



CHAIR VACANT  
VICE CHAIR CECILIA MARTINEZ  
COMMISSIONER FRANCISCO SOLORIO  
COMMISSIONER FERNANDO DIAZ  
COMMISSIONER VACANT  
COMMISSIONER VACANT

## CITY OF SAN FERNANDO

### PLANNING & PRESERVATION COMMISSION MEETING AGENDA SUMMARY MONDAY, JANUARY 27, 2025 – 5:30 PM

CITY HALL COUNCIL CHAMBERS  
117 MACNEIL STREET  
SAN FERNANDO, CALIFORNIA 91340

#### **PUBLIC PARTICIPATION OPTIONS**

Please visit the City's YouTube channel to live stream and watch previously recorded Planning and Preservation Commission meetings, which is also available with Spanish subtitles at: <https://www.youtube.com/c/CityOfSanFernando>

In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification/accommodation to attend or participate in this meeting, including in-person translation services, or other services please call the Community Development Department at (818) 898-1227 or email at [communitydevelopment@sfcity.org](mailto:communitydevelopment@sfcity.org) at least 2 business days prior to the meeting.

#### **SUBMIT PUBLIC COMMENT IN PERSON:**

Members of the public may provide comments in person in the City Council Chambers during the Public Comments section of the Agenda by submitting a comment card to the Board Secretary.

#### **SUBMIT PUBLIC COMMENT VIA EMAIL:**

Members of the public may submit comments by email to [communitydevelopment@sfcity.org](mailto:communitydevelopment@sfcity.org) no later than **12:00 p.m. the day of the meeting**, to ensure distribution to the Planning and Preservation Commission prior to consideration of the agenda. Comments received via email will be distributed to the Planning and Preservation Commission and made part of the official public record of the meeting.

#### **CALL-IN TO PROVIDE PUBLIC COMMENT LIVE AT THE MEETING:**

Members of the Public may **call-in between 5:30 p.m. and 5:45 p.m.** Comments will be heard in the order received, and limited to three minutes. If necessary, the call-in period may be extended by the Chair. Note: This is audio only and no video.

**Call-in Telephone Number:** (669) 900-6833  
**Meeting ID:** 896 2370 9376  
**Passcode:** 194996

When connecting to the Zoom meeting to speak, you will be placed in a virtual "waiting area," with your audio disabled, until it is your turn to speak and limited to three minutes.

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## CALL TO ORDER/ROLL CALL

## TELECONFERENCE REQUESTS/DISCLOSURE

Recommend consideration of requests received for remote teleconference meeting participation made by members of the City’s legislative bodies, as permitted under the provisions of Assembly Bill (AB) 2449, Government Code Section 54953, and the City of San Fernando adopted Resolution No. 8215, effective March 1, 2023.

## PLEDGE OF ALLEGIANCE

Led by a Commissioner Martinez

## APPROVAL OF AGENDA

Recommend that the Planning and Preservation Commission approve the agenda as presented.

## DECORUM AND ORDER

City Commissioners are appointed by City Council and must be free to discuss issues confronting the city in an orderly environment. Member of the public attending City Commission meetings shall observe the same rules of order and decorum applicable to the City Council ([SF Procedural Manual](#)). Any person making impertinent derogatory or slanderous remarks or who becomes boisterous while addressing a City Commission or while attending a City Commission meeting, may be removed from the room if the Presiding Officer so directs the Sergeant-At-Arms and such person may be barred from further audience before the City Commission.

## PUBLIC STATEMENTS

Members of the public may **provide comments in person in the City Council Chambers** during the Public Comments section of the Agenda by submitting a comment card to the Board Secretary.

Members of the public may submit comments by email to [communitydevelopment@sfcity.org](mailto:communitydevelopment@sfcity.org) no later than **12:00 p.m. the day of the meeting**, to ensure distribution to the Planning and Preservation Commission and made part of the official public record of the meeting.

Members of the public may provide a **live public comment by calling in between 5:30 p.m. and 5:45 p.m. CALL- IN INFORMATION: Telephone Number: (669) 900-6833; Meeting ID: 896 2370 9376; Passcode: 194996**

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## **CONSENT CALENDAR**

Items on the Consent Calendar are considered routine and may be disposed of by a single motion to adopt staff recommendation. If the Planning and Preservation Commission wishes to discuss any item, it should first be removed from the Consent Calendar.

### **1. CONSIDERATION TO APPROVE PLANNING AND PRESERVATION COMMISSION MEETING MINUTES FOR:**

- a. August 12, 2024 – Regular Meeting

## **PUBLIC HEARING**

### **2. SITE PLAN REVIEW (SPR2024-026) FOR THE INSTALLATION OF A DIGITAL SIGN ON THE EXTERIOR WALL OF AN EXISTING 6,300 SQUARE FOOT, ONE-STORY, COMMERCIAL STRUCTURE OF AN EXISTING PROPOERTY LOCATED AT 12940 FOOTHILL BOULEVARD WITHIN THE COMMERCIAL/PRECISE DEVELOPMENT OVERLAY ZONE (C-2/PD) PRECISE.**

It is recommended that the Planning and Preservation Commission:

Continue the Public Hearing.

### **3. PROPOSED ZONING TEXT AMENDMENT (ZTA2024-002) TO REPEAL AND REPLACE CHAPTER 106 (ZONING) OF CITY OF SAN FERNANDO MUNICIPAL CODE.**

It is recommended that the Planning and Preservation Commission:

- a. Conduct a Public Hearing; and
- b. Pending public testimony, adopt Planning and Preservation Commission Resolution No. 2025-01 recommending that the City Council adopt an ordinance repealing and replacing Chapter 106 (Zoning) of the San Fernando Municipal Code.

## **ADMINISTRATIVE REPORTS**

### **4. RECEIVE AND FILE AN UPDATE REGARDING CITYWIDE GENERAL TREE MAINTENANCE AND ACTIVITIES**

- a. Recommend that the Planning and Preservation Commission:

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- b. Receive and file an update regarding City-wide general tree maintenance and activities.

## 5. PLANNING AND PRESERVATION COMMISSION REORGANIZATION

Recommend that the Planning and Preservation Commission:

- a. Appoint a Chair to preside over the Commission meetings through the 2025 calendar year; and
- b. Appoint a Vice Chair to preside over the Commission meetings through the 2025 calendar year.

## STAFF COMMUNICATION

### COMMISSIONER UPDATES/REQUESTS TO AGENDIZE ITEM FOR DISCUSSION AT A FUTURE MEETING

Commissioner(s) may request to agendize an item for discussion at a future meeting, subject to approval by the Commission. Requests should align with the commission's scope of responsibility, adhere to City Council policies, and consider the availability of staff resources and budget constraints.

**ADJOURNMENT** The meeting will adjourn to its next regular meeting.

### AFFIDAVIT OF POSTING

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting.

Dated: \_\_\_\_\_ at: \_\_\_\_\_

Signed By: \_\_\_\_\_

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*Agendas and complete Agenda Packets (including staff reports and exhibits related to each item) are posted on the City's Internet Web site ([www.sfcity.org](http://www.sfcity.org)). These are also available for public reviewing prior to a meeting at the Community Development Department Public Counter. Any public writings distributed by the Planning and Preservation Commission to at least a majority of the Commissioners regarding any item on this regular meeting agenda will also be made available at the Community Development Department Public Counter located at 117 Macneil Street, San Fernando, CA, 91340 during normal business hours. In addition, the City may also post such documents on the City's Web Site at [www.sfcity.org](http://www.sfcity.org). In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification/ accommodation to attend or participate in this meeting, including auxiliary aids or services please call the Community Development Department Office at (818) 898-1227 or [communitydevelopment@sfcity.org](mailto:communitydevelopment@sfcity.org) at least 48 hours prior to the meeting.*

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**CITY OF SAN FERNANDO  
PLANNING AND PRESERVATION COMMISSION MINUTES**

**AUGUST 12, 2024 – 5:30 P.M.**

**CITY HALL COUNCIL CHAMBERS  
117 MACNEIL STREET  
SAN FERNANDO, CALIFORNIA 91340**

**THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE PLANNING COMMISSION. VIDEO AND AUDIO OF THE ACTUAL MEETING ARE AVAILABLE AT: <http://ci.san-fernando.ca.us/commissions-boards/#planning-preservation>**

**CALL TO ORDER/ROLL CALL**

Chairperson Rivas called to order at 5:33 p.m.

**PRESENT:**

Commission: Chairperson Sean M. Rivas, Vice-chair Cecilia Martinez, Commissioners Francisco Solorio and Sylvia Ballin

Staff: Community Development Director Erika Ramirez, Public Works Director Wendell Johnson, Assistant City Attorney Lloyd Pilchen (via Zoom), Public Works Operations Manager Rodrigo Mora, Associate Planner Marina Khrustaleva, and Administrative Assistant Yesenia Becerra

**PLEDGE OF ALLEGIANCE**

Led by Chairperson Rivas

**APPROVAL OF AGENDA**

Motion by Commissioner Ballin, seconded by Vice-chair Cecilia Martinez to approve the agenda. The motion carried unanimously.

**DECORUM AND ORDER**

Assistant City Attorney Pilchen read the Decorum and Order.

**PUBLIC STATEMENTS**

None.

**CONSENT CALENDAR**

No items.

**ADMINISTRATIVE REPORTS**

# **PLANNING AND PRESERVATION COMMISSION**

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## **1) DISCUSSION REGARDING AMENDMENTS TO THE CITY OF SAN FERNANDO MUNICIPAL CODE RELATED TO LANDSCAPE STANDARDS**

Community Development Director Erika Ramirez introduced the staff report and Jerry Hittleman, Senior Supervising Planner from Rincon.

Jerry Hittleman from Rincon provided a PowerPoint presentation describing the current situation with landscaping on private properties in San Fernando, explaining the need for a new Ordinance imposing Landscape Standards, and asking a number of questions allowing the Commissioners to consider options for potential regulations.

Commissioners provided their feedback and requested staff to provide additional information at the next meeting.

## **2) DISCUSSION REGARDING THE ROLE OF THE PLANNING AND PRESERVATION COMMISSION AS THE CITY'S TREE COMMISSION**

Public Works Director Wendell Johnson presented staff report on the responsibilities of the Tree Commission and responded to Councilmember questions.

## **3) RECEIVE AND FILE AN UPDATE REGARDING CITYWIDE GENERAL TREE MAINTENANCE AND ACTIVITIES**

Public Works Operations Manager Rodrigo Mora presented staff report regarding Citywide general tree maintenance and activities and responded to Councilmember questions.

## **PUBLIC COMMENT**

None

## **STAFF COMMUNICATIONS**

Community Development Director Erika Ramirez informed the Commission that they received a hard copy of City's Annual Report and advised that there is a new streamlined Solar Permitting process available on the City's website. Ms. Ramirez also provided information about \$1.1M grant from SCAG to update the Zoning Code, the Historic Survey, and identify housing opportunity sites.

## **COMMISSION COMMENTS**

Commissioner Ballin thanked Julio Rodriguez for providing a public comment in writing.

## **ADJOURNMENT (7:23 p.m.)**

Chairperson Rivas adjourned the meeting to the next regular meeting.

Planning Commission Secretary





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## AGENDA REPORT

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**To:** Planning and Preservation Commission Vice Chair Martinez and Commissioners

**From:** Erika Ramirez, Director of Community Development

**Date:** January 27, 2025

**Subject:** Site Plan Review (SPR2024-026) for the Installations of a Digital for the installation of a digital sign on the exterior wall of an existing 6,300 square foot, one-story, commercial structure of an existing property located at 12940 Foothill Boulevard within the Commercial/Precise Development Overlay Zone (C-2/PD)

**RECOMMENDATION:**

Staff recommends that the Planning and Preservation Commission Continue this item to the next regular meeting on February 10, 2025 to ensure mailing of the public hearing notices to property owners within a 300 foot radius of the project site.

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**To:** Planning and Preservation Commission Vice Chair Martinez and Commissioners

**From:** Erika Ramirez, Director of Community Development

**Date:** January 27, 2025

**Subject:** Proposed Zoning Text Amendment (ZTA2024-002) to repeal and replace Chapter 106- Zoning of the San Fernando Municipal Code

### **RECOMMENDATION:**

It is recommended that the Planning and Preservation Commission:

- a. Conduct a Public Hearing; and
- b. Pending public testimony, adopt Planning and Preservation Commission Resolution No. 2025-01 recommending that the City Council adopt an ordinance repealing and replacing Chapter 106 (Zoning) of the San Fernando Municipal Code.

### **BACKGROUND:**

1. On September 30, 1985, the City Council adopted Ordinance No. 1249, a Comprehensive Zoning Ordinance repealing and replacing the San Fernando Zoning Code.
2. On June 6, 2022, the City Council adopted Resolution No. 8153 approving and adopting the City of San Fernando 2021-2029 Housing Element, which includes a Housing Plan with Goals, Policies and Programs aimed at addressing the City's housing needs.
3. On February 20, 2024, the City Council adopted Urgency Ordinance No. U-1723 to establish regulations for establishments selling alcohol.
4. On March 18, 2024, the City Council adopted Urgency Ordinance No. U-1725 extending the temporary moratorium on the installation of artificial turf and synthetic grass.
5. On August 12, 2024 and September 9, 2024, the Commission discussed and provided feedback on proposed landscape standards.
6. On October 30, 2024, Community Development website was updated to include draft zoning code changes pertaining to landscape standards and outdoor dining. Outdoor dining ordinance was also shared with the San Fernando Mall Association and Chamber of Commerce.

7. In December, 2024, bilingual water bill inserts were mailed out to all residents notifying of the zoning code updates underway and Department contact information.

**ANALYSIS:**

A zoning code is a critical component of a municipality's legal framework for land use and development. It establishes detailed regulations that dictate how land can be used, what activities are permitted in specific areas, and the standards for building and infrastructure. As part of the municipal code, the zoning code serves as a tool to implement the broader goals outlined in the city's general plan, which is a long-term vision document that guides the community's growth, development, and sustainability efforts. While the general plan sets high-level policies and objectives, the zoning code translates those into actionable rules, ensuring that land use aligns with the community's vision for housing, transportation, environmental conservation, and economic development. Together, the general plan and zoning code work to create cohesive, functional, and sustainable communities.

The Housing Element of the City's General Plan serves as a comprehensive framework for addressing the housing needs of the community across all income levels, as set by the state of California. It outlines the City's policies, goals and programs to create, preserve, and improve housing opportunities and affordability. The City's Housing Element includes programs and policies aimed at amending the Zoning Code to comply with State Housing Law. The scope of work includes various zoning code amendments, establishing processing policies and monitoring programs as well as reformatting the current zoning code to be more user friendly for staff and the public.

The City of San Fernando's Zoning Code was last comprehensively updated in 1985 and has since been amended through targeted updates as needed. After nearly 40 years, the opportunity has come for a comprehensive review to ensure the code remains clear, consistent, and well organized. A refresh will enhance its usability for residents, property owners, business owners, prospective applicants, and city staff, while aligning the code with state law, community needs, and city policies.

The project was initially included in the scope of work for funding under the Southern California Association of Governments (SCAG) Regional Early Action Planning (REAP) Grants 2.0 of 2021, based on zoning code updates identified in the City's Housing Element Programs. However, due to delays in the release of REAP funding and concerns about maintaining code compliance, the City opted to move forward independently. Staff initiated a call for service from the City's list of pre-approved on-call planning consultants to select a consultant for the zoning code update. Through this process, Precision Civil Engineering was selected and began work on the project in May 2025.



The zoning code update sets to accomplish four main goals and lay the framework for future updates. These goals are:

1. A reorganization and clean up for the purposes of creating a clear, consistent and well-organized document.
2. Implement Housing Element programs.
3. Codify City policies and procedures.
4. Incorporate development standards for specific land uses.

In addition to these goals, the newly organized zoning code is designed to establish a strong foundation for future updates, including those required as part of the SCAG REAP 2.0 Scope of Work, enabling the City to expedite necessary amendments within a compressed timeline. Furthermore, the reorganized code will support best practices by streamlining the process for scheduling annual cleanup amendments, ensuring the code remains clear, consistent, and well-maintained over time.

### Reorganization

The City of San Fernando’s Zoning Code, found in Chapter 106 of the Municipal Code, is structured into six articles. Each article is further divided into divisions and subdivisions. As part of the code review process, the first step was to establish a standardized organization and reorder the sections by topic. The hierarchical structure—articles, divisions, and subdivisions—has been preserved. However, the original six articles are proposed to be replaced with updated titles, and the divisions and subdivisions have been reorganized to improve usability from the user’s perspective. Additionally, information throughout the code has been consolidated into charts where applicable. This approach provides a far more efficient way of presenting information, eliminating the need to cross-reference multiple sections as in the previous code.

#### ***Original Table of Contents***

- Article I. - In General
- Article II. - Administration
- Article III. - Zones
- Article V. - Building Line Chart
- Article V. - General Development Standards
- Article VI. - General Regulations

#### ***Proposed Table of Contents***

- Article I. – General Provisions
- Article II. – Base and Overlay Zones
- Article III. – General Regulations
- Article IV. – Standards for Specific Land Uses and Activities
- Article V. – Administration
- Article VI. – Definitions

To ensure clarification, clarity and structure to the zoning code the following revisions are proposed:

- **Article I, Division 2. – Interpretation of Zoning Code Provisions** - This section provides rules for resolving questions about the meaning or applicability of any requirement of the zoning code. The rules provided in this section are intended to ensure consistent interpretation and application of the provisions of the zoning code.

- **Article II, Division 2. – Residential Zones (R)**- This section is revised to organize data of all residential zones into tables. Residential accessory structures has been expanded to include the same setbacks for a two story accessory structure than a single family home.
- **Article II, Division 3. – Commercial Zones (C)**- This section is revised to organize data of all residential zones into tables.
- **Article II, Division 4. – Industrial Zones (M)**- This section is revised to organize data of all residential zones into tables.
- **Article V, Division 6. – Site Plan Review**- This article has been revised to set clear thresholds for planning projects that require a site plan review. Also, the exceptions to site plan review are codified in this update as well as the application process.
- **Article V, Division 9. – Modifications.** This article was revised to reference allowed modifications that were identified in various sections of the previous code.
- **Article VI. – Definitions.** This article brings together all the definitions that were located in various sections throughout the zoning code chapter. It also includes defintions for uses that were missing or key terms.
- **Sec. 106-2. – Authority.** This section was revised to clarify authority.
- **Sec. 106-3. – Purpose.** This section was revised to clarify the relationship between General Plan and CEQA.
- **Sec. 106-4. – Structure of development code.** This section provides the structure of the zoning code.
- **Sec. 106-6. – Applicability.** This section clarifies to what or whom the zoning code shall apply.
- **Sec. 106-11. – Rules of interpretation.** This section explains terminology used and how to interpret the zoning code.
- **Sec. 106-16. – Procedural requirements.** This section states that failure to follow the procedural requirements contained in this chapter shall not invalidate City actions taken in absence of a clear showing of intent.
- **Sec. 106-189. – Projections into required setback area.** This section provides a chart of building protections that are allowed to extend into the required setbacks and provides the amount of the allowed encroachment.
- **Sec. 106-190. – Access.** This section clarifies that access every structure shall have access to a public street.
- **Sec. 106-284. – Location of parking.** This revision allows for non-residential uses to have shared parking within 500 feet through an approved shared parking agreement.
- **Sec. 106-324. – Driveway access and traffic sight clearance.**

- **Sec. 106-374. – All zones.** This is part of the wall and fences section that has been updated to list all wall and fence standards that apply to all properties.
- **Sec. 106-375. – Residential Zones.** This is part of the wall and fences section that has been updated to list all wall and fence standards that apply to all residential properties.
- **Sec. 106-376. – Commercial, industrial, and mixed-use zones/properties.** This is part of the wall and fences section that has been updated to list all wall and fence standards that apply to all commercial/industrial and mixed use properties.
- **Sec. 106-377. – Construction materials.** This is part of the wall and fences section that has been updated to list acceptable and prohibited materials.
- **Sec. 106-379. – Permits.** This is part of the wall and fences section that clarifies permits needed.
- **Sec. 106-380. – Inspection.** This is part of the wall and fences section that clarifies inspections needed.
- **Sec. 106-808. – Purpose.** This describes the purpose of Article V.- Administration.
- **Sec. 106-809. – Summary of planning permits and actions.** This section adds a table that shows a brief summary of the permits and actions that are administered under the zoning code.
- **Sec. 106-810. – Application process and fees.** This section describes who may submit an application, what constitutes an application and what fees are to be paid at the time of application.
- **Sec. 106-811. – Application review.** This section describes the application process.
- **Sec. 106-875. – Post-approval procedures.** This section states that a conditional use permit shall expire if the use is discontinued after 1 year. It does allow for an extension of time of up to an additional year of time.
- **Sec. 106-1019. – Purpose.** This section states that City Council may amend the zoning code whenever required by public necessity, convenience and general welfare.

