or landscaping or fencing which is compatible with the design and material of the existing development of the subject site.

(12) Backup generators shall only be used during power outages and for testing and maintenance purposes. Noise attenuation measured shall be incorporated to reduce noise levels to an exterior level of a maximum sixty (60) dBA at the property line when adjacent to a residential use and a maximum forty-five (45) dBA in other zones. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.

(13) All areas disturbed during the construction, other than required road or parking areas, shall be replanted as it existed prior to construction or with plants and/or vegetation compatible with surrounding area. New vegetation shall be irrigated unless native plantings are used. Native plantings shall include temporary irrigation (for a minimum period of six months) to ensure proper establishment of the vegetation.

(14)All telecommunication facilities shall be unlit except for:

(i) Manually operated motion sensor light(s) above the access doors, which shall be kept off unless person(s) are present;

(ii) The minimum identification tower lighting that is required under FAA regulations; or

(iii) Essential lighting that is necessary for safety and security purposes. Where essential lighting is required, it shall be shielded or directed downward or away from adjacent properties.

(15)Building and roof-mounted antennas shall be mounted on a building feature such as a parapet, penthouse wall, or building façade unless the antennas are designed to reduce negative visual impacts to adjacent properties and/or public rights-of-way. Building mounted antennas shall be painted or architecturally integrated to match the existing structure.

(16)Telecommunication towers and antennas shall not be located within 1,500 feet of any school (preschool, elementary, junior high, and high school), trail, park or outdoor recreation area, sporting venues, and residential zones.

(j) Deviation from certain development and design standards. Deviation from the height requirements and minimum distance between free-standing wireless facilities by not more than twenty (20) percent may be granted by the Community Development Director or their designee or Planning Commission if one (1) or more of the following findings is made based on evidence submitted by the applicant:

(1) None of the permitted locations or height restrictions for free-standing wireless facilities provide for an obstruction-free reception window of said antenna as per blockage by the primary on-site structure or off-site buildings and trees of abutting properties; and/or

(2) Existing natural geographic conditions preclude an obstruction-free reception window.

(3) The relief from the development standards results in a more appropriate design which minimizes the visual impact of the facility.

(4) In order to accommodate the establishment of a co-located facility, the antenna height of the facility must be increased.

(5) The visual impacts of locating free-standing wireless facilities closer than 1,500 feet to one another is negligible because the facility is designed to architecturally integrate with the surrounding environment.

(k) Installation and operation.

(1) All wireless telecommunication facilities shall be installed and maintained in compliance with the requirements of the City of West Covina Municipal Code Chapter 7 (Buildings and Building Regulations), the Uniform Building Code, National Electric Code, Uniform Plumbing Code, Uniform Mechanical Code, Uniform Fire Code, and the manufacturer's structural specifications.

(2) All antennas shall be permanently and properly grounded for protection against a direct strike of lightning, with an adequate ground wire as specified by the electrical code.

(3) All electrical wires (excluding those wires covered in co-axial cables) connected from the electrical cabinets to the antennas or antenna support structure shall be protected in conduit, which shall be undergrounded or fixed to the ground and/or building.

(4) Prior to the issuance of a certificate of occupancy for any wireless telecommunication facility, the project applicant shall submit a radio frequency radiation (RFR) field measurement study which verifies compliance with FCC emission standards to the Community Development Director or their designee. The study shall be accompanied by a report written to be easily understood by a lay person which describes compliance with these standards.

(5) Prior to the issuance of a certificate of occupancy for any building-or roof-mounted wireless telecommunication facility, a disclosure notice approved by the Community Development Director or their designee shall be mailed to the manager or property management company of the building on which the facility is installed.

(6) All wireless telecommunication facilities shall comply at all times with all FCC regulations, rules, and standards.

(l) Maintenance of facilities.

(1) The wireless telecommunication provider and/or property owner shall be responsible for maintaining the facility in an appropriate manner, which includes, but is not limited to, the following: Regular cleaning of the facility, graffiti abatement, periodic repainting of antennas, free-standing wireless facilities, rooftop screen enclosures, accessory equipment walls and fences as needed, keeping debris and other similar items cleared from the antenna area, and regular landscape maintenance.

(i) *Landscaping maintenance.* All trees, foliage, and other landscaping elements on a wireless telecommunication facility site, whether or not used as screening, shall be maintained in good condition at all times in compliance with the approved landscape plan. The facility owner or operator shall be responsible for replacing any damaged, dead, or decayed landscaping. Modifications to the landscape plan shall be submitted for approval to the planning department.

(ii) *Lighting.* Any exterior lighting shall be manually operated and used only during night maintenance or emergencies, unless otherwise required by applicable Federal Law or FCC rules. Lighting shall be maintained in good condition at all times, including any shielding to reduce light impacts to neighboring properties.

(m) Periodic safety monitoring.

(1) As requested by the Community Development Director or their designee, all wireless telecommunication providers shall submit a certification attested to by a licensed engineer expert in the field of RF emissions, that the facilities are and have been operated within the then current applicable FCC standards for RF emissions.

(2) Any wireless telecommunication facilities operated and/or maintained in violation of FCC emission standards shall be subject to permit revocation by the Planning Commission under Article 6.

(n) Posting ownership information. In the event that a wireless telecommunication facility changes ownership, change of ownership notification must be posted on-site within sixty (60) days of the ownership change. The ownership and contact information shall be posted on site, on the wireless facility or the equipment.

(o) Abandonment provisions.

(1) The provider and/or property owner shall be required to remove the facility and all associated equipment and restore the property to its original condition within ninety (90) days after the abandonment, expiration, or termination of the Conditional Use Permit or Administrative Permit.

(2) The provider and/or property owner shall be required to remove the facility and all associated equipment and restore the property to its original condition within ninety (90) days after the abandonment, expiration, or termination of the Conditional Use Permit or Administrative Permit.

(p) Required modifications.

(1) Notwithstanding, the City may add conditions after issuance of the Conditional Use Permit or other permit if necessary to advance a legitimate governmental interest related to health, safety, or welfare; provided, however, that no one condition by itself may impose a substantial expense or deprive the applicant or provider of a substantial revenue source. Any condition relating to technological changes shall comply with applicable Federal Communications Commission (FCC) and Public Utilities Commission (PUC) standards.

(q) Application requirements.

(1) A "justification study" shall be submitted for each wireless telecommunication application indicating the rationale for selection of the proposed site in view of the relative merits of any feasible alternative site within the service area. This study shall also include the applicant's master plan which indicates the proposed site in relation to the provider's existing network of sites within the City and surrounding areas (if applicable). For modifications or alterations to existing facilities, the applicant may be required to submit a "justification study" limited to the need to modify, alter, or expand the facility.