### Housing Element Programs

The City of San Fernando certified and adopted 2021-2029 Housing Element set a number of zoning code amendments to comply with state law as goals and policies of its housing plan. Specifically, Goal 5.0 is to reduce and remove government barriers, where feasible and legally permissible, to reduce cost of housing production and facilitate both ownership and rental opportunities for all residents. Policy 5.1 calls to amend the City’s zoning code and specific plan to comply with recently adopted state regulations. The amendments to the code below are to comply with state law pertaining to Accessory Dwelling Units, transitional and supportive housing, low barrier navigation centers, employee and farmer worker housing.

- **Article II, Division 2. – Residential Zones (R)**- Added ADUs, employee housing, supportive and transitional housing as a permitted use in all residential zones and low barrier navigation centers as permitted in R2 and R3 zones.
- **Article II, Division 6. – Overlay Zones, Subdivision III. – MUO Mixed Use Overlay**- This was approved at first reading by City Council on January 21, 2025.
- **Article IV, Division 1. – Accessory Dwelling Units**. This division has been updated to comply with state law, but also includes objective development standards.
- **Article V, Division 3. – Zone Clearance**. This division establishes a “streamlined development” process under the zone clearance for those projects in which the state requires a ministerial review and approval.
- **Article V, Division 6. – Site Plan Review**. This article is updated to include language pertaining to findings for approval of a housing development project as required by state law.
- **Sec. 106-278. – Parking spaces required**. This adds the citation that state law requires an exception to the required parking if a project is within one-half mile of public transit.

#### City Policies and Procedures

The current zoning code contains limited application review processes, and those that do exist have broad thresholds for review. This design was intended to provide staff with maximum discretion in evaluating project applications. Historically, these processes and thresholds were refined and clarified through internal policies rather than codified standards.

As part of the proposed code update, staff has incorporated these processes and policy-driven thresholds directly into the zoning code to enhance transparency and accessibility. By formalizing these procedures, the updated code ensures that both applicants and the public have clear and consistent information about review processes and decision-making criteria. This approach not only supports greater accountability but also streamlines project evaluation by aligning established practices with codified standards. Updates proposed for this purpose are below.

- **Article V, Division 4. – Administrative Planning Review**. This division codifies thresholds for level of review for planning applications that do not require full Site Plan Review or Conditional Use Permit review that had been previously set in department policy.
- **Article V, Division 5. – Temporary Use Permit and Special Event Permit**. This division codifies the Special Events Permit process that the City has had in process since 2017.
- **Article V, Division 3. – Zone Clearance**. This division codifies the practice of reviewing permitted land uses for compliance with various sections of the zoning code.

### Development Standards for Specific Land Uses

The current zoning code has very little development standards for specific types of land uses. The following common land uses that tend to have regulations have been added to begin the regular practice of adding standards to ensure quality development in the City. The exception are Article III, Division 4.- Landscape Standards for Private Property; Article IV, Division 21.- Outdoor Dining and Article IV, Division 22.- Establishments Selling Alcohol. These divisions were added because of efforts that begin separately but because of timing were incorporated into this larger update.

- **Article III, Division 6. – Screening.** This section was added to address multi-story building abutting a residential property and also to ensure screening of mechanical equipment in developments.
- **Article III, Division 4. – Landscape Standards for Private Property.** This article has been added to establish city-wide landscape standards prior to the expiration of the moratorium on artificial turf.
- Article IV, Division 15. – Animal Boarding, Pet Day Care, Veterinary Clinics and Animal Hospital
- Article IV, Division 16. – Automatic Teller Machines (ATMS)
- Article IV, Division 17. – Drive-Through Establishments
- Article IV, Division 18. – Live/Work Development
- Article IV, Division 19. – Temporary Storage Containers
- Article IV, Division 20. – Vehicle Fueling and Electric Vehicle (EV) Charging
- **Article IV, Division 21. – Outdoor Dining.** This article has been added to develop standards for outdoor dining on private property that will mirror the regulations that will be set forth for outdoor dining on the public right of way. This is a department work plan item approved by Council as part of the 2024-2025 Budget. The goal is to replace the outdoor dining permitted during COVID by setting standards in place for review.
- **Article IV, Division 22. – Establishments Selling Alcohol.** This division has been added to move these standards from Chapter 22- Business of the City of San Fernando Municipal Code.

This comprehensive update to the zoning code is a critical step toward ensuring the City's growth is managed effectively and in alignment with state law, local policies, and community goals. By reorganizing the code for clarity and accessibility, implementing housing element programs, and codifying established policies and practices, the City will create a more equitable, sustainable, and predictable framework for development. This update not only enhances regulatory consistency but also supports economic development, public confidence, and the preservation of community character, positioning the City to better serve its residents and businesses for years to come.

**ENVIRONMENTAL ADDENDUM:**

Pursuant to Section 15061(b)(3) of the Guidelines for the Implementation of the California Environmental Quality Act (“CEQA”) of 1970, as amended, the lead agency has determined that the proposed activity is exempt from CEQA. The City as the lead agency has determined with certainty that the proposed activity will not have a significant effect on the environment as the proposed amendments are intended to reorganize the zoning code for better functionality, comply with applicable State provisions, and streamline implementation and administration of the zoning ordinance, correct inconsistencies and clarify ambiguities. In addition, under California Public Resources Code section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of sections 66310 to 66342 of the Government code, which is California’s ADU law and which regulates JADUs, as defined by sections 66333 to 66339. Therefore, the proposed ordinance is also categorically exempt from CEQA under the Class 3 exemption set forth in State CEQA Guidelines section 15303. The Class 3 exemption categorically exempts from CEQA, among other things, the construction and location of new, small structures and the conversion of existing small structures from one use to another. Section 15303 specifically lists the construction of appurtenant accessory structures and garages as examples of activities that expressly falls within this exemption.

**PUBLIC HEARING NOTICE:**

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. The City also published notice of this public hearing at least 10 days before the meeting in accordance with SFMC Section 106-72.

**BUDGET IMPACT:**

The preparation of these ordinances were an enhancement approved by City Council as part of the Fiscal Year 2024-2025 Adopted Budget.

**CONCLUSION:**

Staff recommends that the Commission adopt:

- a. Planning and Preservation Commission Resolution No. 2025-01 recommending that the City Council adopt an ordinance repealing and replacing Chapter 106 (Zoning) of the San Fernando Municipal Code.

**ATTACHMENTS:**

- A. Resolution No. 2025-04
- B. Draft Ordinance, including:
  - Exhibit "A" - Chapter 106 (Zoning) ([provided digitally through weblink](#))
- C. New Sections to Chapter 106 (Zoning)

RESOLUTION NO. 2025-01

**RESOLUTION OF THE PLANNING AND PRESERVATION COMMISSION OF THE CITY OF SAN FERNANDO RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF SAN FERNANDO ADOPT AN ORDINANCE REPEALING AND REPLACING CHAPTER 106 (ZONING) OF THE SAN FERNANDO MUNICIPAL CODE**

**WHEREAS**, California Constitution Article XI, Section 7, enables the City of San Fernando (the "City) to enact local planning and land use regulations; and

**WHEREAS**, the authority to adopt and enforce zoning regulations is an exercise of the City's police power to protect the public health, safety, and welfare; and

**WHEREAS**, the City has identified a need to reorganize and amend its zoning code to improve its usability, clarity, and consistency while ensuring compliance with new state laws and implementing policies and programs identified in the City's Housing Element; and

**WHEREAS**, the City has identified a need to codify policies and procedures to improve public access to said policies and procedures; and

**WHEREAS**, the City has identified a need to set development standards to facilitate application review and processing; and

**WHEREAS**, the Planning and Preservation Commission, as part of its special meeting of January 27th, 2025, conducted a duly noticed public hearing on the proposed code reorganization and amendments, and all testimony was received and made part of the public record; and

**WHEREAS**, the City prepared a revised zoning code that includes new articles, divisions, and sections, as well as modifications to existing provisions to enhance the organization, functionality, and compliance of the zoning code as detailed in Exhibit "B" attached hereto.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF SAN FERNANDO DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Recitals.**

The recitals above are true and correct and incorporated herein by reference.

**SECTION 2. Environmental Findings**

This project has been determined to be exempt from the requirements of the California Environmental Quality Act under CEQA Guidelines Section 15061(b)(3) because there is no possibility that the project may have a significant impact on the environment. The text



amendments are administrative and regulatory in nature, focused on improving clarity, consistency, and compliance with existing State mandates and the 6th Cycle Housing Element, and do not involve any physical development or changes in land use. Therefore, there is no potential for the project to result in direct or indirect environmental impacts.

### SECTION 3. Zoning Text Amendment Findings

Pursuant to San Fernando City Code Section 106-19 (Zoning Text Amendments) the following findings for adoption of the proposed amendment can be made in a positive manner as follows:

1. The proposed amendment is consistent with the objectives, policies, general land uses and programs of the city's general plan.

The proposed code reorganization aligns with and supports the San Fernando General Plan by ensuring clarity, accessibility, and consistency in the implementation of zoning regulations. Specifically:

- **Consistency with Land Use Objectives:** The reorganization provides clear guidance for implementing land use policies outlined in the General Plan, ensuring that zoning designations align with the intended character and uses of various districts within the city.
  - **Policy Alignment:** The amendment enhances the usability of the zoning code, making it easier for stakeholders, including residents, developers, and staff, to understand and comply with the city's development standards. This supports the General Plan's goals of promoting orderly growth, sustainable development, and efficient land use practices.
  - **Program Implementation:** By improving the structure and organization of the zoning code, the proposed amendment facilitates the effective execution of General Plan programs, such as fostering economic development, housing opportunities, and infrastructure improvements.
  - **Enhanced Transparency:** The amendment eliminates redundancies and clarifies ambiguities, fostering greater transparency and ensuring that the zoning code serves as a reliable tool for implementing the General Plan's vision and objectives.
2. The adoption of the proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare.

The proposed code reorganization supports the public interest and enhances public welfare by improving the efficiency and effectiveness of zoning regulations as described below:

- **Clarity and Accessibility:** The reorganization simplifies the zoning code structure, making it easier for the public, property owners, and developers to understand and comply with city regulations, thus reducing potential disputes and enforcement challenges.
- **Promoting Public Safety:** By ensuring consistency and clarity in development standards, the amendment supports the city's ability to enforce regulations that protect public

health and safety, such as those related to building codes, setbacks, and environmental safeguards.

- **Streamlining Processes:** The amendment enhances the convenience of navigating the zoning code, thereby streamlining the permitting process and reducing delays for property owners and developers, all while maintaining regulatory standards.
- **Community Welfare:** A well-organized zoning code promotes orderly development, enhances property values, and ensures land uses that are compatible with community needs and expectations, contributing positively to the overall quality of life in San Fernando.

**SECTION 4. Determination.**

Based on the findings outlined in Section 3 above, the Planning and Preservation Commission of the City of San Fernando does hereby recommend that the City Council adopt an ordinance reorganizing and amending Chapter 106 of the San Fernando Municipal Code as set forth in Exhibit "A" and Exhibit "B".

**SECTION 5. Record of Proceeding**

The documents and other materials that constitute the record of the proceedings upon which the Planning and Preservation Commission's decision is based, which include, but are not limited to, the environmental documents, staff reports, as well as materials that support the staff reports for the proposed project and are located in the Community Development Department of the City of San Fernando at 117 Macneil Street, San Fernando, CA 91340. The custodian of these documents is in the City Clerk of the City of San Fernando.

**SECTION 6. Certification of the Resolution**

The Secretary of the Planning and Preservation Commission of the City of San Fernando, California, shall certify the adoption of this resolution.

**PASSED, APPROVED, AND ADOPTED** by the Planning and Preservation of the City of San Fernando at the special meeting held this 27th day of January 2025, by the following votes:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

, CHAIRPERSON

ATTEST:

---

ERIKA RAMIREZ, SECRETARY TO THE  
PLANNING AND PRESERVATION  
COMMISSION

ORDINANCE NO. XXXX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO,  
CALIFORNIA REPEALING AND REPLACING CHAPTER 106 (ZONING) OF THE  
SAN FERNANDO MUNICIPAL CODE**

WHEREAS, California Constitution Article XI, Section 7, enables the City of San Fernando (the "City) to enact local planning and land use regulations; and

WHEREAS, the authority to adopt and enforce zoning regulations is an exercise of the City's police power to protect the public health, safety, and welfare; and

WHEREAS, the City has identified a need to reorganize and amend its zoning code to improve its usability, clarity, and consistency while ensuring compliance with new state laws and implementing policies and programs identified in the City's Housing Element; and

WHEREAS, the City has identified a need to codify policies and procedures to improve public access to said policies and procedures; and

WHEREAS, the City has identified a need to set certain development standards to facilitate application review and processing; and

WHEREAS, the Planning and Preservation Commission, as part of its special meeting of January 27th, 2025, conducted a duly noticed public hearing on the proposed code reorganization and amendments, and all testimony was received and made part of the public record; and

WHEREAS, the City prepared a revised zoning code that includes new articles, divisions, and sections, as well as modifications to existing provisions to enhance the organization, functionality, and compliance of the zoning code as detailed in Exhibit "A" attached hereto.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, AS FOLLOWS:**

**SECTION 1.** Recitals. The above recitals are true and correct and incorporated herein by reference.

**SECTION 2.** Environmental Findings. This project has been determined to be exempt from the requirements of the California Environmental Quality Act under CEQA Guidelines Section 15061(b)(3) because there is no possibility that the project may have a significant impact on the environment. The text amendments are administrative and regulatory in nature, focused on improving clarity, consistency, and compliance with existing State mandates and the 6th Cycle Housing Element, and do not involve any physical development or changes in land use. Therefore, there is no potential for the project to result in direct or indirect environmental impacts.

**SECTION 3** Zoning Text Amendment Findings. Pursuant to San Fernando City Code Section 106-19 (Zoning Text Amendments) the following findings for adoption of the proposed amendment can be made in a positive manner as follows:

- a. The proposed amendment is consistent with the objectives, policies, general land uses and programs of the city's general plans.

The proposed code reorganization aligns with and supports the San Fernando General Plan by ensuring clarity, accessibility, and consistency in the implementation of zoning regulations. Specifically:

- Consistency with Land Use Objectives: The reorganization provides clear guidance for implementing land use policies outlined in the General Plan, ensuring that zoning designations align with the intended character and uses of various districts within the city.
- Policy Alignment: The amendment enhances the usability of the zoning code, making it easier for stakeholders, including residents, developers, and staff, to understand and comply with the city's development standards. This supports the General Plan's goals of promoting orderly growth, sustainable development, and efficient land use practices.
- Program Implementation: By improving the structure and organization of the zoning code, the proposed amendment facilitates the effective execution of General Plan programs, such as fostering economic development, housing opportunities, and infrastructure improvements.
- Enhanced Transparency: The amendment eliminates redundancies and clarifies ambiguities, fostering greater transparency and ensuring that the zoning code serves as a reliable tool for implementing the General Plan's vision and objectives.

- b. The adoption of the proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare.

The proposed code reorganization supports the public interest and enhances public welfare by improving the efficiency and effectiveness of zoning regulations as described below:

- Clarity and Accessibility: The reorganization simplifies the zoning code structure, making it easier for the public, property owners, and developers to understand and comply with city regulations, thus reducing potential disputes and enforcement challenges.
- Promoting Public Safety: By ensuring consistency and clarity in development standards, the amendment supports the city's ability to enforce regulations that protect public health and safety, such as those related to building codes, setbacks, and environmental safeguards.
- Streamlining Processes: The amendment enhances the convenience of navigating the zoning code, thereby streamlining the permitting

process and reducing delays for property owners and developers, all while maintaining regulatory standards.

- Community Welfare: A well-organized zoning code promotes orderly development, enhances property values, and ensures land uses that are compatible with community needs and expectations, contributing positively to the overall quality of life in San Fernando.

**SECTION 4.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 5.** Certification. The City Clerk shall certify the passage of this Ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a local newspaper of general circulation and which is hereby designated for that purpose.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of San Fernando at its Regular Meeting held this \_\_\_\_ day of \_\_\_\_\_ 2025.

\_\_\_\_\_  
Mary Mendoza, Mayor of the  
City of San Fernando, California

**ATTEST:**

\_\_\_\_\_  
Julia Fritz, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Richard Padilla, City Attorney

CERTIFICATION

I, City Clerk of the City of San Fernando, do hereby certify that the above and foregoing is a full, true, and correct copy of Ordinance No. **x** which was introduced on \_\_, 2025, and adopted by the City Council of the City of San Fernando, California at a regular meeting duly held on the \_\_\_\_ day of \_\_\_\_\_, 2025 by the following vote of the City Council:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

IN WITNESS WHERE OF, I have hereunto set my hand and affixed the official seal of the City of San Fernando, California, this \_\_\_\_ day of \_\_\_\_\_ 2025.

---

Julia Fritz, City Clerk

**NEW DIVISIONS AND SECTIONS TO CHAPTER 106 (ZONING)****NEW DIVISION LIST****ARTICLE 1. GENERAL PROVISIONS****DIVISION 2. - INTERPRETATION OF ZONING CODE PROVISIONS.****Sec. 106-9. - Purpose.**

This section provides rules for resolving questions about the meaning or applicability of any requirement of this chapter. The rules provided in this section are intended to ensure consistent interpretation and application of the provisions of this chapter.

**Sec. 106-10. – Authority.**

The Director shall have the responsibility and authority to interpret the requirements of this chapter unless specified otherwise in this chapter.

**Sec. 106-11. – Rules of interpretation.**

- A. *Terminology.* When used in this chapter, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "includes" and "including" shall mean "including but not limited to . . ." The words "buildings and structures" are referred to as "structures."
- B. *Common words use.* If not specifically defined herein, or the context otherwise requires, then words of common use shall be defined as found in standard dictionaries.
- C. *Number of days.* Whenever a number of days is specified in this chapter, or in any permit, condition of approval, or notice issued or given as provided in this chapter, the number of days shall be construed as calendar days, unless otherwise specified. Time limits will extend to the following working day where the last of the specified number of days falls on a weekend, a City-recognized holiday, or a day the City is not open for business.
- D. *Minimum requirements.* When any regulation of this chapter is being interpreted and applied, all provisions shall be considered to be minimum requirements, unless stated otherwise (such as height limits and site coverage requirements for structures, and the numbers and size of signs allowed are maximums, not minimums).
- E. *State law requirements.* Where this chapter references provisions of State law (e.g., The California Government Code, Subdivision Map Act, Public Resources Code, and the like), the reference shall be construed to be the current State law provisions, as they may be amended from time to time.
- F. *Residential zones.* Whenever this chapter refers to "residential zones," it shall mean properties in the R1, R2, R3, RPD overlay and residential zones with a PD overlay.
- G. *Calculations – rounding.* Wherever this chapter requires calculations to determine applicable requirements, any fractional result of the calculation shall be rounded to the next higher whole number when the fraction is 0.5 or greater, and to the next lowest whole number when the



fraction is less than 0.5. In the case of the number of dwelling units, numerical quantities that are a fraction of whole numbers shall be rounded to the next higher whole number.

- H. *Zoning map boundaries.* If there is uncertainty about the location of any zoning district boundary shown on the official Zoning Map, the following rules are to be used in resolving the uncertainty:
1. Where district boundaries approximately follow lot, alley, or street lines, the lot lines and street and alley centerlines shall be construed as the district boundaries;
  2. If a district boundary divides a parcel, and the boundary line location is not specified by distances printed on the zoning map, the location of the boundary will be determined by the scale on the zoning map; and
  3. Where a public street or alley, railroad, or utility right-of-way is officially vacated or abandoned, the property that was formerly in the right-of-way will be included within the zoning district of the adjoining property on either side of the centerline of the vacated or abandoned right-of-way or easement.
- I. *Allowable uses of land.* If a proposed use of land is not specifically listed in Division 2 (Residential Zones), Division 3 (Commercial Zones), Division 4 (Industrial Zones), Division 5 (Specific Plan Zones) and Division 6 (Overlay Zones) of Article II, the use shall not be allowed, except as follows.
- J. *Applicable standards and permit requirements.* When the Commission determines that a proposed use not listed in Article II is equivalent to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this chapter apply.
- K. *Procedure for Interpretations.* At the written request of any interested person, or at the Director's discretion, the Director may determine the meaning or applicability of any requirement of this Title and may issue an official interpretation.
- L. *Request for interpretation.* A request shall be written that specifically states the provision(s) in question and provides any information to assist in the review.
- M. *Record of interpretations.* Official interpretations shall be:
1. In writing, and shall quote the provisions of this Title being interpreted, and explain their meaning or applicability in the particular or general circumstances that caused the need for interpretation; and
  2. Distributed to the Council, Commission, City Attorney, City Clerk, and all pertinent staff.
- N. *Appeals and referral.* Any interpretation of this chapter by the Director may be appealed to the Commission as provided in Division 2 of Article V of the SFMC. The Director may also refer any interpretation to the Commission for a determination.
- O. *Amendments.* Any provision of this Chapter determined by the Director to need refinement or revision should be corrected by amending this chapter as soon as is practical. Until amendments can occur, the Director will maintain a complete record of all official interpretations, available for public review, and indexed by the number of the section being interpreted.
- P. *Procedure for unlisted uses.* Any use may be permitted which in the judgment of the commission, as evidenced by resolution in writing, are similar to and no more objectionable than any of those enumerated in the applicable zone district.

## ARTICLE II. – BASE AND OVERLAY ZONES, DIVISION 6. –OVERLAY ZONES

### Subdivision III. – MUO Mixed Use Overlay

#### Sec. 106-171. – Intent and purpose.

The MUO mixed use overlay zone is established to provide development opportunities for integrated, complementary residential and commercial development on the same parcel or a contiguous group of parcels. The MUO zone may be applied as an additional zone classification to land zoned C-1 limited commercial zone or C-2 commercial zone.

#### Sec. 106-172. – Use regulations.

- A. Property may be developed solely for residential uses at a density range of 20-35 units per acre.
- B. Property may be developed solely for uses permitted or conditionally permitted in accordance with the provisions of the underlying zoning district.
- C. Uses mandated by state law to be permitted in mixed use zone districts are permitted in the Mixed Use Overlay (Transitional and Supportive Housing, Low Barrier Navigation Centers and Accessory Dwelling Units).
- D. If property is developed with a mix of residential and non-residential uses within the same project area, the following are required:
  1. For the commercial component, property may be developed with uses permitted or conditionally permitted in accordance with the provisions of the underlying zoning district, except for the specific limitation identified in section 106-72.
  2. Commercial uses are required on the ground floor adjacent to arterial streets and at all corners adjacent to arterial streets.
  3. On corner parcels, the non-residential use shall turn (wrap around) the corner for a distance of at least 30-feet, or at least 50% of the building façade, whichever is less. The termination of use shall occur at an architectural break in the building.
  4. For buildings located within 20 feet of a public street, the non-residential component of a mixed-use project shall contain at least 60% pedestrian-oriented commercial uses intended to increase pedestrian activity on the adjacent streets. Other non-residential uses may be substituted for commercial uses, if authorized by a resolution of the Planning and Preservation Commission, provided, it can be demonstrated that such non-residential use will increase pedestrian activity on the adjacent streets and is not a prohibited use listed below.
  5. All commercial tenant spaces on the ground floor shall have a minimum depth of 30 feet.
  6. Overall commercial floor area shall be a minimum of 25% of the project's total gross floor area.
  7. The minimum residential density permitted is 20 units per acre.
  8. The permitted residential component of the mixed-use project includes:
  9. Multiple-family dwellings;
  10. A live-work unit, defined as a dwelling unit that combines residential and commercial or office space within the same space, shall be considered a residential unit or development in the Mixed Use Overlay. A live-work unit or development must comply with all building code requirements which may require size, separation and use requirements and limitations.
  11. The following uses and activities shall not be permitted within the Mixed Use Overlay zone when a mixed use project is proposed:
    - a. Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, or any similar use.

- b. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use.
  - c. Manufacturing or industrial activities, including but not limited to welding, machining, or any open flame work.
  - d. Any activity or use, as determined by the responsible review authority to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents due to the potential for the use to create dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration or other impacts, or would be hazardous because of materials, processes, products, or wastes.
1. After approval, a mixed-use building shall not be converted to entirely residential use.
  2. A City-approved covenant shall be executed by the owner of each residential unit within a mixed use development for recording in the land records of Los Angeles County, and shall include statements that the occupant(s) understand(s) and accept(s) the person is living in a mixed use development, and that commercial activities are permitted pursuant to the regulations in the SFMC. If the project includes rental residential units, the project owner shall execute such covenant and a copy of the recorded covenant shall be provide to each new occupant of the rental units.

**Sec. 106-173. – Density and massing development standards.**

Any project developed pursuant to this division shall comply with the following, and any permit issued shall be subject to such provisions established as conditions of approval. Please note if residential uses are not proposed, only the Development Standards of the underlying zone district apply:

| <b>TABLE 106-186: DEVELOPMENT STANDARDS – MIXED-USE OVERLAY (MUO)</b> |                              |                               |                      |   |
|---|------------------------------|-------------------------------|----------------------|---|
| <b>District</b>   | <b>MUO (100% Commercial)</b> | <b>MUO (100% Residential)</b> | <b>MUO Mixed-Use</b> | <b>Additional Regulations</b>   |
| Density (du/acre)   | N/A                          | 20-35                         | 20-35                |   |
| Floor Area Ratio (FAR)  | (1)                          | N/A                           | (1)(6)               |   |
| Yards/ setbacks (ft.)   |                              |                               |                      | See sections 106-188 and 106-189 for additional requirements on setbacks. |
| Front (min./max.)   | (1)                          | 5/10 (3)(4)                   | 0/15 (2)(4)          | Reference to living wall requirements                                     |
| Street side (min./max.)   | (1)                          | 5/10 (3)(4)                   | 0/0 (2)(4)           |   |
| Interior Side (min.)  | (1)                          | 5 [5]                         | 0 (5)                |   |
| Rear  | (1)                          | 5 [5]                         | 0 (5)                |   |
| Maximum height (ft.)  | (1)                          | 45 (7)                        | 45 (7)               |   |
| Building site coverage (max. %)                                       | (1)                          | 80                            | 80                   |   |
| Open space standards (sq ft.)   |                              |                               |                      | See section 106-173 C.  |
| Private (min.)  | -                            | 80                            | 60                   |   |
| Common (min.)   | -                            | 100                           | 100                  |   |

**Specific Limitations:**

- (1) Follow the base zone district (Section C-1 & C-2) development standards.
- (2) A 0-15-foot setback is allowed to accommodate pedestrian-oriented outdoor uses and amenities which the Director of Community Development determines are appropriate to an urban setting, such as outdoor patio dining areas, plazas and courtyards, fountains, public art, entry forecourts, and landscaping.
- (3) A reduced setback may be permitted if the ground floor is used for non-living areas such as manager's office, gym, etc.
- (4) A 15-foot setback is required when abutting single family residential uses to match front yard setback.
- (5) A 10-foot setback is required if proposed or existing uses will abut existing or proposed non-residential uses.
- (6) Applies to the non-residential components of the project only
- (7) Certain Roof mounted structures may exceed height. See Division 6 of Article III.

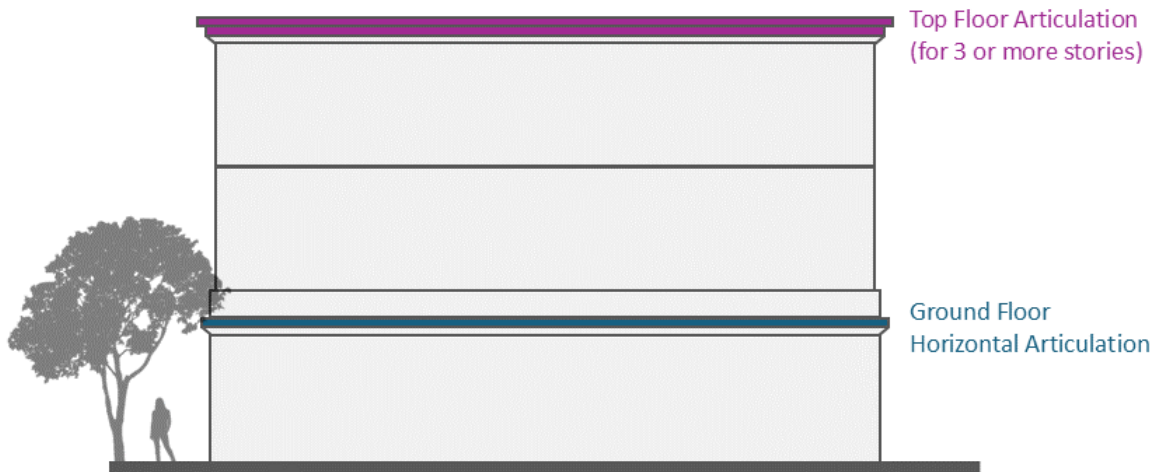
**A. General Standards**

1. Screening. When a multi-story building is proposed and the second story or above is located within 50 feet of the side or rear yard of a single-family lot, screening measures should be applied to provide a reasonable degree of privacy.
  - a. Screening measures include, but are not limited to, landscaping, alternate window and balcony placements, placing windows at least six feet from the floor of the interior of the unit, incorporating wing walls or louvers, using glass block or other translucent material, and other such methods.
  - b. Sufficiency of Screening. The Planning and Preservation Commission shall determine the sufficiency of the proposed screening measures and may require additional measures.
2. Security Barriers.
  - a. Any security barriers installed on the windows or the doors of the premises shall be installed only on the interior of the building and in compliance with all City Building, Zoning, and Fire Codes.
  - b. Security barriers shall meet the following criteria:
    - i. Only open grill design security systems located on the inside of the building shall be permitted on elevations visible from the street.
    - ii. Open grill design security systems shall be primarily transparent with not less than seventy-five percent (75%) visibility from the street.
    - iii. Solid roll-down security doors are prohibited unless part of a vehicle loading bay.
    - iv. Interior security gates shall be opened and fully retracted during the hours of operation.

**B. Building Standards**

1. Façade modulation and articulation.
  - a. Building Length Articulation. At least one projection or recess shall be provided for every 50 horizontal feet of wall in one of the following manners:
    - i. Projections or recesses for buildings 50 feet wide or less shall be exempted from the building length articulation requirement; projections or recesses for buildings greater than 50 feet in width but less than 100 feet in width shall be no less than 12 inches in depth; or projections or recesses for buildings 100 feet wide or wider shall be no less than 24 inches in depth.

- ii. The depth and width of the projection or recess shall be proportionate to the overall mass of the building.
- b. Building Height Articulation. In order to maintain a human scale for multi-story buildings, the height of façades shall be broken into smaller increments as follows:
  - i. Ground Floor. A substantial horizontal articulation of the façade shall be applied at the top of the first story. This element shall be no less than 18 inches tall, and should project from the adjacent wall plane. It shall be designed as a cornice, belt course, or a similar architectural element which is appropriate to the style of the building.
  - ii. Top Floor. Buildings or portions of buildings which are three stories in height or taller shall also provide articulation for the top story of the building. This may be accomplished by a color change, material change, a cornice/belt course at the bottom of the uppermost story, by stepping the uppermost story back, or similar measures.



**Figure 106-173.1. Building Height Articulation**

- c. Blank building facades shall be prohibited. Building facades without the use of windows or doors shall not span a continuous horizontal length greater than 20 feet across any story.

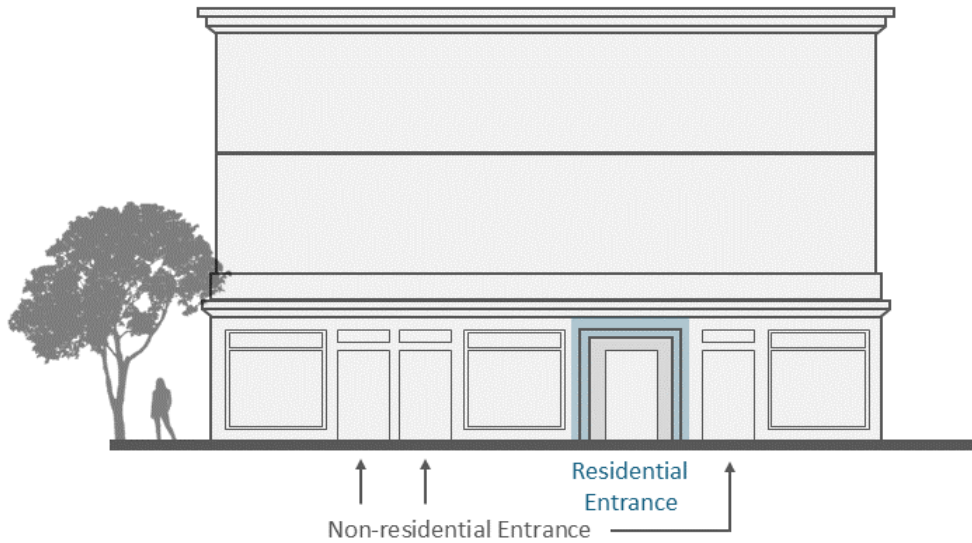


**Figure 106-173.2. Blank Façade**

- d. Façade design.
  - i. The street-facing façade shall use of at least two different façade materials or colors, each covering a minimum of 20 percent of the street-facing façade.
  - ii. All façade materials and colors, such as siding, window types, and architectural details, used on the street-facing façade shall be used on all other building façades.
- 2. Transparency. Placement and orientation of doorways, windows, and landscape elements shall create strong, direct relationships with the street. Street-facing façades of all buildings shall incorporate windows and openings providing light to adjacent spaces, rooms, and uses.
  - a. Commercial ground-floor uses. Windows and openings facing streets shall constitute a minimum of 50% of street-facing building faces. Windows shall provide a clear and transparent view into ground floor-uses or shall display merchandise to reinforce a pedestrian scale. Film may be provided to protect from the sun or as required to satisfy State or local energy efficiency requirements as long as some level of transparency is maintained.
  - b. Commercial upper-floor uses. Windows and openings facing streets shall constitute a minimum of 40% of street-facing building faces.
  - c. Residential ground-floor uses. Windows and openings facing streets shall constitute a minimum of 30% of street-facing building faces.
  - d. Residential upper-floor uses. Windows and openings facing streets shall constitute a minimum of 20% of street-facing building faces.
- C. Open Space Standards. Maintaining open space areas provides recreational opportunities, allows sunlight to enter into living spaces and provides a spacious and inviting feel. Open space requirements are as follows:
  - 1. Private open space(s) attached to residential units shall be designed to avoid direct visibility into the interiors of adjacent units.
  - 2. Any common open space shall measure at least 15 feet in length in any direction. A minimum of 25 percent of the total area of the common open space shall be landscaped.
  - 3. The following regulations apply to required residential open space areas within all mixed-use zoned lots.
    - a. More than one open space area may be provided on a lot. The sum of square footages for all eligible open space areas on a lot shall comprise the total open space area for that lot.
    - b. Required side or rear yard areas may be included in the calculated open space area but a required front yard area may not.
    - c. All required open space shall be usable. Usable open space shall be improved to support residents' passive or active use. Such open space shall be located on the same parcel as the dwelling units for which it is required. The computation of such open space shall include no obstructions other than devices and structures designed to enhance its usability, such as swimming pools, changing facilities, fountains, planters, benches, and landscaping.
    - d. Open space areas shall have no parking, driveway or right-of-way encroachments.
    - e. Usable open space does not need to be located on the ground. Rooftop gardens and rooftop landscaping, including rooftops above parking structures, may be used to satisfy the open space requirement. Rooftop open space features and vertical projections such as sunshade and windscreen devices, open trellises, and landscaping shall not exceed 16-feet in height beyond the maximum permitted height.

4. Landscaping. A landscaping plan for all common open areas shall be submitted with the other plans. Approval of the landscape element shall include approval of an acceptable watering system, and assurance of continued maintenance.
    - a. New development shall plant new trees and bushes along the main street frontage to the full extent.
  5. Fences, walls, and hedges.
    - a. Whenever a mixed-use zoned lot shares a side or rear property line with a residentially zoned lot, and non-residential uses are located within 15 feet of that side or rear property line, a six-foot tall solid masonry wall shall be provided, along or adjacent to all such side and rear lot lines. The wall shall conform to the height regulations applicable to front yard areas of the residentially zoned lot having the common lot line. A landscape buffer shall also be provided along the shared lot lines.
    - b. Roll down security gates or fencing may not be on the exterior of buildings.
- D. Parking Standards
1. Applicable Standards. The applicable standards and requirements, including number of minimum parking stalls, required in Division 3 of Article V of this chapter shall apply, with the following additional standards in this subsection.
  2. Parking reduction in proximity to transit. Pursuant to Government Code § 65863.2, the required off-street vehicular parking may be waived for certain projects within one-half mile distance of public transit, as applicable.
  3. Parking reduction for mixed-use and residential projects. A reduction in off-street parking requirements may be granted pursuant to Division 3 of Article V.
  4. Screening.
    - a. Screening. Any parking structure with at least one floor of parking at grade or above, and which contains primary property frontage along a primary street, shall incorporate wrapped residential uses or retail businesses with shopping windows viewable from the sidewalk along the ground floor, or two or more of the following features:
      - i. Display or shopping windows;
      - ii. Landscape material (e.g., foundation plantings, vertical trellis with vines, planter boxes with cascading landscape material) that results in the parking structure being adequately screened from adjoining parcels;
      - iii. Architectural detailing and articulation that provides texture on the façade or structure openings and effectively integrates the parking structure into the basic building design.
    - b. Surface parking. Surface parking shall be located on the interior side or rear of the site to the greatest extent practicable. Surface parking between the sidewalk and buildings shall be prohibited unless no alternatives are feasible.
- E. Site Standards
1. Access and circulation.
    - a. Building entrances.
      - i. Street-facing primary entrances for non-residential uses shall be accessible to the public during business hours. Residential and non-residential entries shall be clearly defined features of front façades, and of a scale that is in proportion to the size of the building and number of units being accessed. Larger buildings shall have a more prominent building entrance, while maintaining a pedestrian scale.
      - ii. When non-residential and residential uses are located in the same building, separate exterior pedestrian entrances, elevators and lobbies shall be provided

for each use. The entrances for non-residential uses shall be designed to be visually distinct from the entrances for residential uses.



**Figure 106-173.3. Building Entrances**

- b. Pedestrian access. Pedestrian access from the adjacent street public right-of-way shall be incorporated into all ground floor uses within the MUO zone.
- c. Development projects shall promote walkability and connectivity to include design and orientation standards including:
  - i. A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas and pedestrian amenities.
  - ii. Lighting shall be incorporated along sidewalks or other pedestrian walkways to enhance the pedestrian environment and provide for public safety. Lighting shall be low mounted and downward casting in a manner that reduces light trespass onto adjacent properties.
  - iii. Connections between on-site walkways and the public sidewalk shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the primary entry and sidewalk, generally no more than 125% of the straight-line distance.
2. Exterior lighting. Lighting for non-residential uses shall be appropriately designed, located, and shielded to ensure that they do not negatively impact the residential uses in the development nor any adjacent residential uses. All exterior lighting shall be 90 degrees cutoff downlight. The rays of any such lighting shall be confined to the property. No spillover shall be permitted.
3. Trash and Recycling. Recycling and refuse storage facilities for non-residential uses shall be separate from residential uses, clearly marked, located as far as possible from residential units and shall be completely screened from view from the residential portion of the development. Recycling and refuse storage facilities for non-residential uses shall be compatible in architectural design and details with the overall project. The location and design of trash enclosures shall mitigate nuisances from odors when residential uses might be impacted. Trash areas for food service and sales uses, when occupying the same building as residential uses, shall be refrigerated to control odor.
4. Signs. The applicable provisions for signs in Division 9 of Article III shall apply.