(2) All wireless telecommunication applicants shall submit a "co-location study." This study shall examine the potential for co-location at an existing site. A good faith effort in achieving co-location shall be required of all applicants. Applicants which propose facilities which are not co-located with another telecommunication facility shall provide a written explanation why the subject facility is not a candidate for co-location. Furthermore, new wireless facilities shall include information with the application about how many co-locations are anticipated to be accommodated at the new facility.

(3) All wireless telecommunication applicants shall conduct a radio frequency (RF) “drive test” and submit documentation analyzing the results of the test. This study shall examine the existing signal strength within the targeted area in comparison to the anticipated signal strength of the proposed wireless telecommunication facility.

(4) All wireless telecommunication applicants shall provide a visual analysis, including photographic simulations, to ensure visual and architectural compatibility with surrounding structures.

(5) Written documentation with property owner contact information for all sites that were considered as an alternate location for the proposed wireless telecommunication facility.

(6) Other relevant information requested by the Community Development Director or their designee or his/her authorized representative.

(r) In the event that a wireless telecommunication facility changes ownership, change of ownership notification must be posted on-site within sixty (60) days of the ownership change. The ownership and contact information shall be posted on site, on the wireless facility or the equipment.

(s) Findings. In addition to the findings for approval required pursuant to Article VI, Division 4, the following findings shall also be met:

(1) The project complies with the goals and objectives of the City's General Plan.

(2) The facility structures and equipment are located, designed, and screened to blend with the existing natural environment and/or built surroundings to reduce visual impacts to the extent feasible considering the technological requirements of the proposed telecommunication service and the need to be compatible with neighboring residences and the character of the community.

(3) The wireless facility or equipment is located on a site that is appropriate in size and shape to accommodate the use of the facility, its equipment, and all other required features.

DIVISION 2 – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

[SOURCE: 26-685]

26-134 Purpose [Source: 26-685.30]

The purpose of this section is to ensure that accessory dwelling units and junior accessory dwelling units remain as an accessory use to single-family and multifamily residential uses, that the structures on parcels are organized to accommodate an accessory dwelling unit and/or junior accessory dwelling unit, and that such dwelling units do not impact surrounding residents or the community. This division is intended to retain the maximum ability of the City to regulate accessory dwelling units and to comply with the requirements California Government Code Sections 65852.2 and 65852.22.

26-135 Permit [Source: 26-685.31]

(a) Accessory dwelling units are permitted only in areas zoned to allow multifamily and single family residential, subject to the issuance of a building permit. Any application for an accessory dwelling unit that meets the unit size standards and development standards contained in this division or is the type of accessory dwelling unit described in this division, shall be approved ministerially by the City by applying the standards herein and without a public hearing.

(b) An application for an accessory dwelling unit permit (Second Unit Review- see Article 6 Division 8) shall be made by the owner of the parcel on which the primary unit sits and shall be filed with the City on a City-approved application form and subject to the established fee set by City Council resolution as it may be amended from time to time.

(c) Applications for accessory dwelling units shall conform to the requirements for, and shall obtain, a building permit consistent with the requirements of Chapter 7 (Buildings and Building Regulations) of this Code.

26-136 Types [Source: NEW]

(a) An accessory dwelling unit approved under this Division shall be one of the following types:

(1) *Attached.* An accessory dwelling unit that is created as a result on a new construction which is attached to an existing or proposed primary dwelling, such as through a shared wall, floor or ceiling. An attached accessory dwelling unit can also be constructed within an existing or proposed primary dwelling.

(2) *Detached.* An accessory dwelling unit that is created in whole or in part from newly constructed space that is detached or separated from the primary dwelling. The detached accessory dwelling unit shall be located on the same parcel as the existing or proposed primary dwelling. Detached included a second-story addition above an existing garage.

(3) *Converted on a Single Family Lot.* One ADU and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:

(i) Is either: within the space of a proposed single-family dwelling; within the space of an existing single-family dwelling; or (in the case of an ADU only) within the existing space of an accessory structure, including but not limited to attached garages, storage areas, or similar uses; or an accessory structure including but not limited to a studio, pool house, detached garage, or other similar structure, plus up to one hundred and fifty (150) additional square feet if the expansion is limited to accommodating ingress and egress to the converted structure.

(ii) Has exterior access that is independent of that for a single-family dwelling.

(iii) Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

(b) *Junior accessory dwelling unit.* A junior accessory dwelling is a dwelling unit that meets the following:

(i) Is no more than 500 square feet in size and contained entirely within a single-unit primary dwelling. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

(ii) Is located and contained entirely within an existing or proposed single-unit primary dwelling.

(iii) Has a separate entrance from the main entrance to the existing or proposed single-unit dwelling.

(iv) Has a bathroom that is either shared with or separate from those of the primary dwelling.

(v) Includes an efficiency kitchen.

26-137 Development standards [Source: 26-685.33 – 26 685.36 and NEW]

(a) Accessory dwelling units shall be approved for the following types of accessory dwelling units, regardless of whether the accessory dwelling unit meets the development standards contained in this title. Accessory dwelling units and junior accessory dwelling units are accessory to the primary use. Therefore, accessory dwelling units and junior accessory dwelling units shall not be assigned an address separate from the primary dwelling unit, unless the accessory dwelling unit is accessory to a multi-family residential use.

(b) For single family dwelling lots in residential zones, either:

(1) One (1) accessory dwelling unit and one (1) junior accessory dwelling unit per lot may be constructed. Each accessory dwelling unit and junior accessory dwelling unit must have exterior access and side and rear setbacks sufficient for fire safety and comply with all other setback requirements. If the unit is a junior accessory dwelling unit, it must also comply with the requirements of section 26-139 below; or

(2) One (1) detached, new construction, accessory dwelling unit with setbacks of at least four (4) feet from side and rear setbacks, no more than eight hundred (800) square feet floor area with an existing or proposed single-family dwelling.

(c) On a lot with an existing multi-family residential use:

(1) Accessory dwelling units may be constructed in areas that are not used as livable space within an existing multi-family dwelling structure (e.g., storage rooms, boiler rooms, passageways, attics, basements, or garages), provided the spaces meet state building standards for dwellings. The number of interior accessory dwelling units permitted on the lot shall not exceed twenty-five (25) percent of the current number of units of the multi-family complex on the lot and at least one (1) such unit shall be allowed; and

(2) Up to two (2) detached accessory dwelling units may be constructed, provided they are no taller than sixteen (16) feet, and they have at least four (4) feet of side and rear yard setbacks. Detached accessory dwelling units constructed pursuant to this subsection (b) shall not exceed one thousand (1,000) square feet in floor area per unit.

(d) Accessory dwelling units approved under this section shall not be rented for a term of 30 days or less.

(e) Accessory dwelling units or junior accessory dwelling units approved under this section shall not be required to correct legal nonconforming zoning conditions as a pre-condition to obtaining this authorization.

(f) Allowable Zoning District.