5. Loading and unloading. Where applicable, the covenants, conditions, and restrictions of a mixed-use development shall indicate the times when the loading and unloading of goods may occur on the street, provided that, in no event, shall loading or unloading take place after 10:00 p.m. or before 7:00 a.m. on any day of the week.
6. Uses restricted to indoor. All non-residential uses must be conducted wholly within an enclosed building. The following uses or businesses are exceptions to this rule:
7. Outdoor dining and food service in conjunction with a cafeteria, café, restaurant or similar establishment;
  - a. Other sales and display areas as approved through a conditional use permit or similar discretionary permit; and
  - b. Other uses as approved by the Planning and Preservation Commission through a Conditional Use Permit process.
8. Outdoor sale and display location. No outdoor sale or display area shall occupy any required parking spaces or required yard areas.

**Sec. 106-174. – Procedure.**

- A. Development of land in a MUO mixed use overlay zone for mixed use development shall be approved with a site plan review procedure, unless proposed non-residential uses require a conditional use permit. In that case, a conditional use permit is required.
- B. As part of the Site Plan Review or Conditional Use Permit submittal, the applicant shall submit a copy of a sewer and water capacity analysis prepared by a licensed engineer that shows that existing or proposed sewer and water infrastructure is adequate to support operations of the mixed use development.
- C. As part of the Site Plan Review or Conditional Use Permit submittal, the applicant shall submit a copy of a fiscal analysis that provides a detailed evaluation of the potential financial impacts on municipal services, including any projected increase in costs of providing municipal services like police, fire, and code enforcement services.

## ARTICLE III. – GENERAL REGULATIONS

### DIVISION 4. – LANDSCAPE STANDARDS FOR PRIVATE PROPERTY

#### Sec. 106-342. – Purpose.

This division establishes requirements for landscaping on private property to improve the livability and attractiveness of the city, enhance the appearance of development, provide shade, reduce heat and glare, control soil erosion, conserve water, screen and buffer incompatible land uses, reduce paving, increase permeable surfaces, enhance the quality of neighborhoods, and improve air quality.

#### Sec. 106-343. – Applicability.

The provisions of this section shall apply to all development and land uses as follows:

- A. Development Projects. All projects that require an administrative or discretionary permit, including conditional use permits, site plan review for major remodels as described in subsections (C) and (D) below, and subdivisions shall provide landscaping in compliance with this section.
- B. Model Water Efficient Landscape Ordinance (MWELo). All projects that require landscape and irrigation plans compliant with MWELo shall provide landscaping in compliance with this section.
- C. Existing Development. Any application for the expansion of an existing multifamily residential, commercial, or industrial development that results in a 20 percent or more of the existing square footage or 500 square feet, whichever is less.
- D. Single Family Dwellings. Projects involving the new construction of one or more single-family dwellings, or an addition of 500 square feet or more to an existing single-family dwelling, shall be required to submit landscape and irrigation plans.
- E. Parking Lots. Redesigned or resurfaced multi-family, commercial, or industrial parking lots when the work is in association with a development project, or if grading is required.

#### Sec. 106-344. – Landscape design and irrigation plans.

The project applicant shall submit a landscape design plan and irrigation plan that meets the criteria set forth in this section for all projects that meet the applicability standards above. All landscape design and irrigation plans shall be prepared by a California licensed landscape architect or other qualified professional and shall include the following:

- A. Plans showing landscape areas, hardscape areas, and allowable impervious surfaces.
- B. The project applicant shall ensure that the defensible space required by the city code is maintained and shall avoid fire-prone plant materials and mulches.
- C. A description of the type and size of all proposed plant materials.
- D. Any proposed stormwater facilities.
- E. A description of all hardscape materials and features.
- F. Irrigation plans shall accompany the landscape design plan and incorporate low water use systems as required by the California Model Water Efficient Landscape Ordinance.

#### Sec. 106-345. – Landscaping standards.

- A. *Tree Requirement.* All new development projects require a minimum one 15-gallon, native canopy tree within a street facing setback.
- B. *Residential zones.* The following landscaping standards shall apply to all residential properties within the R-1, R-2, R-3, RPD zones:

1. A minimum of 20 percent of the lot area not comprised of buildings or required vehicular access and parking areas shall be comprised of pervious surfaces such as landscaping, gravel, rocks, or other similar pervious materials.
  2. A minimum of 50 percent of all street-facing yard areas between the principal dwelling unit and the public or private street curb, shall be maintained as a landscaped area. Hardscape areas containing impervious surfaces shall only be used for the purpose of pedestrian and vehicular access, and paved patios and decks.
  3. No more than 50 percent of the required landscaped areas may consist of decorative features such as boulders, river and lava rock, fountains, ponds, rock riverbeds, pedestrian bridges, arbors and pergolas with a maximum height of 9 feet.
  4. Mulch may be used as an integral part of required landscaped areas.
  5. The following standards shall apply to multi-family residential properties with surface parking lots:
    - a. A minimum 5-foot landscape buffer strip shall be provided between a parking lot and public right-of-way and shall be maintained with a permanent automatic irrigation system.
    - b. Parking lot canopy trees shall be provided at the ratio of one (1) tree for every four (4) parking spaces.
  6. No vehicle shall be parked in a required landscape area.
- C. *Commercial zones.* The following landscaping standards shall apply to all commercial properties within the C-1 and C-2 zones:
1. A minimum 50 percent of all street facing setback areas shall be maintained as a landscaped area except for driveways, pedestrian walkways, or parking aisles.
  2. For commercial buildings where no setback is provided on a street facing part of the building, a minimum 25 percent of the wall area shall be planted with a living wall or minimum 2-foot wide planter boxes or planting beds.
  3. The following standards shall apply to commercial properties with surface parking lots:
    - a. A minimum of 2 percent of parking lot area shall be landscaped and shall be so arranged as to emphasize visual attractiveness as viewed by the public from surrounding streets and walkways.
    - b. A minimum 5-foot landscape buffer strip shall be provided between a parking lot and public right-of-way.
    - c. Parking lot canopy trees shall be provided at the ratio of one (1) tree for every four (4) parking spaces.
    - d. The total area of any project not devoted to lot coverage and paving shall be landscaped, irrigated, and maintained in compliance with the requirements of this section.
    - e. All areas of a project site not intended for a specific use, including pad sites held for future development, shall be landscaped, unless it is determined by the community development Director that landscaping is not necessary to fulfill the purpose of this section.
- D. *Industrial zones.* The following landscaping standards shall apply to all industrial properties within the M-1 and M-2 zones:
1. A minimum 50 percent of all street facing setback areas shall be maintained as a landscaped area except for driveways, pedestrian walkways, or parking aisles.
  2. For industrial properties with parking lots the following standards shall apply:
    - a. A minimum of 2 percent of parking lot areas shall be landscaped and shall be so arranged as to emphasize visual attractiveness as viewed by the public from surrounding streets and walkways.
    - b. A minimum 5-foot landscape buffer strip shall be provided between a parking lot and public right-of-way and shall be maintained with a permanent automatic irrigation system.

- c. Parking lot canopy trees shall be provided at the ratio of one (1) tree for every four (4) parking spaces.
- d. The total area of any project not devoted to lot coverage and paving shall be landscaped, irrigated, and maintained in compliance with the requirements of this section.
- e. All areas of a project site not intended for a specific use, including pad sites held for future development, shall be landscaped, unless it is determined by the community development Director that landscaping is not necessary to fulfill the purpose of this section.

**Sec. 106-346. – Modification to landscape standards.**

The community development Director may modify the landscape requirement by a maximum 1 percent in the required setback areas, open space areas, and areas not devoted to lot coverage and paving. The modification may only be approved if the Director finds that the project provides: a higher overall quality of landscape design than would normally be expected for a similar development project; a superior landscape maintenance plan; and for outdoor dining activities, special paving or other examples of exceptional architectural quality in the project's design.

**Sec. 106-347. – Plant materials and planting standards.**

Plant materials shall be of a type and placement compatible with the project site and surrounding land uses as follows:

- A. Artificial turf is prohibited.
- B. Invasive plant species are prohibited.
- C. Landscape planting shall emphasize drought-tolerant and native species and be suitable for the soil and climatic conditions of the site.
- D. Native plant material or compatible, nonnative plant material shall be selected.
- E. Plant materials shall be provided in the following sizes and shown on the landscape plan:
  - 1. The minimum acceptable size for trees shall be a 15-gallon.
  - 2. Newly planted trees shall be supported with stakes or guy wires.
  - 3. Shrubs shall be a minimum size of five gallons. When planted to serve as a hedge or screen, shrubs shall be planted with two or four feet of spacing, depending on the plant species.
  - 4. Shrubs and hedges shall not exceed three feet in height within the front and street side setback areas.
  - 5. Ground cover shall be generally spaced at a maximum of six to eight inches on center. When used as ground cover, minimum one-gallon sized shrubs may be planted 10 to 24 inches on center.
- F. Trees planted within ten feet of a street, sidewalk, paved trail or walkway shall be a deep-rooted species or shall be separated from paved surfaces by a root barrier to prevent physical damage to public improvements
- G. A minimum distance of 15 feet is required between the center of trees to street light standards, water meters, back-flow prevention systems, sewer cleanouts and fire hydrants.
- H. New and replacement tree species shall be in conformance with the City of San Fernando Urban Forest Management Plan or as approved by the community development Director.

**Sec. 106-348. – Landscape maintenance standards.**

The following landscape maintenance standards are required for all landscaped areas in the City:

- A. All landscaping shall be permanently maintained in a healthy and thriving condition at all times, in compliance with the approved landscape design plan.
- B. Lawn and ground cover shall be trimmed or mowed regularly. All planting areas shall be kept free of weeds and debris.
- C. All plantings shall be kept in a healthy and growing condition. Fertilization, cultivation, and tree pruning shall be a part of regular maintenance. Good horticultural practices shall be followed in all instances.

- D. Irrigation systems shall be kept in working condition. Adjustments, replacements, repairs and cleaning shall be a part of regular maintenance.
- E. Stakes and ties on trees shall be checked regularly for correct functions. Ties shall be adjusted to avoid creating abrasions or girdling on trunks or branches.

**Sec. 106-349. – Enforcement.**

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating any provisions of these landscape standards or failing to comply with any order or regulation made hereunder, shall be subject to the penalties set forth in Chapter 1 Article III of the San Fernando Municipal Code.

**Sec. 106-350. – Tree preservation and protection on private property.**

The following regulations apply to the protection, preservation, maintenance, removal, and replacement of any heritage tree, protected tree, or native tree on private property:

- A. A heritage or protected tree that is a threat to the public welfare as determined by the Los Angeles Fire Department, San Fernando Police Department, or San Fernando Public Works Director or removal as directed by a county, state, or federal agency, or an insurance provider shall be exempt from obtaining a zoning clearance, administrative permit, or discretionary permit approval for its removal.
- B. The planning and preservation commission upon a recommendation from the Director is authorized to approve the removal of a heritage tree, native tree, or protected tree based on the findings of a report prepared an International Society of Arboriculture (ISA) certified arborist confirming one or more of the following factors:
  - 1. The tree is dead.
  - 2. The tree has reached an over-protected condition for its pre-existing location and will result in the deterioration of surrounding hardscaped areas potentially resulting in a health and safety hazard.
  - 3. The tree which is infected with a disease which cannot be treated successfully, or there is a strong potential that the pathogen could spread to other trees in the immediate vicinity.
  - 4. The tree has a severe void of heartwood due to wood consuming organisms which could potentially cause catastrophic failure (i.e., collapse).
  - 5. A tree has been determined to be a hazard because of its high potential for failure due to considerable dead or dying foliage, branches, roots or trunk.
  - 6. The tree requires extensive root pruning because of excessive hardscape damage resulting in the severe reduction of its capacity to support itself thereby creating a potential safety hazard.
  - 7. A healthy living tree that has caused damage to any underground utility as a result of root blockage.
  - 8. A tree that is causing an immediate threat to the health and safety or general welfare of the property owner or the public.
  - 9. The removal is necessary to prevent a substantial inconvenience or financial hardship to the property owner as determined by the community development Director.
- C. Where it has been determined that preservation of a heritage tree, native tree, or protected tree is infeasible, replacement tree(s) shall be provided at a 1:2 ratio as follows:
  - 1. Replacement trees shall be planted on the site where the tree has been removed, except in instances where on-site planting and future tree survival is shown to be infeasible in which case the community development Director shall authorize other off-site locations where maintenance will be guaranteed.
  - 2. If the relocation or replacement tree is to be planted on private property, the owner of the proposed suitable relocation site consents in writing to the placement of a relocated or replacement tree.
  - 3. Replacement trees shall be canopy trees as defined in this section.

4. The property owner shall sign a covenant to maintain the tree and replace it in 3 years if it dies. Follow up with survival of required trees after 3 years. Trees that have not survived establishment must be replaced.
- D. Tree protection before construction. Construction projects that will impact more than 1,200 sq ft of land must submit a Tree Protection Plan as a part of building plan check outlining what measures will be taken to protect existing trees during construction including:
1. The location, species, DBH, and condition of trees
  2. The Tree Protection Zone for all trees to be preserved
  3. Tree fencing (to be installed under dripline)
  4. Erosion control
  5. Tree pruning
  6. Soil compaction mitigation
  7. Irrigation
  8. Tree maintenance schedule
  9. A Tree Root Plan will be required in the case of grading or excavation. Tree plans should be approved and overseen by a certified arborist.
- E. Tree protection during construction. Care shall be exercised by all individuals, developers and contractors working near heritage trees or protected trees so that no damage occurs to such trees. During construction, these trees shall be protected in the following manner:
1. All trees to be saved shall be enclosed/delineated by an appropriate temporary construction barrier, such as fencing or other mechanism, prior to commencement of work. Barriers are to remain in place during all phases of construction and may not be removed without the written consent of the community development Director.
  2. Such barrier(s) must be located a distance from the trunk base of two times the trunk diameter, up to a maximum of 15 feet, unless otherwise approved in writing by the community development Director.
  3. No fill material shall be placed within three feet from the outer trunk circumference of any tree.
  4. No fill materials shall be placed within the drip line of any tree in excess of 18 inches in depth. This guideline is subject to modification to meet the needs of an individual tree species, as determined by a certified arborist or licensed landscape architect.
  5. No substantial compaction of the soil within the drip line of any tree shall be undertaken.
  6. No construction, including structures and walls, that disrupts the root system shall be permitted. As a guideline, no cutting of roots should occur within a distance equal to 3½ times the trunk diameter, as measured at ground level. Actual setback may vary to meet the needs of individual tree species as determined by a certified arborist or licensed landscape architect. When some root removal is necessary, the tree crown may require thinning to prevent wind damage.
  7. Any tree that dies as a result of construction must be replaced with two 15 gallon size trees with a mature tree canopy of at least 20 ft and low water requirement.
- F. The community development director, through city police officers, building inspectors, community preservation officers and members of the community development department, in the course of their duties, when monitoring construction activities, shall check for compliance with the provisions of this article. Any irregularities or suspected violations of this article shall be reported immediately to the community development Director.
- G. Immature trees may be relocated or removed without a permit.

### **Sec. 106-351. – Model Water Efficient Landscape Ordinance (MWELo) requirements.**

Landscape design plans are required to comply with California MWELo standards as follows:

- A. Property owners or their building or landscape designers, including anyone requiring a building or planning permit, plan check, or landscape design review from the city, who are constructing a new (single-

family, multi-family, public, institutional, commercial, or industrial) project with a landscape area greater than 2,500 square feet, or rehabilitating an existing landscape with a total landscape area greater than 500 square feet, shall comply with Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWELo, including sections related to use of compost and mulch as delineated in this section. Other requirements of the MWELo are in effect and can be found in 23 CCR, Division 2, Chapter 2.7.

- B. Property owners or their building or landscape designers that meet the threshold for MWELo compliance above shall:
1. Comply with Sections 492.6 (a)(3)(B)(C),(D) and (G) of the MWELo, which requires the submittal of a landscape design plan with a soil preparation, mulch, and amendments section to include the following:
    - a. For landscape installations, compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six inches into the soil. Soils with greater than six percent organic matter in the top six inches of soil are exempt from adding compost and tilling.
    - b. For landscape installations, a minimum three-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife up to five percent of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.
    - c. Organic mulch materials made from recycled or post-consumer materials shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local fuel modification plan guidelines or other applicable local ordinances.
  2. The irrigation plan shall include sustainable landscaping principles and must prevent irrigation runoff, low head drainage and overspray.
  3. The installation of synthetic grass or artificial turf in landscaping plans for private development is prohibited.
  4. The MWELo compliance items listed in this section are not an inclusive list of MWELo requirements; therefore, property owners or their building or landscape designers that meet the threshold for MWELo compliance outlined in [section 70-147\(a\)](#) shall consult the full MWELo for all requirements.
  5. Comply with LID stormwater management standards by encouraging the construction of roofs on new private development that directly runoff into vegetated areas onsite, or include a rain gutter that is directed toward vegetated areas.
- C. If, after the adoption of this article, the California Department of Water Resources, or its successor agency, amends 23 CCR, Division 2, Chapter 2.7, Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWELo September 15, 2015 requirements in a manner that requires city to incorporate the requirements of an updated MWELo in a local ordinance, and the amended requirements include provisions more stringent than those required in this section, the revised requirements of 23 CCR, Division 2, Chapter 2.7 shall be enforced.

## ARTICLE III. – GENERAL REGULATIONS

### DIVISION 6. – SCREENING

#### Sec. 106-364. – Screening.

- A. *Screening.* When a multi-story building is proposed and the second story or above is located within 50 feet of the side or rear yard of a single-family lot, screening measures should be applied to provide a reasonable degree of privacy.
  1. Screening measures include, but are not limited to, landscaping, alternate window and balcony placements, placing windows at least six feet from the floor of the interior of the unit, incorporating wing walls or louvers, using glass block or other translucent material, and other such methods.
  2. Sufficiency of Screening. The Planning and Preservation Commission shall determine the sufficiency of the proposed screening measures and may require additional measures.
- B. *Equipment Screening.* All of the following equipment and spaces shall be screened on all sides and subject to the standards of this section:
  1. Solid walls and/or fences of six feet in height shall screen mechanical equipment, garbage receptacles, loading areas, and other unsightly areas, and provide privacy at the back of lots and alongside streets.
  2. All rooftop mechanical equipment shall be placed behind a permanent parapet wall and shall be completely screened from view.
  3. Screening shall be equal in height to the highest portion of the equipment or ducting and shall be permanently maintained.

All wall air conditioner units shall be screened from view with material that is compatible and in harmony with the architectural styling and detailing of the building.

## ARTICLE IV. – STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES

### DIVISION 1. – ACCESSORY DWELLING UNITS

Subsections A. through K. establish the standards for the development of an Accessory Dwelling Unit and Subsection L. establishes the standards for the development of a Junior Accessory Dwelling Unit through a ministerial process, in compliance with section 106-42 (other applicable types) and California Government Code Sections 66310 to 66342. If any provision of this Chapter or the underlying zoning district standards conflict with state law, the latter shall govern per Government Code Section 66316.

- A. *Minimum Lot Size.* No minimum lot size shall be required for an accessory dwelling unit.
- B. *Statewide Exemption Accessory Dwelling Unit.* As established by Government Code Section 66313, development standards in this section shall apply to the extent they do not prohibit the construction of an accessory dwelling unit of up to 800 square feet that is up to 18 feet in height if detached or 25 feet in height if attached, with four-foot side and rear yard setbacks.
- C. *Maximum Unit Size.*
  1. The maximum permitted unit size of an attached accessory dwelling unit, or an accessory dwelling unit located entirely within a proposed or existing primary dwelling unit, shall not exceed 850 square feet for a one-bedroom unit or 1,200 for a two or more-bedroom unit, or 50% of the gross square footage of the primary dwelling unit on the lot, whichever is less, except as noted in section b. above.



2. The maximum permitted size of a detached accessory dwelling unit shall not exceed 850 square feet for a one-bedroom unit or 1,200 square feet for a two or more-bedroom unit.
  3. Maximum permitted unit size shall include any living area as defined in the California building code confined from exterior wall to exterior wall.
- D. *Minimum Unit Size.* The minimum unit size of an attached or detached accessory dwelling unit shall be at least 150 square feet, including a kitchen and at least one 3/4 bathroom.
- E. *Zones in which Accessory Dwelling Units may be Constructed.* The construction, use, and maintenance of accessory dwelling units shall be permitted in areas zoned to allow single-family or multiple-family dwelling residential use, or mixed-use. For purposes of this division, a multiple-family dwelling unit is two or more attached dwelling units on a single property.
- F. *Accessory Dwelling Unit Density and Development Standards.*
1. *Single-family Dwellings.* Accessory dwelling units are allowed on a property containing existing or proposed single family dwellings under the following circumstances:
    - a. No more than one accessory dwelling unit per lot within the proposed or existing square footage of a single-family dwelling or existing square footage of an accessory structure that meets specific requirements such as exterior access and setbacks for fire and safety.
    - b. No more than one detached new construction accessory dwelling unit. A new construction-attached accessory dwelling unit may be constructed in lieu of the new construction detached accessory dwelling units.
    - c. No more than one junior accessory dwelling unit per lot within the proposed or existing space of a single-family dwelling that meets specific requirements such as exterior access and setbacks for fire and safety as described in Subsection I.
    - d. The maximum height for accessory dwelling units shall be 18 feet in height if detached or 25 feet in height if attached. For accessory dwelling units proposed above a garage, the maximum height of the accessory dwelling unit shall not exceed one (1) story from floor to ceiling height.
  2. *Multiple-family Dwellings.* Accessory dwelling units are allowed on a property containing multiple-family dwellings or mixed-use structures on a lot containing multiple-family dwelling units under the following conditions:
    - a. The number of accessory dwelling units shall not exceed 25% of the number of existing units, minimum one unit.
    - b. The accessory dwelling units shall only be located within areas that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages which are attached or detached. Non-livable space used to create accessory dwelling units must be limited to residential areas within a mixed-use development and not the areas used for commercial or other activities.
    - c. The maximum height shall be 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multiple-family, multistory dwelling.
    - d. Each accessory dwelling unit must comply with state building standards for dwellings.
    - e. A maximum of eight detached, accessory dwelling units shall be allowed on a property with existing multiple-family dwelling units, not to exceed the number of existing units on the lot.
    - f. A maximum of two detached accessory dwelling units shall be allowed on a property with a proposed multiple-family dwelling.
- G. *Minimum Room Dimensions.* Minimum room dimensions, including ceiling heights, floor area and width, shall meet the Uniform Building Code regulations in effect at the time of construction.

- H. *Location.*
1. Accessory dwelling units may be within, attached to, or detached from and on the same lot as, a proposed or existing single-family dwelling, or within or detached from a multiple-family dwelling, and subject to compliance with front, side, and rear yard setback standards of the underlying zone except as allowed in subsection b above.
  2. Accessory dwelling units may be located entirely within a proposed or existing primary dwelling unit or existing accessory structure; provided, the accessory dwelling unit has independent exterior access from the existing primary dwelling or accessory structure.
  3. An ADU created within an existing accessory structure may be expanded up to 150 square feet without application of local development standards, but this expansion shall be limited to accommodating ingress and egress.
- I. *Parking.* Parking for an accessory dwelling unit and replacement parking is not required.
- J. *Habitability.* Accessory dwelling units are fully habitable and shall include independent kitchen and bathroom facilities. Accessory dwelling units shall be independent from the main dwelling without internal access.
- K. *Occupancy, Sale, and Rental Restrictions.* Owner occupancy is not required for accessory dwelling units. Accessory dwelling units shall not be sold or conveyed separately from the primary residence, except when sold by a qualified nonprofit corporation to a qualified buyer in accordance with Government Code Sections 66340 and 66341. Accessory dwelling units shall not be used for rentals of terms of 30 days or less unless
- L. *Setbacks.*
1. An accessory dwelling unit shall have side and rear yard setbacks of at least four feet from lot lines. An accessory dwelling unit shall abide by the front yard setback requirements of the zone in which it is located.
  2. An accessory dwelling unit constructed entirely within a proposed or existing primary dwelling unit or accessory structure, which has side and rear setbacks that are sufficient for fire safety, as determined by the City of Los Angeles Fire Department, shall not be subject to setback standards for new development.
  3. An accessory dwelling unit constructed above, or as a second story to, a garage or other accessory structure shall be setback a minimum of four feet from side and rear lot lines. An accessory dwelling unit constructed above, or as a second story to, a garage or other accessory structure shall abide by the front yard setback requirements of the zone in which it is located.
- M. *Junior Accessory Dwelling Units.* In addition to an accessory dwelling unit as provided in this section, Junior accessory dwelling units are permitted within an existing or proposed single family residence, including attached garages, consistent with state law. The following establishes standards for junior accessory dwelling units.
1. *Maximum Unit Size.* A junior accessory dwelling unit may be up to 500 square feet.
    - a. Maximum permitted unit size shall include any livable space from exterior wall to exterior wall.
  2. *Density.* No more than one junior accessory dwelling unit is allowed on a property.
  3. *Location.* A junior accessory dwelling unit shall be located entirely within a proposed or existing primary dwelling unit, subject to the following:
    - a. A junior accessory dwelling may be in an attached garage but may not be in a detached accessory structure.
    - b. A junior accessory dwelling unit shall have separate exterior access independent from the proposed or existing primary dwelling unit.

- c. A junior accessory dwelling unit may share significant interior connection to the primary dwelling if they are sharing a bathroom facility.
  - 4. *Parking.* Parking for a junior accessory dwelling unit and replacement parking is not required.
  - 5. *Habitability.* Junior accessory dwelling units shall include an efficiency kitchen which shall include a cooking facility with appliances, a food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
  - 6. *Occupancy, Sale, and Rental Restrictions.* Owner occupancy is required in either the remaining portion of the primary residence, another dwelling unit on the same lot, or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization. These occupancy restrictions shall be enforced through recordation of deed restrictions or covenant agreement recorded against the property per Government Code Section 66333. The form of the deed restriction will be provided by the City and shall provide that: The junior accessory dwelling units shall not be sold separately from the primary dwelling, except as may otherwise be permitted by State law; the JADU is restricted to the approved size and other attributes allowed by this section.
  - 7. *Conveyance.* Junior accessory dwelling units shall not be sold separately from the primary dwelling unit and shall not be used for rentals of terms of 30 days or less.
- N. *Other Development Standards and Requirements.*
- 1. Unless stated in this section, all other development standards for accessory dwelling units and junior accessory dwelling units shall apply according to the zone in which the subject property is located; including but not limited to, setbacks, building height, and distance between structures.
  - 2. *Conversion of Existing Structures.* For the purpose of converting an existing structure into an accessory dwelling unit or junior accessory dwelling unit, an existing structure is defined as one of the following:
    - a. A structure that has been erected prior to the date of adoption of the appropriate building code that does not present a threat to public health and safety or one for which a legal building permit has been issued
  - 3. When a garage is converted into an ADU or JADU, the garage door must be removed and replaced with windows or entry doors.
  - 4. *Architectural requirements.* Accessory dwelling units shall be subject to the following architectural requirements.
    - a. The materials and colors of the exterior walks, roof, windows, and doors shall be the same as the materials and colors of the primary dwelling.
    - b. The roof slope shall match the dominant roof slope of the primary dwelling, whereby the dominant roof slope means the slope shared by the largest portion of the roof.
    - c. Exterior lighting shall be limited to down-lights or as otherwise required by the building or fire code.
  - 5. *Entrances.* Entrances for accessory dwelling units constructed above garages shall not face adjacent properties.
    - a. An exterior entrance to the second story of an accessory dwelling unit shall not project into any required minimum setback and shall be located to either face the primary dwelling unit and/or the side and/or rear property line that it is furthest away from.
  - 6. *Pedestrian walkways.* ADUs shall provide pedestrian access to the sidewalk that is at least 4 feet wide.
  - 7. *Landscape requirements.* Landscape screening must be planted and maintained between the accessory dwelling unit and the side and rear lot lines of the property in accordance with Division 4 of Article III.

8. *Fire Sprinklers.* Fire sprinklers are required in an accessory dwelling unit if sprinklers are required in the primary residence. The construction of an accessory dwelling unit does not trigger the requirement for fire sprinklers to be installed in the existing primary dwelling.
  9. *Solar panels.* New construction accessory dwelling units are subject to the California Energy Code requirement (excluding manufactured homes) to provide solar systems if the unit(s) is a newly constructed, non-manufactured, detached accessory dwelling unit (though some exceptions apply). Per the California Energy Commission (CEC), the solar systems can be installed on the accessory dwelling unit or on the primary dwelling unit. Accessory dwelling units that are constructed within existing space, or as an addition to existing homes, including detached additions where an existing detached building is converted from non-residential to residential space, are not subject to the Energy Code requirement to provide solar systems.
- O. *Application Process.* The following is the ministerial application process for accessory dwelling units and junior accessory dwelling units.
1. A building permit is required for accessory dwelling units and junior accessory dwelling units. The completed building permit application shall be submitted to the Building Safety Division on an application form prepared by the Building Official and shall include the submittal requirements. In order to be deemed complete, plans shall comply with all current applicable development standards, any applicable Department handouts, and any additional information required by the Building Official in order to conduct a thorough review.
  2. The Building Division shall approve or deny the application within 60 days of acceptance of a complete application if there is an existing single-family or multifamily dwelling on the lot, as established for accessory dwelling units in Government Code Sections 66314-66332 and for junior accessory dwelling units in Government Code Sections 66333-66339. If the permit application to create or serve an accessory dwelling unit or a junior accessory dwelling unit is submitted concurrently with a permit application to create a new single-family or multifamily dwelling on the lot, no permit for the accessory dwelling unit or the junior accessory dwelling unit shall be issued until the permit application to create the new single-family or multifamily dwelling has been adjudicated, but the application to create or serve the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the project is denied, the applicant will receive a full list of comments with remedies to correct any Code deficiencies.
  3. Prior to Building Permit issuance, applicant for an accessory dwelling unit shall submit an Address Assignment Request Fee and Application to the Public Works Department.
  4. Prior to Building Permit issuance, projects resulting in the addition of 750 square feet or more for an accessory dwelling unit located at the subject property shall pay all impact fees of this Code, except that any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit (e.g. the floor area of the primary dwelling, divided by the floor area of the ADU, times the typical fee amount charged for a new dwelling). For the purposes of this Paragraph, impact fees do not include any connection fee or capacity charge for water or sewer service.
  5. Prior to the Building Permit issuance, projects resulting in 500 square feet or more for an accessory dwelling unit located at the subject property shall pay all school impact fees.

## ARTICLE IV. – STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES

### DIVISION 4. – ANIMAL BOARDING, PET DAY CARE, VETERINARY CLINICS AND ANIMAL HOSPITAL

#### Sec. 106-567. – Purpose.

This section provides operational standards for kennels, pet day care facilities, veterinary clinics and animal hospitals in compliance with the development standards within the underlying zone district.

#### Sec. 106-568. – Operational standards.

- A. All operations must be conducted within a completely enclosed building.
- B. Outdoor dog runs and training activities are permitted only within the M-1 and M-2 Zone, and when the facility is located at least 200 feet from a residential zone.
- C. The areas within the building where animals are boarded shall be sufficiently soundproofed to prevent a disturbance or become a nuisance to surrounding properties, as determined by the Director.
- D. The areas of the building where animals are boarded shall have a minimum of 10 air changes per hour.
- E. Animal isolation areas shall have 100% fresh air, with all air exhausted and none returned to the ventilation system.
- F. Public access areas shall be provided with a separate ventilation system from the animal boarding and treatment areas.
- G. The areas used for animal boarding, isolation, and treatment shall be constructed of easily-cleaned materials.
- H. All areas where animals are present shall be cleaned a minimum of twice daily in order to provide appropriate odor control and sanitation.

## ARTICLE IV. – STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES

### DIVISION 5. – AUTOMATIC TELLER MACHINES (ATMS)

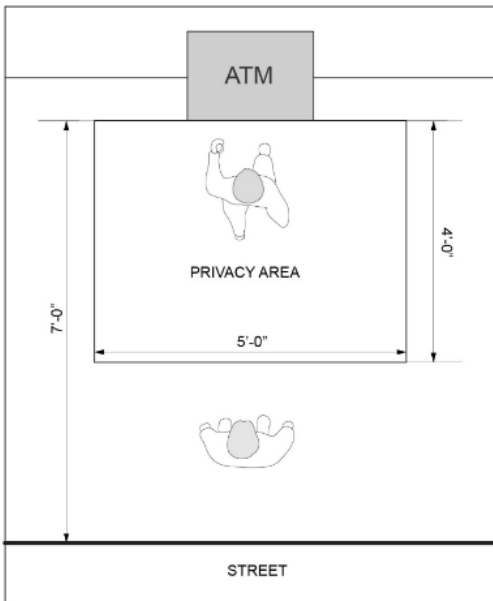
#### Sec. 106-569. – Purpose.

This section provides location, development, and operating standards for automatic teller machines (ATMs) in compliance with the development standards within the underlying zone district.

#### Sec. 106-570. – Development standards.

- A. *Location requirements.*
  1. Setback from an adjacent street curb or alley by a minimum of seven feet.
  2. A privacy area immediately in front of each ATM, measuring at least five feet wide by four feet deep, shall be provided. Methods for defining the privacy area shall be approved by the Director.
  3. Located to not eliminate or substantially reduce any landscaped areas.
  4. Located to ensure the safety and security of patrons.

- B. *Design.* All construction and modifications to the exterior of the structure pertaining to the installation of the ATMs shall be completed in a manner consistent with the architectural design of the structure, and in conformance with all applicable City architectural standards and guidelines.
- C. *Lighting.* Each exterior ATM shall be provided with security lighting in compliance with Division 5 of Article III or State law, whichever is more restrictive.
- D. *Maintenance.* Each ATM shall be provided with receptacles sufficient in size and number to accommodate trash and smoking materials generated by users of the ATM.



## ARTICLE IV. – STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES

### DIVISION 7. – DRIVE-THROUGH ESTABLISHMENTS.

#### Sec. 106-601. – Purpose.

This section provides standards for the location, development, and operation of drive-in and drive-through facilities in compliance with the development standards within the underlying zone district, which shall be designed and operated to effectively mitigate problems of congestion, excessive pavement, litter, noise, traffic, and unsightliness.

#### Sec. 106-602. – Development standards.

- A. *Drive aisle length.* The drive-through aisle shall provide a minimum of 140 feet of queuing length, of which at least 60 feet shall be provided before an on-site menu board. The drive aisle shall be measured along the centerline, from the entry or beginning of a drive-aisle to the center of the farthest service window area.
- B. *Drive aisle width.* Drive aisles shall have a minimum 10-foot interior radius at curves, and a minimum 12-foot width.
- C. *Drive aisle separation.* Each drive aisle shall be separated by curbing and landscaping from the circulation routes necessary for ingress or egress from the property, or access to any off-street parking spaces.

- D. *Drive aisle entrance.* Each entrance to a drive aisle and the direction of traffic flow shall be clearly designated by signs and/or pavement markings, as deemed necessary by the Director.
- E. *Walkways.* To the extent possible, pedestrian walkways should not intersect the drive aisles. Where they do, they shall have clear visibility and be emphasized by enhanced paving or markings, as deemed necessary by the Director.
- F. *Circulation Plan.* A parking and vehicle circulation plan encompassing adjoining streets and alleys shall be submitted for review and approval. Such plan shall provide for safe pedestrian access from parking lots to the main door and shall comply with applicable requirements of the American with Disabilities Act.
- G. *Trash receptacle provision.* A minimum of one outdoor trash receptacle shall be provided onsite.
- H. *Noise generating equipment.* No noise-generating compressors or other such equipment shall be placed on or near any property line adjoining any residential zoned property.
- I. *Speaker system noise.* Drive-through speaker systems shall emit no more than 50 decibels four feet from the vehicle and the speaker, and shall not be audible above the daytime ambient noise levels beyond the property boundaries. The system shall be designed to compensate for ambient noise levels in the immediate area and shall not be located within 30 feet of any residentially zoned property.
- J. *Screening.* Each drive aisle shall be appropriately screened with a combination of landscaping, low walls, and/or berms to prevent headlight glare from impacting adjoining land uses, public rights-of-way, and parking lots, as deemed necessary by the Director.
- K. *Decorative wall.* A six-foot-high, solid decorative masonry wall shall be constructed on each property line that adjoins a residential developed parcel. The design of the wall and the proposed construction materials shall be subject to the approval of the Director.

**Sec. 106-603. – Operational standards.**

- A. *Hours of operation.* When located on a site adjacent to or separated by an alley from any residentially zoned property, a drive-through establishment shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
- B. *Litter.* Employees shall collect on-site and off-site litter generated by customers at least once per business day.

**ARTICLE IV. – STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES**

**DIVISION 8. – ESTABLISHMENTS SELLING ALCOHOL**

**Sec. 106-604. – Purpose.**

The language of this division shall apply to all establishments selling alcohol, including bars, breweries, distilleries, tap rooms, tasting rooms, clubs, restaurants, and wine bars. The purpose of the language codified within this article is to set forth regulations and enforcement procedures that:

- A. Address community problems associated with the on-site consumption of alcoholic beverages, such as litter, loitering, graffiti, misconduct, and escalated noise levels;
- B. Ensure that there is no degradation of the deemed approved activities;
- C. Prevent such prohibited activities and activities contrary to deemed approved activities from becoming public nuisances; and
- D. Ensure such adverse impacts are monitored, mitigated and/or controlled such that they do not negatively contribute to the change in character of the areas in which they are located.

**Sec. 106-605. – Application procedure.**

The applicant shall be required to submit to the Planning Division the following:

- A. A floor plan shall be reviewed and approved to identify the areas in which all on-site sale and consumption of alcoholic beverages shall occur. This shall be limited to the confines of the building and approved outdoor patio or dining area.
- B. A plan to encourage use of ride share programs, designated drivers, and other methods to discourage intoxicated driving shall be established, and documentation of such a program shall be provided.
- C. A security plan shall be submitted for review and approval prior to the opening of the business.
  - 1. Security personnel shall be required by the City for establishments with occupancy load of over 100 people.
  - 2. The doors to the establishment shall remain closed except upon entering and exiting the business.
  - 3. The security plan shall include 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 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.

#### **Sec. 106-606. – Operational requirements.**

- A. Prior to the service of alcohol within the establishment, the operator shall obtain a valid license from the ABC and provide a copy of the license to the Planning Division.
- B. The City reserves the right to request of the ABC additional conditions, such as hours of operation restrictions, restriction of the type of alcohol sold, or other conditions that the City may deem necessary in order to reduce potential impacts.
- C. Should the ABC issue a license suspension or citation, the operator shall provide a copy of said suspension or citation to the Planning Division.
- D. The operating business shall comply with all applicable noise regulations.
- E. The operator shall be responsible for requiring that there be no loitering on the site, on the public right-of-way and or/ in front of adjacent properties at any time and that all customers shall leave the site no later than 30 minutes after closing, after which, only employees shall be allowed on the premises.
- F. Litter and trash receptacles shall be located at convenient locations, both inside and outside establishment, and trash and debris shall be removed on a daily basis.
- G. The property shall be maintained in a clean and neat manner at all times and shall comply with property maintenance standards as set forth in the San Fernando Municipal Code.
- H. Exterior public telephones shall not be located on the premises.
- I. Graffiti shall be removed within 48 hours of its application.
- J. No person shall appear in a state of nudity in any bar, club, or similar business establishment.
  - 1. For the purposes of this section, "nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple or below the nipple.
- K. Bona fide eating establishments (restaurants) shall only sell alcoholic beverages during hours that meals are being served and gross receipts from alcohol sales shall not exceed fifty percent (50%) of the total revenue of the business.