(1) An accessory dwelling unit or junior accessory dwelling unit subject to a building permit, as described in subsection 26-135 above may be constructed on a lot in a single-family or multi-family residential or mixed-use zone.

(2) An accessory dwelling unit or junior accessory dwelling unit subject to a Second Unit Review, as described under section 26-135 above may be constructed on a lot that is zoned for single-family or multi-family residential uses.

(g) Unit size Standards. Except as otherwise provided in this section of this division, all accessory dwelling units shall not exceed the size standards listed below.

(1) Attached accessory dwelling units. The maximum floor area of an attached accessory dwelling unit shall be the higher of:

(i) Eight hundred fifty (850) square feet for an accessory dwelling unit with zero (0) to one (1) bedroom or one thousand (1,000) square feet for an accessory dwelling unit with two (2) or more bedrooms; or

(ii) If there is an existing primary single-family dwelling, fifty percent (50%) of the square footage of the existing primary single-family dwelling but shall not exceed one thousand two hundred (1,200) square feet; or

(iii) Existing habitable and/or non-habitable areas may be converted into an attached accessory dwelling unit without any size and/or setback limitations.

(2) Detached units. A detached accessory dwelling unit shall not have more than one thousand two hundred (1,200) square feet of living area.

(c) Setback requirements.

(1) No setbacks are required for:

(i) Portions of accessory dwelling units that are created by converting existing living area or existing accessory structures to new accessory dwelling units; or

(ii) New accessory dwelling units in the same location and to the same dimensions as an existing structure.

(2) For all other accessory dwelling units, there must be a minimum setback of four (4) feet from side and rear yard setbacks.

(3) The accessory dwelling unit shall adhere to the required front setback of the underlying zone, unless it can be demonstrated by the applicant that an accessory dwelling unit of up to 800 square feet is not feasible on the subject property. In this case, there shall be no required front yard setback for an accessory dwelling unit of up to 800 square feet.

(4) The minimum required distance between a detached accessory dwelling unit and the primary dwelling unit, and all other structures, including garages, on the property, shall be ten (10) feet.

(d) Legal lot/residence. An accessory dwelling unit shall only be allowed on a lot within the City that contains a legal, single-family or multi-family residence as an existing or proposed primary unit on a lot.

(e) Accessory dwelling units and junior accessory dwelling units are accessory to the primary use. Therefore, accessory dwelling units shall not be assigned an address separate from the primary dwelling unit, unless the accessory dwelling unit is accessory to a multi-family residential use.

(f) Number of accessory dwelling units per lot.

(1) For lots with proposed or existing single-family residences, no more than one (1) accessory dwelling unit and one (1) junior accessory dwelling unit may be on the lot.

(2) For lots with existing multi-family residential dwellings:

(i) No more than twenty-five percent (25%) of the number of the existing units, but at least one (1) unit, shall be permitted as accessory dwelling units constructed within the non-livable space (e.g., storage rooms, boiler rooms, hallways, attics, basements, or garages) of the existing multifamily dwelling structure provided that applicable building codes are met; or

(ii) No more than two (2) detached accessory dwelling units, provided that no such unit shall be more than sixteen (16) feet in height, and each such unit complies with front yard setbacks, and meets rear-yard and side yard setbacks of four (4) feet. No setback shall be required for an existing living area or accessory structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit when created within an existing structure. The maximum square footage of detached accessory dwelling units on lots with existing multi-family residential dwellings shall be limited to one thousand (1,000) square feet of living area per accessory dwelling unit.

(g) Building code compliance. All new accessory dwelling units must comply with chapter 7 of this Code (Buildings and Building Regulations) and any other applicable provisions of the California Building Standards Code. However, fire sprinklers shall not be required if they are not required for the primary residence.

(h) Utilities.

(1) All accessory dwelling units and junior accessory dwelling units must be connected to public utilities (or their equivalent), including water, electric, and sewer services. Accessory dwelling units and junior accessory dwelling units shall not have its own separate utility meter and shall share utility connections with the primary use.

(2) All accessory dwelling units and junior accessory dwelling units shall have adequate water supply and sewer service.

(3) No overhead utility lines are to be relocated or otherwise modified to permit construction of an accessory dwelling unit or junior accessory dwelling unit, unless required by the California Building Code or by the utility provider. If existing overhead utility lines are to be relocated or otherwise modified to permit construction of an accessory unit, such lines shall be converted to underground services.

(4) The City may require the installation of a new or upgraded utility connection for a new accessory dwelling unit structure and/or the existing house to accommodate the additional burden of the proposed accessory dwelling unit on the existing utility infrastructure. The

connection fee or capacity charge shall be proportionate to the burden of the proposed accessory dwelling unit based on either its square feet or number of drainage fixture unit values. New or upgraded utility connection shall not be required for existing structures converted into accessory dwelling units.

(i) Parking.

a. The City shall require the owner to provide one (1) parking space unless the accessory dwelling unit has no bedrooms (e.g., a studio), in which case no space is required. The required parking space shall have a minimum dimension of ten (10) feet in width and twenty (20) feet in depth. The required parking space may be provided as:

(i) Tandem parking on an existing driveway in a manner that does not encroach onto a public sidewalk and otherwise complies with City parking requirements; or

(ii) Within a setback area or as tandem parking in locations determined feasible by the City for such use. Locations will be determined infeasible based upon specific site or regional topographical or fire and life safety conditions, or that such parking is not permitted anywhere else in the City.

b. Notwithstanding the foregoing, no parking space shall be required for an accessory dwelling unit if:

(i) It is located within one-half (½) mile walking distance of public transit;

(ii) It is located within an architecturally and historically significant district;

(iii) It is part of a proposed or existing primary residence or accessory structure;

(iv) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or

(v) Where there is a car share vehicle located within one (1) block of the accessory dwelling unit.

(j) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the off-street parking spaces do not have to be replaced.

(k) Exterior access. The entrance to an accessory dwelling unit shall be separate from the entrance to the primary dwelling unit.

(l) Recorded covenants. Before obtaining a permit for an accessory dwelling unit, the property owner shall file with the county recorder a declaration or agreement of restrictions which has been approved by the City Attorney as to its form and content, describing restrictions that allows for and the continued use of the accessory dwelling as follows:

(1) The accessory dwelling unit shall not be sold separately from the primary residence, except for instances allowed by Government Code section 65852.26;

(2) The accessory second unit is restricted to the maximum size allowed per the development standards set forth in this section;

(3) The restrictions shall be binding upon any successor in ownership of the property, and lack of compliance shall result in legal action against the property owner for noncompliance with the requirements for an accessory dwelling unit. In the event of violation, the property owner shall be responsible for all fees and penalties, as well as the City's enforcement costs.

(m) Conversion of existing primary unit. An existing primary dwelling may be converted to an accessory dwelling unit if it complies with all applicable requirements of this division. If so, a new, larger primary residence may be constructed.

(n) Design requirements for new units. All new accessory dwelling units must comply with the following design requirements:

(1) The exterior materials, colors, roof pitch and architecture shall match the primary unit.

(2) Accessory dwelling units shall not exceed sixteen (16) feet in height, with the following exceptions;

(i) The accessory dwelling unit is a conversion of an existing second floor area, a second-story addition to an existing residence, or is located on the second floor of a new two-story house. All second-story additions to an existing residence, and/or new two-story homes shall require the approval of an Administrative Permit per Article VI of this Code.

(ii) The accessory dwelling unit located within a half-mile of a major transit stop or high quality transit corridor then a detached ADU that is on a lot with a single-family or multifamily dwelling may be up to 18 feet in height by right, and the ADU be up to two feet taller (for a maximum of 20 feet) if necessary to match the roof pitch of the ADU to that of the main house.

(iii) The detached ADU is on a lot with an existing or proposed *multistory* multifamily dwelling, then the ADU may be up to 18 feet in height, regardless of how close it is to transit.

(iv) An attached ADU may be up to 25 feet high or as high as a primary dwelling may be under the underlying zone, whichever is lower.

(3) Exterior staircases serving second-floor accessory dwelling units shall not be located in between the side property line and the existing building.

(4) Lighting shall be shield so that light rays are not spilled onto neighboring lots.

(5) Any attached accessory dwelling unit shall be attached to the living area of the primary dwelling unit by a common wall or floor/ceiling, and not simply by an attached breezeway, porch, or patio.

(o) Passageway. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

26-138 General Plan Consistency [Source: 26.685.35]

In adopting these standards, the City recognizes that the approval of dwelling units may, in some instances, result in dwelling densities exceeding the maximum densities prescribed by the general

plan. The City finds that this occurrence is consistent with the general plan, as dictated under state planning and zoning law applicable to accessory dwelling units.

26-139 Junior Accessory Dwelling Units [Source: 26.685.36]

(a) Purpose. This section provides standards for the establishment of junior accessory dwelling units. Junior accessory dwelling units will typically be smaller than an accessory dwelling unit, will be constructed within the walls of an existing or proposed single family residence and require owner occupancy in the single-family residence where the unit is located.

(b) Size. A junior accessory dwelling unit shall not exceed five hundred (500) square feet in size.

(c) Owner occupancy. The owner of a parcel proposed for a junior accessory dwelling unit shall occupy as a primary residence either the primary dwelling or the junior accessory dwelling. Owner-occupancy is not required if the owner is a governmental agency, land trust, or "housing organization" as that term is defined in Government Code section 65589.5(k)(2), as that section may be amended from time to time.

(d) Sale prohibited. A junior accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.

(e) Short term rentals. The junior accessory dwelling unit shall not be rented for periods of thirty (30) days or less.

(f) Location of junior accessory dwelling unit. A junior accessory dwelling unit shall be entirely within a single-family residence; an attached garage is considered a part of the residence.

(g) Kitchen Requirements. The junior accessory dwelling unit shall include an efficiency kitchen, including a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(h) Parking. No additional parking is required beyond that already required for the primary dwelling.

(i) Fire protection; utility service. For the purposes of any fire or life protection ordinance or regulation or for the purposes of providing service for water, sewer, or power, a junior accessory dwelling unit shall not be considered a separate or new unit, unless the junior accessory dwelling unit was constructed in conjunction with a new single-family dwelling. No separate connection between the junior accessory dwelling unit and the utility shall be required for units created within a single-family dwelling unless the junior accessory dwelling unit is being constructed in connection with a new single-family dwelling.

(j) Deed restriction. Prior to the issuance of a building permit for a junior accessory dwelling unit, the owner shall record a deed restriction in a form approved by the City that includes a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, requires owner-occupancy consistent with subsection (c) above, does not permit rentals for periods thirty (30) days or shorter, and restricts the size and attributes of the junior dwelling unit to those that conform with this section.

DIVISION 3 – AFFORDABLE HOUSING AND DENSITY BONUS INCENTIVES *[SOURCE: 26-676 THROUGH 26-682]*

26-140 Purpose and Intent [Source: 26-676]

(a) The purpose of this Division is to provide requirements and incentives for the development of affordable housing units in conjunction with other residential, mixed-use, and commercial projects by partnering with affordable housing providers as provided by state law. The following provisions are intended to implement the policies of the City's General Plan to encourage the production of affordable housing for all economic groups, and housing for disabled and elderly residents, transitional foster youth, and disabled veterans, and homeless persons as defined in Government Code 65915, all of which is integrated, compatible with and complements adjacent uses, and is located near public and commercial services.

(b) The incentives offered in this Division are provided by the City as a means of meeting its commitment to encourage housing affordability to all economic groups, and to meet the regional fair share requirements for the construction and rehabilitation of affordable housing for very-low-, low-, and moderate-income persons.

(c) This Division shall be interpreted in a manner supplementary to, and consistent with, the California Government Code 65915, et seq., as it may be amended from time to time.

26-141 Definitions [Source: NEW]

The definitions found in State Density Bonus Law shall apply to the terms contained in this section.

26-142 Applicability [Source: 26-678 and NEW]

(a) The provisions of this Division apply to a housing development consisting of either five (5) or more general Dwelling Units. A housing development as defined in State Density Bonus Law shall be eligible for a density bonus and other regulatory incentives that are provided by State Density Bonus Law when the applicant seeks and agrees to provide very-low, low or moderate income housing units, or units intended to serve seniors, transitional foster youth, disabled veterans, homeless persons, and lower income students in the threshold amounts specified in State Density Bonus Law. A housing development includes only the residential component of a mixed-use project.

26-143 Application Requirements [Source: 26-681 and NEW]

(a) Any applicant requesting a density bonus and any incentive(s), concession(s), waiver(s), parking reductions, or commercial development bonus provided by State Density Bonus Law shall submit a density bonus application as described below concurrently with the filing of the planning application for the first discretionary permit required for the housing development, commercial development, or mixed-use development. The requests contained in the density bonus report shall be processed concurrently with the planning application. The applicant shall be informed whether the application is complete consistent with California Government Code Section 65943.

(b) The density bonus application shall include the following minimum information:

(1) Requested Density Bonus.

(2) Summary table showing the maximum number of dwelling units permitted by the zoning and general plan excluding any density bonus units, proposed affordable units by income level,

proposed bonus percentage, number of density bonus units proposed, total number of dwelling units proposed on the site, and resulting density in units per acre.

(3) A tentative map and/or preliminary site plan, drawn to scale, showing the number and location of all proposed units, designating the location of proposed affordable units and density bonus units.

(4) The zoning and general plan designations and assessor's parcel number(s) of the housing development site.