- L. Special events are permitted with the approval of a Special Event Permit in compliance with San Fernando Municipal Code section 106-1112 (Temporary Uses and Structures: Religious and entertainment assembly).
- M. No establishment may sell alcoholic beverages for on-premises or off-premises consumption unless a Conditional Use Permit for alcoholic beverages has been approved for such establishment or unless exempted by this Code section or another operative plan.
- N. No new establishment selling alcohol shall be permitted within 200 feet of either a residence, family day care home, schools for minors, child day care facility, convalescent home, a residential care home-retirement home, or any residentially zoned lot or parcel.
- O. Tasting rooms for breweries, wine blending facilities, wineries, or distilleries shall be allowed to be open to the public during from 11:00 A.M. to 12:00 A.M. daily.
- P. Bars and bona fide eating establishments (restaurants) are prohibited from selling any spirits for consumption off of the premises. The consumption of spirits shall be limited to the restaurant or drinking area as defined per applicable licenses from the ABC. However, beer and wine may be purchased for off-site consumption, provided that the beer and wine may not be consumed within any public common area near the establishment, within any public right-of-way, or outside of any nearby property.

## ARTICLE IV. – STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES

### DIVISION 12. – LIVE/WORK DEVELOPMENT

#### Sec. 106-652. – Purpose.

This section provides location, development, and performance standards for live/work developments in compliance with the development standards within the underlying zone district.

#### Sec. 106-653. – Applicability.

- A. The provisions in this section shall regulate the conversion and new construction of live/work uses, where allowed by the applicable zoning districts.
- B. Except as specifically provided in this section, live/work projects shall be in compliance with the development standards within the underlying zone district.
- C. Where an Owner-Participation Agreement, Disposition and Development Agreement, or Development Agreement with the City applies to a land parcel, and the provisions of such agreement differ from the Live/Work Development Standards, the provisions of the agreement shall prevail.

#### Sec. 106-654. – Use regulations.

- A. *Permitted uses/occupations.* The following uses/occupations are permitted in live/work units:
  1. Accountant;
  2. Architect;
  3. Artist and artisan;
  4. Attorney;
  5. Computer software- and multimedia-related professional;
  6. Engineer;
  7. Fashion, graphic, interior and other designer;
  8. Insurance, real estate and travel agent;
  9. Photographer;

10. Psychologist/psychiatrist;
  11. Other similar uses/occupations, as determined by the Director, may be permitted, provided that the allowed uses/occupations are permitted by the underlying zone.
- B. *Occupancy and Employees.*
1. At least one of the full-time employees of the live/work unit must be a full-time resident of the live/work unit and shall possess a valid Business License Certificate.
  2. Only one residential component per live/work unit shall be allowed.
  3. The residential component shall not be rented separately from the working space.
  4. No more than one employee, other than the resident(s) of the live/work unit, shall be permitted on site at any given time in units that are less than or equal to 1,499 square feet.
  5. No more than 2 employees, other than the resident(s) of the live/work unit, shall be permitted on site at any given time in units that are greater than or equal to 1,500 square feet.
- C. *Business activity.* None of the uses permitted shall be operated in an objectionable manner, due to fumes, odor, dust, smoke, gas, noise, or vibrations that are or may be detrimental to properties and occupants in the neighborhood and/or to any other uses and occupants on the same property.
- D. *Special and/or temporary events.* Special and/or temporary events in live/work units shall be required to follow the permit process for special and/or temporary events contained in Division 9 of Article V. – Temporary Use Permit and Special Event Permit.
- E. *Covenant.* A City-approved covenant shall be executed by the owner of each live/work unit and shall include statements that the occupant(s) understand(s) and accept(s) he/she is living in a live/work unit and must operate a business from said unit. The covenant shall also set forth the required use conditions as described in this section.
1. The residential component shall be contiguous with, and integral to, the working space, with direct access between the two areas, and not as a separate stand-alone dwelling unit.
  2. Only one residential component per live/work unit shall be allowed. The residential component space and the business component space shall only be used as one contiguous habitable space and, if rented, shall only be rented together as one tenant space.
  3. Any lease between the owner and a tenant, or between a tenant and a subtenant, shall refer to the fact that the live/work unit is subject to the above-referenced covenant.
  4. A resident in any live/work unit shall operate a business from the unit and shall possess a San Fernando Business License Certificate in good standing for business activities conducted within the unit.

#### **Sec. 106-655. – Development standards.**

- A. *Unit size and dimension.* The minimum square footage of a live/work unit shall be 700 square feet.
- B. *Floor plans.* A live/work unit may include a single level floor plan or a multiple-level floor plan.

## **ARTICLE IV. – STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES**

### **DIVISION 13. – OUTDOOR DINING**

#### **Sec. 106-656. – Intent and purpose.**

The purpose of this division is to establish requirements for outdoor dining area that is accessory to a restaurant, café, specialty food establishment or other eating establishments, bars, taverns, cocktail lounge, craft breweries/distilleries, tap rooms, tasting rooms or wine bars on when located on private property.

**Sec. 106-657. – Requirements.**

- A. The outdoor dining area shall require approval of a planning review. See also section 74-196 of the San Fernando Municipal Code, "Use of Sidewalk for Outdoor Dining."
- B. Prior to the installation of any structural, mechanical, electrical or plumbing improvements associated with the outdoor dining or sitting area, a Building permit shall be obtained.
- C. Prior to occupancy of an outdoor dining or seating area an inspection is required.

**Sec. 106-658. - Development standards.**

- A. Base Zone regulations for setbacks, and maximum lot coverage, and emergency access in accordance with the California Fire Code, shall apply.
- B. Dining areas shall maintain building egress as defined by the Uniform Building Code.
- C. Tables and chairs shall be placed only in the locations shown on the approved site plan.
- D. Barriers to delineate the outdoor dining area are recommended, but not required unless alcohol will be served in the outdoor dining area. The barrier may be either permanently installed or moveable.
- E. When located immediately adjacent to a residential use, or other sensitive uses, provisions shall be made to minimize noise, light, and odor impacts on the residential use.
- F. Outdoor dining may be covered or uncovered. Awnings or umbrellas may be used in conjunction with outdoor dining, but shall not be used as a permanent roof or shelter over the outdoor dining.
- G. Outdoor dining shall be designed and operated so that it may be used by people of all abilities by complying with all of the following:
  - 1. The surface of the outdoor dining area shall be level and have a running slope and a cross slope that do not exceed 2 percent (1 unit vertical in 50 units' horizontal).
  - 2. The outdoor dining area shall not be located on a raised platform or in a sunken area, unless an accessible ramp is provided in accordance with the California Building Code, or the American Disabilities Act, whichever provides greater accessibility.
  - 3. Access openings should be placed in a location that will not create confusion for visually impaired pedestrians.
  - 4. At least one wheelchair accessible seating space shall be provided for every 20 seats, or as required by the California Building Code, or the American Disabilities Act, whichever is greater.
  - 5. When multiple wheelchair accessible seating spaces are provided, they shall be distributed and integrated within the outdoor dining area.
  - 6. Wheelchair accessible seating spaces shall have a minimum unobstructed maneuverability dimension of 30 inches in width by 48 inches in depth.
  - 7. Access to designated wheelchair seating spaces shall be provided through an accessible path with not less than 48 inches unobstructed width.
- H. Parking for the outdoor dining portion of an eating establishment shall only be required if and only for the area over the thresholds identified below:
  - 1. The area of the outdoor dining area is greater than 200 square feet; or
  - 2. The area of an outdoor dining area exceeds 25% of the combined total of the gross floor area of the associated eating establishment and the area of the outdoor dining area.
- I. When outdoor dining is proposed on the parking area for the establishment, the required parking can be provided as described in the San Fernando Municipal Code [section 106-284](#).

**Sec. 106-659. – Design standards.**

- A. A colors and materials sheet shall be included in the site plan application to provide the colors, materials of all furniture, barriers, lighting and landscaping that is to be in the outdoor dining area. Exact dimensions and specifications shall be included.

- B. Dining/seating area barriers (fences, gates, ropes, etc.) shall be visually appealing, and help to separate the dining/seating area from the sidewalk.
- C. Fabric inserts (natural or synthetic) of any size are not permitted to be used as a part of a barrier.
- D. The use of chain-link, cyclone fencing, chicken wire or similar material is prohibited.
- E. Materials not specifically manufactured for fencing or pedestrian control are prohibited unless they are expressly allowed elsewhere in these guidelines.
- F. Materials such as buckets, food containers, tires, tree stumps, vehicle parts, pallets, etc. are not permitted and shall not be used as components of a barrier.
- G. All furniture and fixtures must be of sufficiently sturdy construction so as not to blow over with normal winds.
- H. Furniture and fixtures must not be secured to trees, lampposts, street signs, hydrants, or any other public street infrastructure by any means, whether during restaurant operating hours or when the restaurant is closed.
- I. Outdoor dining furniture shall be made of high-quality, durable materials that provide an attractive design and are appropriate use for outdoor use. Folding chairs, lightweight, plastic, deteriorated, U.V. damages, splintered or similar furniture will not be approved or placed in the outdoor dining area. Sealed or painted metal or wood tables are recommended.
- J. All materials shall be well maintained without stains, rust, tears, or discoloration. Materials that show signs of significant wear/age shall be replaced.
- K. Umbrellas shall be constructed of a canvas-type, durable, and fade and fire-resistant material suitable for outdoor use. No plastic fabrics, plastic or vinyl-laminated fabrics, or any type of rigid materials are permitted.
- L. Umbrellas shall be installed and maintained so as to provide pedestrian clearance by maintaining 7 feet of clearance from the ground to the lowest edge of the umbrella.
  - 1. The 7-foot minimum height includes not only the umbrella frame and panels, but also any decorative borders such as fringes, tassels, or other such ornamentation.
  - 2. No part of an umbrella may exceed a height of 9 feet above the surface of the outdoor dining area to avoid an undue visual obstruction of other businesses.
- M. Umbrellas shall be set back a minimum of 3 feet from the neighboring property measured from the outer most edge of the umbrella to the property line.
- N. Umbrellas must be free of advertisements or product names.
  - 1. Umbrellas must not contain signage for the restaurant or for any other entity in the form of wording, logos, drawings, pictorial or photographic representations, or any other similar identifying characteristics.
- O. All parts of any umbrella (Including the fabric and supporting ribs) must be contained entirely within the outdoor seating area.
- P. Umbrellas must blend appropriately with the surrounding built environment.
- Q. Umbrella fabric must be one solid color, and is not permitted to be a fluorescent or other strikingly bright or vivid color.
- R. Barriers made of walls, railings, fences, planter boxes, solid wood fences or concrete walls or a combination thereof are acceptable.
- S. Barriers shall be no taller than 4 feet in height, unless the barrier is preexisting and exceeds 4 feet in height or a barrier greater than 4 feet in height is required pursuant to another section of the Municipal Code or other codes. Railing and fencing must be constructed of metal, (aluminum, steel, iron, or similar) or wood and must be of a dark color (either painted or stained).
- T. To ensure their effectiveness as pedestrian control devices and their ability to be detected by persons with vision impairments, barriers must meet the following measurements:
  - 1. Planters may not exceed a height of 36 inches above the level of the sidewalk. Plants may not exceed a height of 108 inches (8 feet) above the level of the sidewalk.

2. In the case of a rope or chain enclosure, the rope or chain must not exceed 27 inches above the sidewalk surface.
  3. All barriers must be detectable to visually impaired pedestrians who employ a cane for guidance. Therefore, the bottom of the barriers must be no greater than 27 inches above the sidewalk surface.
  4. Fences or other perimeter enclosures with a height of between 36 inches and 48 inches must be at least 50 percent open (see-through) in order to maintain visibility of street level activity. Any enclosure with a height over 48 inches must be at least 80 percent open (see-through).
  5. Any access opening within the barrier must measure no less than 44 inches in width.
- U. When abutting public property, a barrier may be in the form of open fencing, railing and /or landscape planters that must be a minimum of 3 feet, but not taller than 4 feet in height.
  - V. If a barrier is moveable, it shall be affixed while the establishment is open for business. Rope or chain barriers are permitted. The rope or chain must have a minimum diameter of one inch. Vertical support posts must be constructed of metal or wood. A stanchion base shall not be domed, and shall not be more than one-half (1/2) of an inch above the surface of the floor.
  - W. A stanchion or other vertical supporting member that has a base must not be a tripping hazard.
  - X. No banners or signage shall be displayed on the barrier of an outdoor dining area or within the outdoor dining area other than the name of the establishment that may be placed on umbrellas or on the valance of an awning with an overhang not lower than 84 inches from the finished grade of the ground of the outdoor dining area.
  - Y. Portable heaters, if provided, shall be located a minimum of 4 feet away from the exterior face of the building and from any combustible materials, including architectural projections, or in accordance with manufacturer recommendations, whichever is most restrictive.
  - Z. Planters may be made out of wood, ceramics, stone, or high quality thick plastic planter boxes.
  - AA. Planters shall contain live plant materials in healthy condition. Seasonal, thematic planter displays are encouraged. Stressed, dead, or dying landscape must be promptly replaced. Artificial plants; empty planters; or planters with only bare dirt, mulch, straw, woodchips or similar material are not permitted.
  - BB. Planters shall have a self-contained watering reservoir system that prevents any leakage.
  - CC. Illuminated outdoor dining areas shall incorporate lighting which shall be installed to prevent glare onto, or direct illumination of any public space or property or use.
  - DD. Lighting shall be mounted so that all wiring is concealed. Rope or string lights are allowed provided they are installed to the requirements of the Building Code and manufacturer's specifications. Spotlights and illumination for advertising are prohibited.

### **Sec. 106-660. – Operating standards.**

- A. Outdoor dining shall be operated in a manner that meets all requirements of the Health Department of Los Angeles County and any other applicable regulations.
- B. Exclusive of the Downtown District of the SP-5 zone, the hours of operation of outdoor dining areas city-wide shall be limited to the hours between 7:00 a.m. and 11:00 p.m., daily.
  1. Within the Downtown District of the SP-5 zone, the hours of operation of outdoor dining areas shall be limited to the hours between 7:00 a.m. and 12:00 a.m., daily.
  2. When the primary use requires a conditional use permit, the hours and days of operation of the outdoor dining area shall be identified in the approved conditional use permit.
- C. An outdoor dining area may provide either waiter/waitress service or self-service.
- D. The outdoor dining area shall be clean and free of litter at all times. Waste receptacles are encouraged.
- E. Dining equipment (including, but not limited to, tables, chairs, space heaters, barriers) may remain in place when not in use if located on private property; dining equipment, if stored, may not be stored in an area visible from the public right-of-way or from any plaza area.

- F. Live entertainment, television monitors, screens, dancing, pool tables, billiard tables, adult entertainment uses, and cover charges are prohibited in the outdoor dining area.
- G. Food trucks are permitted with an approved conditional use permit pursuant to Division 7 of Article V.
- H. Outdoor dining shall comply with the sound level limits of the associated eating establishment in accordance with San Fernando Municipal Code [Chapter 34 Article II](#).
- I. All forms of vaping, smoking and the use of tobacco products in the outdoor dining area shall comply with San Fernando Municipal Code [Chapter 23](#).
- J. Outdoor cooking is permitted in an outdoor dining area in compliance with the LA County Health Department, CA Building Code and City of LA Fire Code.
- K. Establishments which propose to serve alcoholic beverages in the outdoor dining area shall comply with the standards established by the California Department of Alcoholic Beverage Control and shall update their approvals from said department to include the new outdoor dining area if necessary. The outdoor dining area shall be:
  - 1. Physically defined and clearly part of the establishment it serves as an accessory use to; and
  - 2. Supervised by a restaurant employee to ensure compliance with laws regarding the on-site consumption of alcoholic beverages.

**Sec. 106-661. – Denial, Revocation, or Suspension of Permit**

- A. Violations of the outdoor dining area standards may result in enforcement actions up to and including revocation of said permit and termination of use.
- B. A violation of this chapter is subject to the administrative citation provisions of subject to [SFMC Article III](#) of this code.

**ARTICLE IV. – STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES**

**DIVISION 19. – TEMPORARY STORAGE CONTAINERS**

**Sec. 106-758. – Purpose.**

This section provides location, development, and operating standards for temporary storage containers in compliance with the development standards within the underlying zone district.

**Sec. 106-759. – Approval by the director.**

Temporary storage containers shall be allowed, subject to approval of a Zoning Clearance application as required in section 106-1023.

**Sec. 106-760. – Applicability.**

Temporary storage containers may be allowed if unusual circumstances exist that require the use of a temporary storage container, as determined by the Director. Unusual circumstances include, but are not limited to, construction, business relocation, natural disasters, and residential rehabilitation activities.

**Sec. 106-761. – Development standards.**

- A. A temporary storage container shall:
  - 1. Not be located in a parking area unless a zoning clearance is obtained;
  - 2. Not be located in a landscaped area; unless a zoning clearance is obtained;
  - 3. Be located on-site not more than 180 days during any consecutive 12-month period;

4. Require the submittal of a zoning clearance with the Planning Division, in accordance with section 106-849 if proposed for more than 180 days during any consecutive 12-month period.
- B. Fences, walls, and/or landscaping, or other methods approved by the Director shall be required to properly screen the temporary storage container from a public street, right-of-way, or adjacent residential zoning districts.
- C. No signs, other than the operating company identification, shall be allowed on a temporary storage container.
- D. The use of a temporary storage container for seasonal storage shall be prohibited.

## ARTICLE IV. – STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES

### DIVISION 21. – VEHICLE FUELING AND ELECTRIC VEHICLE (EV) CHARGING STATIONS

#### Sec. 106-763. – Purpose.

This section provides location, development, and operating standards for vehicle fueling and/or EV charging stations in compliance with section 106-766.

#### Sec. 106-764. – Permitted uses.

Vehicle fueling or EV charging stations shall be limited to selling vehicle fuels, other fuels and other supplying goods necessary for electric vehicles or zero emission vehicles, and supplying goods and services required in the operation and maintenance of motor and/or electric vehicles. These shall include the following.

- A. Automotive retail sales. The retail sale of batteries, motor fuels, tires, lubricants, and oils.
- B. Repairs. Incidental minor repairs, including brake, lubrication, tire, and tune up service, shall be conducted entirely within an enclosed structure, in compliance with the standards in Division 6 of Article IV and where allowed by the zone, subject to the standards of the underlying zone.
- C. Convenience store. A new or existing vehicle fueling or EV charging station may include an onsite convenience store as an accessory use, where allowed by the zone.

#### Sec. 106-765. – Prohibited uses.

The following uses and services are prohibited at vehicle fueling or EV charging stations.

- A. Autobody and fender repair, painting, upholstery work, and dismantling.
- B. Tire recapping, machine work or welding.
- C. Overhauling, replacement, or repairing of differentials, engines, front suspension, and transmissions.

#### Sec. 106-766. – Operational standards.

All vehicle fueling or EV charging stations shall comply with the following operational standards.

- A. Location and display of accessories, batteries, and tires for sale shall be on or within three feet of the pump island or the main structure's exterior;
- B. No vehicle rental activities shall be conducted on the vehicle fueling or EV charging station site; and
- C. All outdoor/open storage of materials shall be limited to a maximum area of 150 square feet, and shall be enclosed by a 6-foot-high, solid decorative masonry wall, subject to the approval of the Director.
- D. All EV charging systems shall meet the requirements of the California Electrical Code, the California Building Code, the California Green Building Standards Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, accredited testing laboratories, and rules of the Public Utilities Commission regarding safety and reliability.

**Sec. 106-767. – Development standards.**

All vehicle fueling or EV charging stations shall comply with the following development standards.

- A. If a vehicle fueling or EV charging station adjoins a zone or overlay that allows residential uses, a 6-foot-high, solid decorative masonry wall, in compliance with Division 7 of Article III (Walls and Fences), shall be installed along the property line that adjoins the property that is zoned to allow residential.
- B. A 3-foot-wide planting strip shall be located on the station site along the entire length of the wall separating the vehicle fueling or EV charging station from adjacent property that allows residential uses and public street rights-of-way, except for driveway openings. All unpaved areas shall be landscaped in compliance with Division 4 of Article III (Landscaping Standards for Private Property).
- C. A planter area of not less than 100 square feet shall be provided at the corner of two intersecting streets, in compliance with Chapter Division 4 of Article III (Landscaping Standards for Private Property).
- D. Additional landscaping may be required by the Director to screen the vehicle fueling or EV charging station from adjacent residential properties.
- E. All exterior light sources, including canopy, flood, and perimeter, shall be energy efficient, stationary, and shielded or recessed within the roof canopy, to ensure that all light, including glare or reflections, is directed away from adjoining properties and public rights-of-way, in compliance with section 106.353 (Outdoor Lighting).