(5) A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application and identification of any units rented in the five-year period. If dwelling units on the site are currently rented, income and household size of all residents of currently occupied units, if known. If any dwelling units on the site were rented in the five-year period but are not currently rented, the income and household size of residents occupying dwelling units when the site contained the maximum number of dwelling units, if known.

(6) Description of any recorded covenant, ordinance, or law applicable to the site that restricted rents to levels affordable to very-low or lower income households in the five-year period preceding the date of submittal of the application.

(7) If a density bonus is requested for a land donation, the location of the land to be dedicated, proof of site control, and reasonable documentation that each of the requirements included in California Government Code Section 65915, subdivision (g) can be met.

(8) Requested Concession(s) or Incentive(s). In the event an application proposes concessions or incentives (a reduction in site development standards or a modification of zoning code or architectural design requirements) for a housing development pursuant to State Density Bonus Law, the density bonus report shall include the following minimum information for each incentive requested, shown on a site plan if appropriate:

   (i) The City's usual development standard and the requested development standard or regulatory incentive.

   (ii) Except where mixed-use zoning is proposed as a concession or incentive, reasonable documentation to show that any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing costs or rents.

   (iii) If approval of mixed-use zoning is proposed, reasonable documentation that nonresidential land uses will reduce the cost of the housing development, that the nonresidential land uses are compatible with the housing development and the existing or planned development in the area where the proposed housing development will be located, and that mixed-use zoning will provide for affordable housing costs or rents.

(9) Requested Waiver(s). In the event an application proposes waivers of development standards for a housing development pursuant to State Density Bonus Law, the density bonus report shall include the following minimum information for each waiver requested on each lot, shown on a site plan if appropriate:

   (i) The City's usual development standard and the requested development standard.

(ii) Reasonable documentation that the development standards for which a waiver is requested will have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by California Government Code Section 65915.

(10) Requested Parking Reduction. In the event an application proposes a parking reduction for a housing development pursuant to California Government Code Section 65915, subdivision (p), a table showing parking required by the zoning regulations, parking proposed under Section 65915, subdivision (p), and reasonable documentation that the project is eligible for the requested parking reduction.

(11) Child-Care Facility. If a density bonus or incentive is requested for a child-care facility in a housing development, reasonable documentation that all of the requirements included in California Government Code Section 65915, subdivision (h) can be met.

(12) Condominium Conversion. If a density bonus or incentive is requested for a condominium conversion, reasonable documentation that all the requirements included in California Government Code Section 65915.5 can be met.

(13) Commercial Development Bonus. If a commercial development bonus is requested for a commercial development, the application shall include the proposed partnered housing agreement and the proposed commercial development bonus, as defined in Section 21.86.110, and reasonable documentation that each of the standards included in Subsection 21.86.110(C) has been met.

(14) Fee. Payment of any fee in an amount set by resolution of the City Council for staff time necessary to determine compliance of the Density Bonus Plan with State Density Bonus Law.

26-144 Density Bonus [Source: 26-678.1 NEW]

(a) All calculations are rounded up for any fractional numeric value in determining the total number of units to be granted, including base density and bonus density as well as the resulting number of affordable units needed for a given density bonus project.

(b) If a housing development qualifies for a density bonus under more than one income category, or additionally as a senior citizen housing development as defined in State Density Bonus Law, or as housing intended to serve transitional foster youth, disabled veterans, homeless persons, or lower income students, the applicant shall identify the categories under which the density bonus would be associated and granted. Density bonuses from more than one category can be combined up to the maximum allowed under State Density Bonus law.

(c) The density bonus units shall not be included in determining the number of affordable units required to qualify a housing development for a density bonus pursuant to State Density Bonus Law.

(d) The applicant may elect to accept a lesser percentage of density bonus than the housing development is entitled to, or no density bonus, but no reduction will be permitted in the percentages of required affordable units contained in California Government Code Section 65915, subdivisions (b), (c), and (f). Regardless of the number of affordable units, no housing

development shall be entitled to a density bonus of more than what is authorized under State Density Bonus Law.

26-145 Discretionary density bonuses [Source: 26-678.2]

(a) In providing opportunities for the granting of density bonuses in excess of those specified in section 26-144, it is the City's intent to be of further meaningful assistance to promoting the development of housing to meet the diverse housing needs of the community. This notwithstanding, proposals for discretionary density bonuses shall be carefully reviewed and considered and may only be granted where standards set forth under subsection (b) have been determined to be met.

(b) Determination of discretionary density bonuses. Rather than utilizing a specific formula, the determination of whether and at what level to grant a discretionary density bonus shall be based on a case-by-case evaluation of proposed housing developments. The factors to be considered in this evaluation shall include, but are not limited to:

(1) The type and extent of target units being proposed.

(2) That the density bonus is necessary to make the project economically feasible.

(3) That the proposed housing will help fulfill the housing needs of the community as established within the housing element of the general plan.

(4) That the housing development reflects high standards in the quality of design and provision of amenities.

(5) That the proposed housing development is compatible with the surrounding neighborhood.

(c) A density bonus of greater than thirty-five (35) percent above the otherwise allowable density, but in no case greater than one hundred (100) percent as allowed in each income category of the State Density Bonus Law may be granted at the City's discretion to applicants that agree to provide the following types of housing, provided said housing developments comply with all other provisions of this Division.

(1) Greater than fifty (50) percent of the total dwelling units reserved for qualifying residents (senior citizens); or

(2) Any combination of dwelling units, meeting or exceeding the minimum percentages specified State Density Bonus Law, reserved for and affordable to very low-income households, reserved for and affordable to lower-income households, and reserved for qualifying residents (senior citizens).

(d) A density bonus of greater than thirty-five (35) percent above the otherwise allowable density, but in no case greater than two hundred (200) percent, may be granted at the City's discretion to applicants that agree to provide any combination of dwelling units where all of the units are reserved for and affordable to very low-income households and/or lower-income households.

26-146 Incentives and Concessions [Source: 26-678.3 and NEW]

(a) Incentives and concessions area a reduction in site development standards or a modification of zoning code requirements or architectural design requirements which exceed the minimum

building standards, and which results in identifiable, financially sufficient, and actual cost reductions, including, but not limited to:

(1) Reduced minimum lot sizes and/or dimensions.

(2) Reduced minimum lot setbacks.

(3) Reduced minimum outdoor and/or private outdoor living area.

(4) Increased maximum lot coverage.

(5) Increased maximum building height and/or stories.

(6) Reduced minimum building separation requirements.

(7) Reduced street standards, such as reduced minimum street widths.

(b) The number of incentives that may be requested shall be based upon the number the applicant is entitled to pursuant to State Density Bonus Law.

(c) Nothing in this section requires the provision of direct financial incentives for the housing development, including, but not limited to, the provision of financial subsidies, publicly owned land, fee waivers, or waiver of dedication requirements. The City, at its sole discretion, may choose to provide such direct financial incentives.

(d) For the purposes of this calculation, each individual deviation from the zoning requirements, rules, or other standards or conditions of the City shall constitute a separate concession. However, a variation in one (1) standard or requirement shall constitute only one (1) concession if, by necessity, the one (1) variation results in the automatic and unavoidable variation in a second standard.

(e) Concessions shall not be provided to a development which obtains its entire density bonus entitlements through a qualifying land dedication.

(f) Findings to deny incentive or concession. The City shall grant the incentive or concession requested by the applicant unless the City makes a written finding based upon substantial evidence of any of the following:

(1) The incentive or concession is not required in order to provide for affordable housing costs or for affordable rents for the restricted units;

(2) The concession or incentive would have a specific adverse impact, as defined in Government Code Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households; or

(3) The incentive or concession would be contrary to state or federal law.

26-147 Waivers [Source: 26-678.4 and NEW]

(a) An applicant may submit to the City a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development

meeting the criteria at the densities or with the concession or incentives permitted under this Division. The applicant may request a meeting with the City.

(b) The City shall not waive or reduce development standards if the waiver or reduction would:

(1) Have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon public health and safety or the physical environment.

(2) Be contrary to state or federal law.

26-148 Parking Reductions [Source: NEW]

(a) Except for projects subject to Government Code section 65863.2, in the event an application proposes a parking reduction for a residential development project pursuant to Government Code Section 65915 (p), as it may be modified from time to time, a table showing parking required by the zoning regulations, parking proposed under Government Code Section 65915 (p), as may be modified from time to time and reasonable documentation that the project is eligible for the requested parking reduction.

26-149 Childcare Facility [Source: NEW]

(a) When an Applicant proposes to construct a Residential Development Project that conforms to the requirements of this Division and includes a Child Care Facility that will be located on the premises of, as part of, or adjacent to, the Residential Development Project, the City shall grant an additional density bonus pursuant to Government Code Section 65915, as it may be modified from time to time.

26-150 Land Donation [Source: NEW]

(a) If a density bonus is requested for a land donation as per Government Code Section 65915, the applicant shall provide the following:

(1) The location of the land to be dedicated; and

(2) A title report showing proof of site control.

26-151 Commercial Development bonus [Source: NEW]

(a) In accordance with Government Code Section 65915, as it may be modified from time to time, when an Applicant proposes to construct a commercial development and has entered into a partnered housing agreement approved by the City, the City shall grant a commercial development bonus mutually agreed upon by the developer and the City. The commercial development bonus shall not include a reduction or waiver of fees imposed on the commercial development to provide affordable housing. The requirements for commercial development bonus are as follows, which shall also be described in the partnered housing agreement:

(1) The residential development project shall be located either:

(i) On the site of the commercial development; or

(ii) On a site within the City that is within one-half mile of a major transit stop as defined in Government Code Section 65915, as it may be modified from time to time, and is located within one mile of public amenities, including schools and employment centers.

(2) At least 30 percent of the total units in the residential development project shall be made available at affordable ownership cost or affordable rent for low-income households, or at least 15 percent of the total units in the residential development project shall be made available at affordable ownership cost or affordable rent for very low-income households.

(3) The commercial developer must agree either to directly build the affordable units; donate a commercial development site consistent with State Density Bonus Law, for the affordable units; or make a cash payment to the housing developer for the affordable units.

(4) Any approved partnered housing agreement shall be described in the City's Housing Element annual report as required by Government Code Section 65915, as it may be modified from time to time.

26-152 Design and Quality [Source: NEW]

(a) The City may not issue building permits for more than 50 percent of the market rate units until it has issued building permits for all the affordable units, and the City may not approve any final inspections or certificates of occupancy for more than 50 percent of the market rate units until it has issued final inspections or certificates of occupancy for all the affordable units.

(b) Affordable units shall be comparable in exterior appearance and overall quality of construction to market rate units in the same housing development. Interior finishes and amenities may differ from those provided in the market rate units, but neither the workmanship nor the products may be of substandard or inferior quality as determined by the City.

(c) Affordable Units shall be built on site and shall be dispersed within the housing development. The number of bedrooms of the affordable units shall be equivalent to the bedroom mix of the non-affordable units of the housing development, except that the developer may include a higher proportion of affordable units with more bedrooms. The design and appearance of the affordable units shall be compatible with the design of the overall housing development.

26-153 Review Procedures [Source: NEW]

(a) All requests for density bonuses, incentives, parking reductions, waivers, or commercial development bonuses shall be considered and acted upon by the approval body with authority to approve the development within the timelines prescribed by California Government Code Section 65950 et seq., with right of appeal to the City Council.

(b) Eligibility for Density Bonus, Incentive(s), Parking Reduction, and/or Waiver(s) for a Housing Development. To ensure that an application for a housing development conforms with the provisions of State Density Bonus Law, the staff report presented to the decision-making body shall state whether the application conforms to the following requirements of state law as applicable:

(1) The housing development provides the affordable units or senior housing required by State Density Bonus Law to be eligible for the density bonus and any incentives, parking reduction,

or waivers requested, including the replacement of units rented or formerly rented to very-low and low income households as required by California Government Code Section 65915, subdivision (c)(3).

(2) Any requested incentive or concession will result in identifiable and actual cost reductions to provide for affordable housing costs or rents; except that, if a mixed-use development is requested, the application must instead meet all of the requirements of California Government Code Section 65915, subdivision (k)(2).

(3) The development standards for which a waiver is requested would have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by California Government Code Section 65915.

(4) The housing development is eligible for any requested parking reductions under California Government Code Section 65915, subdivision (p).

(5) If the density bonus is based all or in part on donation of land, all of the requirements included in California Government Code Section 65915, subdivision (g) have been met.

(6) If the density bonus or incentive is based all or in part on the inclusion of a child-care facility, all of the requirements included in California Government Code Section 65915, subdivision (h) have been met.

(7) If the density bonus or incentive is based all or in part on the inclusion of affordable units as part of a condominium conversion, all of the requirements included in California Government Code Section 65915.5 have been met.

(c) If a commercial development bonus is requested for a commercial development, the decision-making body shall make a finding that the development complies with all of the requirements of Subsection 21.86.110(C), that the City has approved the partnered housing agreement, and that the commercial development bonus has been mutually agreed upon by the City and the commercial developer.

(d) The decision-making body shall grant an incentive or concession requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:

(1) The proposed incentive does not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in California Health and Safety Code Section 50052.5, or for affordable rents, as defined in California Health and Safety Code Section 50053; or

(2) The proposed incentive or concession would be contrary to state or federal law; or

(3) The proposed incentive or concession would have a specific, adverse impact upon public health or safety or the physical environment or on any real property that is listed in the California Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low- and moderate-income households. For the purpose of this subsection, specific adverse impact means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete.