**Sec. 106-768. – Site maintenance.**

All vehicle fueling or EV charging stations shall comply with the following maintenance standards.

- A. Used or discarded automotive parts or equipment, or permanently disabled, junked, or wrecked vehicles, shall not be located outside of the main structure.
- B. A refuse storage area, completely enclosed with a masonry wall not less than five feet high, with a solid gated opening, and large enough to accommodate standard-sized commercial trash bins, shall be located to be accessible to refuse collection vehicles.
- C. Driveways and service areas shall be maintained and kept free of oil, grease, and other petroleum products, in addition to litter. These areas shall be periodically cleaned with equipment that dissolves spilled oil, grease, and other petroleum products without washing them into the drainage, gutter, and sewer system.
- D. Additional Conditions. Additional conditions (e.g., hours of operation, sign regulations, structure materials and design) may be imposed by the applicable review authority as deemed reasonable and necessary to protect the public health, safety, and general welfare of the community.

**ARTICLE V. - ADMINISTRATION****DIVISION 3. - ZONE CLEARANCE****Sec. 106-823. - Purpose.**

This section establishes procedures for conducting a Zone Clearance to verify that each new or expanded use or structure complies with all of the applicable requirements of this Code and with any applicable policies or standards of the General Plan and any operative plans.

(Ord. No. 1270, § 30.745, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1585, §§ 1, 2, 12-1-2008)



**Sec. 106-824. - Applicability.**

- A. *Establishment of a Permitted Use.* A Zone Clearance is required to confirm that the establishment of a new use is permitted as a matter of right and that no Conditional Use Permit or other entitlements are required prior to securing a business license certificate and commencing operations.
- B. *Other Activities.* A Zone Clearance shall be required for any other activity for which a Zone Clearance is specifically required elsewhere in this Code.
- C. *Streamlined Development.* A Zone Clearance is required for all streamlined development as defined in Section 65913.4 of the California Government Code and any other process the City deems should be a ministerial review but requires routing and review for compliance. The Zone Clearance for Streamlined Development shall be processed like a Site Plan Review but shall be reviewed and approved or denied ministerially (i.e., compliance with discretionary findings, discretionary conditions of approval, and review by the Planning and Preservation Commission are not required or permitted).
- D. *Exceptions.*
  - 1. No Zone Clearance shall be required for the continuation of previously approved or permitted uses, structures, or uses and structures that are not subject to any Building Code or Zoning Code regulations.
  - 2. A change in building use that complies with this Code shall require a Building Permit if the use is in a different Building Code occupancy group class, such as conversion of a retail building to public assembly or residential use.

**Sec. 106-825. - Review authority.**

If the Director determines that the proposed use or building is allowed as a matter of right by this Code, and conforms to all the applicable development and use standards, the Director shall issue a Zone Clearance.

**Sec. 106-826. - Application.**

- A. Application for a Zone Clearance shall be filed in a manner consistent with the requirements contained in Division 1 of this article.
- B. The Director may request that the Zone Clearance application be accompanied by a written narrative, operational statement, plans, and other related materials necessary to show that the proposed development, alteration, or use of the site complies with all applicable provisions of this Code. The Director may require attachments of other written or graphic information, including, but not limited to, statements, numeric data, site plans, floor plans, and building elevations and sections, as a record of the proposal's conformity with the applicable regulations of this Code.
- C. Applications for Streamlined Development shall be subject to the same material and document requirements as a Site Plan Review, as applicable.

**Sec. 106-827. - Notice.**

Public notice shall not be required.

**Sec. 106-828—106-843. – Reserved.**

## ARTICLE V. - ADMINISTRATION

### DIVISION 4. – ADMINISTRATIVE PLANNING REVIEW

#### Sec. 106-844. – Purpose.

The purpose of this chapter is to establish thresholds for level of review for planning applications that do not require a full Site Plan Review or Conditional Use Permit review. Applications applied for under this division shall be reviewed and approved administratively.

#### Sec. 106-845. – Findings and decisions.

The Review Authority shall only approve an application for a minor or major administrative planning review if it finds that the application is consistent with the purposes of this article and with the following:

- A. The applicable standards and requirements of this Code;
- B. The General Plan and any applicable Specific Plan, Community Plan, ordinances or policies the City has adopted;
- C. Any applicable design guidelines or standards the City has adopted;
- D. Any approved Tentative Map, Conditional Use Permit, Variance, or other planning or zoning approval that the project required.

#### Sec. 106-846. – Thresholds for review.

No change in the use or structure for which a permit or other approval has been issued is permitted unless the permit is modified as provided for in this Code. For the purpose of this section, when an applicant is proposing to amend, alter, expand buildings or uses, or otherwise revise a specific project or an existing developed site, staff will be required to determine the type of application (Site Plan Review or Conditional Use Permit) and level of review based on the following below:

- A. *Minor Administrative Planning Review.* The Director may approve minor changes to approved plans that are consistent with the original findings and conditions approved by the Review Authority and would not intensify any potentially detrimental effects of the project or create a new unanticipated impact that may or may not be significant. Minor projects typically **do not** require the review of other departments or agencies. Minor projects include, but are not limited to, the following:
  - a. *Residential Minor Administrative Planning Review:* Architectural or exterior material, treatments or color changes which **do not** change the basic form and theme of an existing building or conflict with the original architectural form and theme of an existing building; and which **do not** require the review of other departments (excepting Building & Safety) or agencies.
    - a. Any interior alterations that do not increase the number of rooms, bedrooms, or the gross floor area within a structure, or change or intensify the permitted use of that structure or the height of the building.
    - b. On-site changes to a previously approved site plan which **do not** change the basic form and/or function of an existing site; and, not requiring the review of other departments or agencies.
    - c. Landscape modifications which **do not** alter the general concept or reduce the effective amount of landscaping not requiring the review of other departments or agencies.
    - d. Structural additions or alterations to existing residential projects not requiring the review of other departments or agencies, and/or which **do not** propose additional units exceeding density requirements for respective districts, and **do not** require a change to entitlement type.

- e. Parking lot configurations not changing the previously approved circulation of the parking lot.
- b. *Non-Residential Minor Administrative Planning Review:*
  - a. Minor structural additions to non-residential projects not requiring the review of other departments or agencies.
  - b. Construction of fences, walls, and screens on non-residential property which **do not** include vehicular or emergency service pedestrian gates.
  - c. Any addition of solar covered parking structures less than or equal to 1,000 square feet not requiring the review of other departments or agencies.
  - d. On-site changes to a previously approved site plan which **do not** change the basic form and/or function of an existing site; and, not requiring the review of other departments or agencies.
  - e. Landscape modifications which **do not** alter the general concept or reduce the effective amount of landscaping not requiring the review of other departments or agencies.
  - f. Parking lot configurations not changing the previously approved circulation of the parking lot.
- B. *Major Administrative Planning Review.* Major administrative planning reviews typically require the review of a limited number of other departments or agencies. Major administrative planning reviews include, but are not limited to, the following:
  - a. *Residential Major Administrative Planning Review:*
    - a. Structural additions or alterations to existing residential projects requiring the review of a limited/abridged number of other departments or agencies, and which **do not** propose additional units exceeding density requirements for respective districts or require a change to entitlement type.
    - b. New construction or additions to residential buildings of less than 200 square feet.
    - c. Construction of a new residential building(s) within existing residential projects exceeding either 50 percent of the existing number of units or 50 additional units, whichever is less and, which **do not** propose additional units exceeding density requirements for respective districts and **do not** require a change to entitlement type.
  - b. *Non-Residential Major Administrative Planning Review:*
    - a. Structural additions to non-residential projects requiring the review of a limited/abridged number of other departments or agencies.
    - b. Structural additions to non-residential projects or the construction of a new building(s) or structure(s) on developed and previously entitled land or parcels.
    - c. Addition of a drive-through facility to an existing or previously approved building.
    - d. New construction or expansion of existing parking lots into areas not previously utilized for parking or on-site vehicular circulation that change the previously approved circulation of the parking lot.
    - e. Any change or modification to an existing Conditional Use Permit (or other application type requiring noticing), which does not require or warrant re-noticing.
- C. *Full Review.* Projects that do not fit the above criteria and projects that require a full entitlement review, as determined by the Director, shall be considered full Site Plan Reviews and/or full Conditional Use Permits. Examples of this include, but are not limited to, the following:

- a. New use on vacant/undeveloped land.
- b. Changes resulting in additional environmental impacts not previously assessed; or, which are not eligible for a CEQA Exemption.
- c. Construction of a new building on undeveloped land or parcel.
- d. Expansion of a building or use encompassing a land area not included in the previously approved entitlement.
- e. Establishment of a new conditional use.
- f. Expansion of a conditional use with no previously approved Conditional Use Permit on record.
- g. Structural additions to non-residential projects that result in 20 percent or more of the existing square footage or 500 square feet, whichever is less.
- h. Structural additions to existing residential projects that are 200 square feet or more or add another level to the existing residential structure.

## ARTICLE V. - ADMINISTRATION

### DIVISION 5. – TEMPORARY USE PERMIT AND SPECIAL EVENT PERMIT

#### Sec. 106-847. – Purpose.

The intent and purpose of this Division is to establish a process for reviewing proposed temporary uses and special events to ensure that basic health, safety, and community welfare standards are met, while approving suitable temporary uses and special events, with the minimum necessary conditions or limitations consistent with the temporary nature of the activity. A Temporary Use Permit and Special Event Permit allows for short-term activities that might not meet the normal development or use standards of the applicable zoning district but are considered acceptable due to their temporary nature.

#### Sec. 106-848. – Applicability.

- A. *Permit Requirement.* A Temporary Use Permit or Special Event Permit approved by the applicable review authority shall be required for all uses identified in this Division and shall be issued before the commencement of the activity.
- B. *Exempt Activities.* The following temporary uses are exempt from requiring a Temporary Use Permit or Special Event Permit and other city approval. Uses other than the following shall comply with this division.
  1. On-site contractor's construction yards, in conjunction with an approved construction project. The activity shall cease upon completion of the construction project, or the expiration of the companion building permit authorizing the construction project.
  2. Promotional activities related to the primary product lines of a retail business, and similar activities (e.g., book readings and signings at bookstores, opening receptions at art galleries).
  3. Emergency public health and safety activities.

#### Sec. 106-849. – Allowed Temporary uses and special events.

The following temporary uses and special events may be allowed, subject to a Temporary Use Permit or Special Event Permit by the applicable review authority. Uses other than the following shall comply with the use and development regulations and permit requirements that otherwise apply to the property, except uses that are exempt from the provisions of this Division in compliance with Sec. 106-848 (Applicability).

A. *Temporary Use Permit:*

1. *Storage.* Enclosed temporary storage, unrelated to a construction project, or exceeding 180 days, but in no case exceeding a maximum of one (1) year. See Division 19 of Article IV (Temporary Storage Containers) for specific standards.
2. *Temporary entertainment and exhibit uses.* Indoor or outdoor temporary entertainment and exhibit uses related or not related to the primary use of the property and compatible with the zoning district of the site and surrounding land uses. These temporary uses may include, but are not limited to, art exhibits and installations, museums, live or motion picture theatres, and interactive or immersive attractions, and may be permitted for more than twelve (12) days but not more than six (6) consecutive months.
3. *Temporary outdoor sales.* Temporary outdoor sale of merchandise, in any commercial, industrial, or SP-5 zoning district, in compliance with the following provisions:
  - a. There shall be no more than four (4) sales in any calendar year.
  - b. Each sale shall be limited to three (3) consecutive days.
  - c. The merchandise displayed shall be that customarily sold on the site.
  - d. The site utilized for a permanently established business holding a valid business license certificate as required.
4. *Temporary real estate sales offices.* A temporary real estate sales office may be established within the area of an approved development project, solely for the first sales of homes. A permit for a temporary real estate office may be approved for a maximum of one (1) year.
5. *Temporary structures.* A temporary classroom, office, or similar structure, including a manufactured or mobile unit, may be approved, for a maximum time period of 18 months from the date of approval, as an accessory use or as the first phase of a development project.
6. *Temporary work trailers.* A trailer or mobile home as a temporary work site for employees of a business may be allowed during construction or remodeling of a permanent commercial or manufacturing structure, when a valid building permit is in force. The permit for a temporary work trailer may be granted for up to one (1) year.
7. *Seasonal sales.* The annual sales of holiday related items such as Christmas Trees, pumpkin lots/patches and similar items may be permitted in accordance with the following standards:
  - a. *Time Period.* Seasonal sales, including Christmas Tree and pumpkin lots, associated with holidays are allowed up to a month preceding and one week following the holiday.
  - b. *Goods, signs, and temporary structures.* All items for sale, as well as signs and temporary structures, shall be removed within five days after the end of sales, and the appearance of the site shall be returned to its original state.
  - c. *Parking.* The Director may require a shake-off area or alternative design to ensure that dirt is not deposited onto public streets.
8. *Temporary use of unattended collection boxes.* A collection box is permitted as a temporary accessory to a principal permitted use with approval of site plan review by the community development Director pursuant to Division 6 of Article V of this chapter and subject to the following:
  - a. *Definition.* For the purpose of this section, "collection box" means an unattended canister, receptacle, or similar device, used for soliciting and collecting donations of salvageable goods and movable property, but not money or evidences of debt. This term does not include a recyclables container regulated by Chapter 70 of this Code.
  - b. *Prohibition.* No person, individual, firm, corporation, partnership, association, club, society, or other entity shall engage in any of the following without a permit in accordance with this section: (i) place, install, or maintain on any real property a collection box held out to the public for donations; (ii) extract any item from a collection box; or (iii) allow, aid, abet, or suffer any such action.

- c. *Application.*
- i. Any requirement to show particular information on the site plan may be waived as the Director deems appropriate.
  - ii. The application shall include:
    - A. The signed and notarized written consent to the application by the owner of the subject parcel of land;
    - B. Contact information for the person responsible for the ongoing maintenance of the collection box; and
    - C. Other information deemed appropriate by the Director.
  - iii. A permit may be issued only to a nonprofit entity that is eligible to solicit donations of salvageable personal property pursuant to Welfare and Institutions Code Section 148.3.
- d. *Duration.*
- i. Written approval of a collection box under this section shall be considered a temporary permit and shall be valid for a period not longer than 24 months as set forth in the permit, unless otherwise provided by this section. The permit shall terminate earlier than the expiration stated therein if: (1) the permit is revoked on the grounds of non-compliance with the permit or other law; or (2) the collection box is abandoned for 30 days after the mailing date of the city's written notification to the permit holder of the abandonment.
  - ii. The permit holder and the owner, tenant, and person or entity in control of the parcel of land on which the collection box is placed shall be jointly and severally liable for costs incurred in removing an unpermitted or abandoned collection box. The Director may require a cash bond or other guarantee of removal of the temporary use upon expiration of the permit.
- e. *Zones.* Collection boxes are prohibited in the city's residential zones, except on properties with any of the following land uses approved by conditional use permit: churches, temples or other places of religious worship or similar places of assembly, schools, nursery schools, hospitals, sanitariums, large community care facilities, museums, and libraries. This division shall prevail over the restriction against temporary structures at places of religious worship. The Director may issue a temporary permit pursuant to this section for a period longer than 24 months if the applicant demonstrates that the collection box is customarily incidental to the principal use in accordance with the city zoning ordinance.
- f. *Location.* No collection box shall be placed:
- i. Within 500 feet of another collection box or a salvage and recycling business, or within 30 feet of the property line of any adjacent residentially zoned parcel. The Director shall have discretion to waive or modify these distance restrictions if justified by the following: (i) the collection box is customarily incidental to the principal use; (ii) it will cause no significant adverse effect on adjacent property; and (iii) the public necessity, convenience, general welfare or good zoning practice.
  - ii. Within a yard setback.
  - iii. Within a required off-street parking space.
- g. *Conditions of approval.* Approvals shall be limited to one collection box per property. The Director may impose conditions on a collection box permit to ensure compatibility with surrounding uses and to preserve the public health, safety, and welfare, including, without limitation, aesthetics and periodic review of compliance with this section.
- h. *Maintenance.* The collection box shall have a firmly closing lid. The permit holder and the parcel owner shall be responsible to:

- i. Maintain the premises in a clean, sanitary condition at all times, free from discarded items, garbage, and other waste.
      - ii. Regularly empty contents to ensure the collection box does not exceed its capacity.
      - iii. Remove any graffiti or material placed outside of the collection box within 24 hours.
    - i. *Size.* The collection box shall not exceed six cubic yards in volume or six feet in height.
  - 9. *Other Temporary Uses.* The Director of Recreation & Community Services shall have the discretion to determine the required permit type for temporary and special uses not listed in this Division.
- B. *Special Event Permit:*
- 1. *Carnivals, fairs, and festival events.* Carnivals, fairs, and festival events are subject to the following standards:
    - a. *Location.* Carnivals, fairs, and festival events are limited to areas within Commercial or Employment districts, or on property owned by a public school.
    - b. *Time limit.* When abutting or adjacent to a Residential District or a street that serves a Residential District the hours of operation shall be limited to 7 a.m. to 10 p.m.
    - c. *Lighting.* Lighting shall be hooded and directed away from residential uses.
  - 2. *Special events and sales.* Other short term special events may be permitted in accordance with the following standards:
    - a. *Location.* Events are limited to non-residential districts.
    - b. *Number of events.* No more than six events at one site shall be allowed within any 12-month period. Events shall not last more than five days per event and there shall be a minimum of fourteen (14) days between events.
    - c. *Products.* The outdoor display area shall be directly related to a business occupying a primary structure on the same site.
    - d. *Existing parking.* The available parking shall not be reduced to less than ninety percent (90%) of the minimum number of spaces required by this Chapter.
  - 3. *Indoor events.* All event centers, as defined and permitted by this Chapter, shall comply with the following standards, in addition to those identified in section 106-853 and section 106-852 (Conditions of Approval).
    - a. Conformance with all applicable Building and Fire Code requirements for assembly uses including, but not limited to, egress, seismic retrofitting, and restrooms.
    - b. Provision of off-street parking in accordance with Division 3, Subdivision II (Off-Street Parking and Loading).
    - c. Conformance with the following public health, safety, and welfare standards:
      - i. When abutting residential uses or zoning, delivery and retrieval of event materials/props and set-up and take-down operations and activities shall occur only between the hours of 8:00 a.m. to 8:00 p.m. Monday through Friday and 9:00 a.m. to 8:00 p.m. Saturday and Sunday.
      - ii. Event staff shall monitor vehicle parking and retrieval to ensure there is no excessive noise before, during, or after events.
      - iii. Event staff shall instruct event attendees to remain respectful of nearby residential areas and signage shall be clearly and conspicuously posted and maintained in parking areas with the following wording: "Event Guests and Event Staff, please remain respectful of nearby residential and commercial neighbors and refrain from making loud noises, playing music at high volumes, and accelerating vehicle engines. Thank you for your cooperation."
      - iv. Event staff shall utilize at least one (1) 3-yard plastic recycle bin, one (1) 3-yard plastic refuse bin, and one (1) green waste bin sized to Public Works Environmental

Programs and Operation Division standard, which must be located and filled within the interior of the event center building. After each event, all bins must be located on the outside of the event center building for City trash pick-up operations.

- v. All events and event-related activities shall occur within the interior of the event center building. No event-related activities or storage of event materials/props shall be permitted exterior of the event center building.
4. *Outdoor events.* The following outdoor events may be allowed:
- a. Entertainment and assembly events. Outdoor entertainment and assembly events, including concerts, fairs, farmers' markets, festivals, flea markets, food events, fundraisers, live entertainment, parades, outdoor sporting events, public relations activities, rummage sales, secondhand sales, swap meets, and other similar events designed to attract large crowds, and which are held on private or public property, for up to 6 days per calendar year or as determined appropriate by the Director of Recreation and Community Services.
5. *Other special events.* The Director of Recreation and Community Services shall have the discretion to determine the required permit for temporary and special uses not listed in this Division.

**(Ord. No. 1651, § 3, 2-16-2016)Sec. 106-850. – Review authority.**

- A. *Director Review.* The Director shall be responsible for the review and approval of all permits for temporary uses not reviewed by the Recreation & Community Services Committee on Permits and Licenses.
- B. *Committee on Permits and Licenses.* The Recreation and Community Services Department oversees the Committee responsible for the review and approval of all permits for special events, unless reviewed by the Director.