(e) The decision-making body shall grant the waiver of development standards requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:

(1) The proposed waiver would be contrary to state or federal law; or

(2) The proposed waiver would have an adverse impact on any real property listed in the California Register of Historic Resources; or

(3) The proposed waiver would have a specific, adverse impact upon public health or safety or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low- and moderate-income households. For the purpose of this subsection, specific adverse impact means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete.

(f) If any density bonus, incentive, concession, parking reduction, waiver, or commercial development bonus is approved pursuant to this chapter, the applicant shall enter into an affordable housing agreement or senior housing agreement with the City pursuant to Section 26.146.

26-154 Density Bonus Housing Agreement and Senior Housing Agreement [Source: NEW]

(a) Density Bonus Housing Agreement. Except where a density bonus, incentive, waiver, parking reduction, or commercial development bonus is provided for a market-rate senior housing development, the applicant shall enter into an affordable housing agreement with the City, in a form approved by the City Attorney, to be executed by the City Manager, to ensure that the requirements of this section are satisfied. The affordable housing agreement shall guarantee the affordability of the affordable units for a minimum of 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program; shall identify the type, size and location of each affordable unit; and shall specify phasing of the affordable units in relation to the market-rate units.

(b) Senior Housing Agreement. Where a density bonus, waiver, or parking reduction is provided for a market-rate senior housing development, the applicant shall enter a restrictive covenant with the City, running with the land, in a form approved by the City Attorney, to be executed by the City manager, to require that the housing development be operated as “housing for older persons” consistent with state and federal fair housing laws.

(c) The executed affordable housing agreement or senior housing agreement shall be recorded against the housing development prior to final or parcel map approval, or, where a map is not being processed, prior to issuance of building permits for the housing development. The affordable housing agreement or senior housing agreement shall be binding on all future owners and successors in interest.

(d) The affordable housing agreement shall include, but not be limited to, the following:

(1) The number of density bonus dwelling units granted;

(2) The number and type of affordable dwelling units;

(3) The unit size(s) (square footage) of target dwelling units and the number of bedrooms per target dwelling unit;

(4) The proposed location of the affordable dwelling units;

(5) Schedule for production of affordable dwelling units;

(6) Incentives or concessions or waivers provided by the City;

(7) Where applicable, tenure and conditions governing the initial sale of the affordable units;

(8) Where applicable, tenure and conditions establishing rules and procedures for qualifying tenants, setting rental rates, filling vacancies, and operating and maintaining units for affordable rental dwelling units;

(9) Marketing plan; publication and notification of availability of affordable units;

(10) Compliance with federal and state laws;

(11) Prohibition against discrimination;

(12) Indemnification;

(13) City's right to inspect units and documents;

26-155 Fees and expenses [Source: NEW]

(a) An administrative fee shall be charged to the applicant for City review of all materials submitted in accordance with this Division for implementation and on-going enforcement of the provisions of this Division.

26-156 Interpretation [Source: NEW]

(a) If any portion of this chapter conflicts with State Density Bonus Law or other applicable state law, state law shall supersede this chapter. Any ambiguities in this chapter shall be interpreted to be consistent with State Density Bonus Law.

26-157 Severability [Source: NEW]

(a) If any provision of this chapter or its application to any person or circumstances is held invalid, the remain-der of the chapter and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected.

DIVISION 4 – URBAN DWELLING UNITS *[SOURCE: 26-685.1300-13600]*

26-158 Applicability [Source: 26-685.1300]

(a) The city shall ministerially review a housing development containing no more than two (2) residential units, if it meets the following requirements:

(1) The parcel is located within a single-family residential zone.

(2) The parcel is not located in any of the following areas and does not fall within any of the following categories:

(i) A historic district or property included on the state historic resources inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city landmark or historic property or district pursuant to a city ordinance.

(ii) A very high fire hazard severity zone as further defined in Government Code section 65913.4(a)(6)(D). This does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

(iii) A delineated earthquake fault zone as determined by the state geologist in any official maps published by the state geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law and by the city's building department.

(3) The proposed housing development would not require demolition or alteration of any of the following types of housing:

(i) Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;

(ii) Housing that is subject to any form of rent or price control by the city;

(iii) A parcel or parcels on which an owner of residential real property exercised rights under Government Code section 7060 et seq. to withdraw accommodations from rent or lease within fifteen (15) years before the date of the application; or

(iv) Housing that has been occupied by a tenant in the last three (3) years.

(4) Demolition of an existing unit that has not been occupied by a tenant in the last three (3) years shall not exceed more than twenty-five (25) percent of the existing exterior structural walls.

26-159 Standards and requirements [Source: 26-685.13200]

(a) *Number of* units*:* A proposed urban dwelling shall contain no more than two (2) units per lot. Accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) will be counted toward the maximum number of units.

(b) *Setbacks:*

(1) E*xisting structures.* No setback shall be required for an existing structure, or a structure constructed in the same location and to the same dimensions as an existing structure.

(2) *Side and rear setback for new structures and additions.* The minimum setback from the side and rear property line is four (4) feet. The proposed residential unit(s) occupying an urban lot subdivision may be constructed directly along the side property line adjoining and attached

to the unit within the same urban lot split subdivision, if the construction of an 800-square-foot unit would not be physically possible without the setback reduction.

(3) *Front setback for new structures and additions.* The minimum setback from the front property line is twenty-five (25) feet. The front setback may be reduced to ten (10) feet if the construction of an 800-square-foot unit would not be physically possible without the front setback reduction after the implementation of (b)(2). of this section is incorporated with the project design.

(c) *Maximum size:* The maximum size of an urban dwelling unit shall not exceed eight hundred (800) square feet.

(d) *Minimum size:* The minimum size of an urban dwelling unit shall be five hundred (500) square feet.

(e) *Maximum Height:* An urban dwelling unit, or additions to an existing structure within a proposed urban lot split subdivision shall not be more than one-story and shall not exceed sixteen (16) feet in height. Projects may be exempt from the one-story height limitation and may be constructed up to twenty-five (25) feet in height if the construction of an 800 square-foot unit would not be physically possible without the height increase after the implementation of (b)(2) and (b)(3) of this section is incorporated with the project design.

(1) In cases where an urban dwelling is being added by subdividing an existing structure, the height requirements of this subsection do not apply.

(f) *Front yard landscaping and paving/hardscape:*

(1) The driveway/pavement/hardscape width in the front yard shall be limited to the width of the garage, or twelve (12) feet if the lot does not have a garage.

(2) Within the front yard, a minimum of fifty (50) percent of the land area shall be maintained with landscaping consisting of live organic plant materials. Paving which incorporates planting cells such as turf block, grass grid, open-cell unit paver, geoblock, or grasscrete may be counted towards the landscaping requirement with the exclusion of the hard surface. Parking on such composite planted paving is not allowed.

(3) A minimum of one (1) 24-inch box-sized tree shall be planted on the front yard.

(g) Objective Design Standards

(1) *Additions to existing structures.* Additions to existing structures shall utilize the same exterior materials, color, roof pitch, and architecture of the existing structure on the lot.

(2) *New construction. The following standards shall apply to all new construction:*

(i) The front elevation shall include the primary entrance to the unit and a roofed porch. The porch may utilize a protruding or recessed design that provides for a roofed porch that is a minimum six (6) feet deep and six (6) feet wide.

(ii) All structures shall have at least two (2) exterior building wall materials. The building wall material option shall be limited to stucco, wood, rock/stone, brick, or decorative hand-painted tile. The building materials utilized shall be continued throughout the exterior of

the house on all elevations. Window or door trims shall not be counted towards the material requirement.

(iii) Windows:

a) Treatment on windows shall be incorporated into the window design. Allowable window treatments shall be limited to the following: stucco pop outs, wood trim, pot shelves, shutters, or recessed windows.

1) Recessed windows shall be one (1) inch to two (2) inches from the exterior building wall.

2) The height and width of window shutters shall be proportionate to the height and width of the window utilizing the treatment. The shutters shall be wide and tall enough to completely cover the exterior of each side of the window without exceeding the dimensions of the window by greater than two (2) inches.

b) Second-floor side windows shall be limited to clerestory windows for light and ventilation measured no less than five (5) feet above the interior floor level.

(iv) The roof design shall be limited to gable, dutch-gable, or hipped. Flat-roofs and/or shed roofs are prohibited. For the purposes of this subsection, "flat-roof" shall mean having a roof pitch of less than 2:12.

a) Spanish and/or Mediterranean style urban dwellings shall utilize rounded or "S" roof tiles, or a combination thereof.

(v) The color palette for the urban dwelling shall include a minimum of two (2) colors. The color utilized for the main wall shall be a different color than the color used for the architectural trim (e.g., window/door trim).

(vi) Balconies, second-story decks and/or exterior staircases are prohibited. All staircases shall be located within an enclosed structure.

(h) Residents of urban dwelling units are not eligible for any type of street parking permit.

(i) The applicant shall provide easements for the provision of public services and facilities as required.

(j) All lots shall have a minimum street frontage of twelve (12) feet to provide for vehicular access.

(k) Off-street parking shall be limited to one (1) space per unit, except that no parking requirements shall be imposed in either of the following circumstances:

(1) The parcel is located within one-half (½) mile walking distance of either a high-quality transit corridor as defined by Public Resources Code section 21155(b) or a major transit stop as defined in Public Resources Code section 21064.3; or

(2) There is a car share vehicle located within one (1) block of the parcel.

(l) For residential units connected to an onsite wastewater treatment system (septic tank), the applicant provides a percolation test completed within the last five (5) years, or if the percolation

test has been recertified, within the last ten (10) years, which shows that the system meets acceptable infiltration rates.

26-160 Authority [Source: 26-685.13300]

(a) The city shall not require or deny an application based on any of the following:
  (1) The city shall not impose any objective zoning or design review standards that would have the effect of physically precluding the construction of two (2) units on either of the resulting parcels or that would result in a unit size of less than eight hundred (800) square feet.
  (2) The city shall not deny an application solely because it proposes adjacent or connected structures, provided that that all building code safety standards are met and they are sufficient to allow a separate conveyance.

26-161 Affidavit [Source: 26-685.13400]

(a) An applicant for an urban dwelling shall be required to sign an affidavit in a form approved by the city attorney to be recorded against the property stating the following:
  (1) That the uses shall be limited to residential uses.
  (2) That the rental of any unit created pursuant to this section shall be for a minimum of thirty-one (31) days.
  (3) That the maximum number of units to be allowed on the parcels is two (2), including but not limited to units otherwise allowed pursuant to density bonus provisions, accessory dwelling units, junior accessory dwelling units, or units allowed pursuant to chapter 26 (Zoning).
  (4) That the site and/or residence of the site is not eligible for any type of street parking permit.

26-162 Building official denial procedure [Source: 26-685.13500]

(a) The city may deny the housing development if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in Government Code section 65589.5(d)(2), upon the public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

26-163 Effects on other ordinances. [Source: 26-685.13600]

(a) The provisions of this division supersede any contrary provisions in the West Covina Municipal Code to the contrary.

DIVISION 5 – MULTI-UNIT DWELLING OBJECTIVE DESIGN STANDARDS *[SOURCE: MF ODS CH 1 AND 2]*

26-164 Purpose [Source: MF ODS]

The purpose of the West Covina Multi-Family Residential Objective Design Standards is to respond to Senate Bill (SB) 330 and supplement the multi-family residential development standards of the West

Covina Municipal Code (WCMC). SB 330, "The Housing Crisis Act of 2019," is a state-wide bill intended to streamline housing development approval processes in California. As a result of SB 330, multifamily residential development projects and/or mixed-use development projects with at least two-thirds of the square footage designated for residential use meeting certain eligibility requirements are subject to specific review processes. State law requires cities to approve eligible housing proposals through ministerial processes based on objective standards that "involve no personal or subjective judgement by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant and the public official prior to submittal." The West Covina Multi-Family Residential Objective Design Standards provide clear expectations on the design of new multi-family residential development within the City, outlining objective design standards that allow for predictable development outcomes.

26-165 Applicability [Source: MF ODS]

(a) The West Covina Multi-Family Residential Objective Design Standards are minimum design requirements that apply to new multi-family residential and mixed-use development located in the following areas within the City:
   (1) Commercial Zones- O-PMU, N-CMU, R-CMU, S-CMU
   (2) Multiple Family Zones - MF-8, MF-15, MF-20, and MF-45

(b) The Multi-Family Residential Objective Design Standards apply to site and building design only. Development standards such as density, building setbacks and heights, open space, and off-street parking requirements are contained in Chapter 26 of the WCMC.

(c) If a multi-family residential development project or a residential mixed-use development project is eligible for SB 330 and complies with all applicable requirements of the WCMC and these Objective Design Standards, then the City shall approve the project through the ministerial process without public hearings.

(d) Multi-family residential development projects and residential mixed-use development projects not covered under SB 330 must also comply with the West Covina Multi-Family Residential Objective Design Standards and applicable design guidelines. The applicable City review procedures would apply to these projects.

(e) The Community Development Director or their designee may allow certain deviations from the design standards on a case-by-case basis, provided the requested deviations meet the intent of the Multi-Family Residential Objective Design Standards and are approved by the Planning Commission.

26-166 Multi-Unit Dwelling Objective Design Standards [Source: MF ODS]

New multi-family and mixed-use developments shall be subject to the standards included in Multi-family Objective Design Standards document, Chapter 2- Objective Design Standards.