**Sec. 106-851. – Application filing and processing.**

An application for a Temporary Use Permit or Special Event Permit shall be filed with the applicable authority and processed as follows.

- A. *Application Contents.* The application shall be made on forms made by the Community Development Department and shall be accompanied by the information identified in any applicable City handouts and permit applications.
- B. *Time for Filing.* A temporary use or special event permit application shall be filed as follows:
  - 1. *Temporary use permit.* A temporary use permit application shall be filed at least 14 days in advance of the proposed commencement of the use.
  - 2. *Special event permit.* A special event permit application shall be filed with the Recreation and Community Services Department at least 7 days in advance of a proposed minor event, and 14 days in advance of a proposed major event. The Director or Committee shall determine whether a proposed special event or temporary event is minor or major, based on the characteristics of, and activities associated with, the event, and the likely impacts on the surrounding community.
  - 3. *Additional permits required.* Temporary uses and special events may be subject to additional permits and other city approvals, licenses, and inspections required by applicable laws or regulations.

**Sec. 106-852. – Conditions of approval.**

The review authority may impose reasonable and necessary specific design, locational, and operational conditions in approving Temporary Use Permit or Special Event Permit as follows:



- A. The use or event is limited to a duration that is no more than the maximum allowed duration, as determined appropriate by the review authority.
- B. The site is physically adequate for the type, density, and intensity of use being proposed, including provision of services (e.g., sanitation and water), public access, and the absence of physical constraints.
- C. The design, location, size, and operating characteristics of the proposed use are compatible with the existing land uses on-site and in the vicinity of the subject property.
- D. The temporary use or activity will be removed and the site restored as necessary to ensure that no changes to the site will limit the range of possible future land uses otherwise allowed by this Chapter.
- E. The use or event will comply with all applicable provision of local, State and Federal laws or regulations.
- F. Any other pertinent factors affecting the operation of the temporary use or special event will be addressed, including the following, to ensure the orderly and efficient operation of the proposed use or event, in compliance with the intent and purpose of this Division
  - 1. Conditions may require the provision of
    - a. Sanitary and medical facilities.
    - b. Security and safety measures.
    - c. Solid waste collection and disposal.
  - 2. Conditions may regulate:
    - a. Nuisance factors, including the prevention of glare or direct illumination of adjacent properties, dirt, dust, gasses, heat, noise, odors, smoke, or vibrations.
    - b. Operating hours and days, including limitation of the duration of the use or event to a shorter time period than that requested.
    - c. Temporary signs.
    - d. Temporary structures and facilities, including height, placement, and size, and the location of equipment and open spaces, including buffer areas and other yards.

### **Sec. 106-853. – Development and operating standards.**

- A. *General Standards.* Standards for floor areas, heights, landscaping areas, off-street parking, setbacks, and other structure and property development standards, which apply to the category of use or the zoning district of the subject parcel, shall be used as a guide for determining the appropriate development standards for temporary uses and special events. However, the review authority may authorize an adjustment from the specific requirements as deemed necessary and appropriate.
- B. *Standards for Specific Temporary Activities.* Specific temporary land use activities shall comply with the development standards identified in Article III (General Regulations), as applicable to the use, in addition to those identified in section 106-849 and section 106-852 (Conditions of approval).

### **Sec. 106-854. – Post-approval procedures.**

The approval or denial of a Temporary Use Permit or Special Event Permit may be appealed in compliance with Division 2 of Article V The procedures of Sec.106-809 (Summary of Planning Permits and Actions) shall apply to the approval of the permit.

- A. *Condition of the Site Following a Temporary Use or Special Event.* Each site occupied by a temporary use or special event shall be cleaned of debris, litter or any other evidence of the temporary activity, on completion or removal of the activity, and shall thereafter be used in compliance with the provisions of this Chapter.
- B. *Revocation.* A Temporary Use or Special Event Permit may be revoked or modified, with only a 24-hour notice, in compliance with Division 2 of Article V (Hearing and Appeals).

- C. *Extension of the Permit.* The Director may extend the operational length of a temporary use or special event if the delay is beyond the control of, and was not the result of actions by, the permittee.
- D. *Expiration of Permit.* A Temporary Use Permit or Special Event Permit shall be considered to have expired when the approved use has ceased or been suspended.

## NEW SECTION LIST

### ARTICLE I. GENERAL PROVISIONS

#### DIVISION 1. – INTRODUCTORY PROVISIONS

##### **Sec. 106-4. – Structure of the development code.**

- A. *Organization of regulations.* This Code consists of six articles:
  1. Article I: General Provisions
  2. Article II: Base and Overlay Zones
  3. Article III: General Regulations
  4. Article IV: Standards for Specific Land Uses and Activities
  5. Article V: Administration
  6. Article VI: Definitions
- B. *Types of regulations.* This Code contains five types of regulations controlling the use and development of property:
  1. *Use regulations.* These regulations specify land uses permitted, conditionally permitted, or specifically prohibited in each zoning district, and include special requirements, if any, applicable to specific uses. Use regulations for base zoning districts and for overlay districts are in Article II of this Code. Certain regulations that are applicable in some or all districts, and performance standards which govern special uses, are in Article III.
  2. *Development standards.* These regulations control the height, bulk, locations, and appearance of structures. Development regulations for base zoning districts and for overlay districts are in Article II of this Code. Certain development regulations that are applicable to some or all districts are in Article III. These include regulations for specific uses, development and site regulations, performance standards, parking, and signage.
  3. *Administrative regulations.* These regulations contain detailed procedures for the administration of this Code, and include common procedures, processes, and standards for discretionary entitlement applications and other permits. Administrative regulations are in Article V.
  4. *Definitions.* Article VI provides definitions and articulates use classifications and terms and definitions used in this Code.

### ARTICLE I. GENERAL PROVISIONS

#### DIVISION 1. – INTRODUCTORY PROVISIONS

##### **Sec. 106-16. - Procedural requirements.**

Failure to follow the procedural requirements contained in this chapter shall not invalidate City actions taken in absence of a clear showing of intent.

## ARTICLE III.- GENERAL REGULATIONS

### DIVISION 1. – GENERALLY

#### Sec. 106.190. – Access.

- A. *Access to streets.*
  1. Every structure shall be constructed upon, or moved to, a legally recorded parcel with a permanent means of access to a public street, in compliance with City standards.
  2. All structures shall be properly located to ensure safe and convenient access for servicing, fire protection, and parking.
  3. Parcels located on a private street, which were legally established before the effective date of this Title, are exempt from the required compliance with the latest adopted City standards for private streets.
- B. *Pedestrian access.* All multiple-family residential, non-residential, or mixed use developments shall provide a minimum of one pedestrian walkway of no less than four feet in width, from each adjoining street frontage connecting said street with either the main building entrance or common pedestrian corridor.
- C. *Access to Accessory Structures.* Accessory structures and other on-site architectural features shall be properly located to ensure that they do not obstruct access to main structures or accessory living quarters.

## ARTICLE III. – GENERAL REGULATIONS

### DIVISION 7. – WALLS AND FENCES

#### Sec. 106-374. – All zones.

The following standards shall apply to all walls and fences city-side.

- A. The height of a wall or fence located along an interior property line shall be measured from the higher natural or established grade of the two abutting properties.
- B. Jacuzzi, spa, swimming pools and other similar outdoor water features shall be fenced in compliance with the Uniform Building Code.
- C. Screening of outdoor uses and equipment shall be provided in compliance with Division 6 of this article or as specified in Article IV for specific land uses and activities.
- D. Temporary fencing may be approved as deemed necessary and appropriate by the Director.
- E. If a fence or wall obstructs the view of a property address from the street right-of-way, the address numbers shall be located on the fence so that they are clearly visible from the street right-of-way.
- F. Decorative lighting fixtures may exceed the maximum allowed height for walls and fences along a street-facing property line shall reflect light down and away from adjoining properties so that the light emitted does not create a public nuisance or offense, in compliance with other applicable SFMC provisions.

- G. Lighting fixtures may be attached to the side of a fence along an interior property line, provided that they do not project above the top of the fence.
- H. Fences or walls shall not incorporate electrical currents, razor ribbon or wire, barbed wire, concertina ribbon, protruding fragments of broken glass or similar materials shall be permitted.
- I. Chain link is prohibited within any front or side yard area except as part of a temporary construction fence.
- J. The Director may administratively approve fences and walls that exceed the maximum heights identified in this section, in compliance with Division 9 of Article V (modifications, 20% or less).

**ARTICLE V. - ADMINISTRATION**

**DIVISION 1. – GENERALLY**

**Sec. 106-808. – Purpose.**

The purpose of this article is to identify the bodies, officials, and administrators with designated responsibilities under various divisions of the Zoning Code. Subsequent divisions of Article V provide detailed information on procedures, applications, and permits, including Code text and zoning map amendments, and enforcement. When carrying out their assigned duties and responsibilities, all bodies, administrators, and officials shall interpret and apply the provisions of this Code to implement the policies and achieve the objectives of the General Plan.

**Sec. 106-809. – Summary of planning permits and actions.**

The following table shows, for ease of reference, a brief summary of the permits and actions that are administered under this Code. The table is not regulatory. For complete regulations, procedures, and requirements, see Divisions 2 through 14 of Article V – Administration. For purposes of this chapter, the following definitions shall apply:

- A. *Ministerial*. Review of plans to determine compliance with codified standards. An example of a ministerial action is the Building Division approving a building permit application.
- B. *Discretionary Quasi-Judicial*. Decisions made by administrative or executive officials or local boards and commissions that apply general rules or policies to specific circumstances. An example of a Discretionary Quasi-Judicial action is the Planning & Preservation Commission approving a Conditional Use Permit for a drive-thru facility.
- C. *Discretionary Legislative*. Decisions made by elected bodies and establish general rules or policies that have a wider impact. An example of a Discretionary Legislative action is the City Council approving a General Plan Amendment.

| <b>TABLE 106-831: PLANNING PERMITS AND ACTIONS</b> |                                  |                              |                                    |
|--|----------------------------------|------------------------------|------------------------------------|
| <b>Proposed Activity</b>                           | <b>Permit or Action Required</b> | <b>Type of Decision</b>      | <b>Review Authority</b>            |
| <b>Use-Only Proposals</b>                          |                                  |                              |                                    |
| Establishment of a (P) Permitted Use               | Zone Clearance                   | Ministerial                  | Director of Community Development  |
| Establishment of a (C) Conditional Use             | Conditional Use Permit           | Discretionary Quasi-Judicial | Planning & Preservation Commission |

|   |                                      |                              |                                    |
|---|--------------------------------------|------------------------------|------------------------------------|
| Establishment of a Temporary use  | Temporary Use Permit                 | Discretionary Quasi-Judicial | Director of Community Development  |
| <b>Development Proposals</b>  |                                      |                              |                                    |
| Development of a (P) Permitted Use  | Site Plan and Planning Review        | Discretionary Quasi-Judicial | Director of Community Development  |
| Request for relief from property development standards due to unique conditions in conjunction with a Site                    | Variance                             | Discretionary Quasi-Judicial | Planning & Preservation Commission |
| Request for minor accommodations to prescribed development standards  | Modification                         | Discretionary Quasi-Judicial | Director of Community Development  |
| <b>Other Proposals or Actions</b>   |                                      |                              |                                    |
| Minor changes to approved plans, consistent with original findings and conditions   | Minor Administrative Planning Review | Ministerial                  | Director of Community Development  |
| Changes to a discretionary permit or changes to approved plans that would affect findings or conditions                       | Major Administrative Planning Review | Discretionary Quasi-Judicial | Director of Community Development  |
| Violation of conditions or terms of permit  | Revocation of Permit                 | Discretionary Quasi-Judicial | Planning & Preservation Commission |
| Modifications of or exceptions from regulations to ensure equal access to housing for individuals with disabilities           | Reasonable Accommodation for Housing | Discretionary Quasi-Judicial | Director of Community Development  |
| Proposals to change a regulation within this Code   | Zoning Text Amendment                | Discretionary Legislative    | City Council                       |
| Proposal for development which complies to regulations of an existing district, but not the one currently applied to the site | Zoning Map Amendment                 | Discretionary Legislative    | City Council                       |
| Change of the General Plan land use designation for a site  | General Plan Amendment               | Discretionary Legislative    | City Council                       |

|  |   |                              |              |
|--|---|------------------------------|--------------|
| Request to qualify for vesting and processing benefits offered under SB 330                                      | Preliminary Application Pursuant to Section 65951.1 | Discretionary Quasi-Judicial |              |
| Request to qualify for ministerial review under SB 35 (SB 423)   | Preliminary Application Pursuant to Section 65951.1 | Ministerial                  |              |
| Large, multi-phase project which needs certainty regarding regulations over time in exchange for public benefits | Development Agreement                               | Discretionary Legislative    | City Council |

### **Sec. 106-810. - Application process and fees.**

#### *A. Applicant.*

1. The property owner(s) shall sign all applications.
2. If the application is made by someone other than the owner, written proof, satisfactory to the Director, of the right to act as the owner's agent or to use and possess the property as applied for, shall accompany the application.
3. Written proof of authorization must be signed and dated by the property owner and expressly state what the agent is authorized to do on behalf of the owner.

#### *B. Forms and Materials.*

1. *Application Forms.* The Director shall prepare and issue application forms and lists that specify the information that will be required from applicants for projects subject to the provisions of this Code.
2. *Supporting Materials.* The Director may require the submission of supporting materials as part of the application, including, but not limited to, operational statements, photographs, plans, drawings, renderings, models, material and color samples, and other items necessary to describe existing conditions on the project site and in the vicinity and the proposed project and to determine the level of environmental review pursuant to the California Environmental Quality Act.
3. *Availability of Materials.* All materials submitted becomes the property of the City, may be distributed to the public, and shall be made available for public inspection. At any time, upon reasonable request, and during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in the Planning Division offices. Unless prohibited by law, copies of such materials shall be made available at a reasonable cost.

#### *C. Application Fees.*

1. *Payment of Application and Processing Fees.* No application shall be accepted as complete and processed without payment in full of the required application and review fee per the Master Fee Schedule.
2. *Multiple Applications.* The City's processing fees are in accordance with the adopted fee schedule. Cost savings may be incurred due to similar documents being prepared for a single project, such as CEQA review.

**Sec. 106-811. - Application review.**

Except as required by State law, each application filed with the Planning Division shall be initially processed as follows:

- A. *Completeness Review.* The Division shall review an application for completeness and accuracy before it is accepted as being complete and officially filed. The Division will consider an application complete when:
  1. All necessary application forms, documentation, exhibits, materials, maps, plans, reports, and other information specified in the application form, any applicable Division handout, or any additional information on standard checklists, forms, or documents required by the Director have been provided and accepted as adequate; and
  2. All necessary fees and deposits have been paid and accepted.
- B. *Notification of Applicant.* The applicant shall receive written notification, within 30 days of submittal, that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the written notification, must be provided.
- C. *Expiration of Application.* If a pending application is not deemed complete within 6 months after the first filing with the Division, the application shall expire and be deemed withdrawn, and any remaining deposit amount shall be refunded, subject to administrative processing fees.
- D. *Extension of Application.* The Director may grant one 6-month extension, upon written request of the applicant. After expiration of the application and extension, if granted, a new application, including fees, plans, exhibits and other materials, will be required to commence processing of a new project application on the same property.
- E. *Additional Information.* After the application has been accepted as complete, the Director may require the applicant to submit additional information needed for the environmental review of the project, in compliance with the California Environmental Quality Act.
- F. *Referral of Application.* At the discretion of the Director, or where otherwise required by this Title, State, or Federal law, an application filed in compliance with this Title may be referred to any public agency that may be affected by or have an interest in the proposed land use activity.

**ARTICLE V. - ADMINISTRATION****DIVISION 6. – SITE PLAN REVIEW****Sec. 106-855. – Purpose.**

The purpose of the site plan review procedure is to enable the Director to check development proposals for conformity with the sections of this chapter in a manner that is also consistent with the general plan, any applicable specific plans, and adopted design guidelines.

**Sec. 106-856. – Applicability.**

- A. *Development.* A Site Plan Review Permit shall be required for all projects that propose development, as defined in Article VI – Definitions of this Code, of property within the City of San Fernando in addition to:



1. All new construction or exterior alteration of any existing building or structure which also requires a conditional use permit or a variance;
  2. All new construction or major remodel of any existing building or structure in the PD overlay, RPD zone, or SP-5 zone;
  3. All new construction or exterior alteration of any existing building or structure in a residential zone that involves 200 square feet or more of floor area or will extend the structure to a second floor;
  4. All new construction or exterior alteration of any existing building or structure in a commercial or industrial zone that results in a 20 percent or more of the existing square footage or 500 square feet, whichever is less.
  5. All new construction of any freestanding sign in all commercial and industrial zones, other than a monument sign or any electronic message center sign.
  6. All new construction or alteration of any wireless communication facility that is determined not to be exempt pursuant to section 106-771 of this Code. Generally speaking, these facilities are located on private property, including city owned property not located within the public right-of-way.
- B. *Exceptions.* No Site Plan Review Permit shall be required for the following:
1. To confirm that the establishment of a new use with no development is permitted as a matter of right.
  2. The continuation of previously approved or permitted uses, structures, or uses and structures, that are not subject to any Building Code or Zoning Ordinance regulations.
  3. Sign permit applications proposing new or revised signage that meet the standards of Division 9 of Article III - Signs
  4. Administrative Planning Review as outlined in Division 7 of this article.

### **Sec. 106-857. – Procedure.**

- A. The applicant shall submit copies of the site plan to the Director. The number of copies required shall be as determined by the Director. The applicant shall be required to pay appropriate fees as determined by city council resolution for processing site plan review applications.
- B. The site plan shall be reviewed by the Director for conformity with sections of this chapter, the general plan, any applicable specific plans, adopted design guidelines, policies and ordinances of the City. The plans may be conditionally approved and signed by the Director which conditional approval stipulates that the development as shown, with any changes noted by the Director, conforms to the development regulations of the zone.
- C. Certain development regulations in the various zones are subject to commission review and approval. In these instances the site plan review application shall be submitted to the commission and the items in question shall be placed on the agenda. The commission may approve, disapprove or approve the proposed development with conditions on the site plan review application. The commission's findings shall be noted on the plans and recorded in the commission minutes.
- D. When a Site Plan Review is required, no building permit shall be issued until the site plan review application has been approved in accordance with this section, and no certificate of occupancy shall be issued unless the development complies with the approved site plan review and all conditions attached thereto.
- E. If the Director determines that there are unusual circumstances or special conditions related to an application, the Director may defer action and refer such application to the planning and preservation commission for final decision.
- F. The applicant may appeal the decision of the Director or the planning and preservation commission pursuant to section 106-817.

(Ord. No. 1270, § 30.745.1, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1585, §§ 1, 2, 12-1-2008)

**Sec. 106-858. – Application.**

Except as required by State law, each application filed with the Planning Division shall be initially processed as follows:

- A. *Completeness Review.* The Division shall review an application for completeness and accuracy before it is accepted as being complete and officially files. The Division will consider an application complete when:
  1. All necessary application forms, documentation, exhibits, materials, maps, plans, reports, and other information specified in the application form, any applicable Division handout, or any additional information required by the Director have been provided and accepted as adequate; and
  2. All necessary fees and deposits have been paid and accepted.
- B. *Notification of Applicant.* The applicant shall receive written notification, within 30 days of submittal, that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the written notification, must be provided.
- C. *Expiration of Application.* If a pending application is not deemed complete within 6 months after the first filing with the Division, the application shall expire and be deemed withdrawn, and any remaining deposit amount shall be refunded, subject to administrative processing fees.
- D. *Extension of Application.* The Director may grant one 6-month extension, upon written request of the applicant. After expiration of the application and extension, if granted, a new application, including fees, plans, exhibits and other materials, will be required to commence processing of a new project application on the same property.
- E. *Additional Information.* After the application has been accepted as complete, the Director may require the applicant to submit additional information needed for the environmental review of the project, in compliance with the California Environmental Quality Act.
- F. *Referral of Application.* At the discretion of the Director, or where otherwise required by this Title, State, or Federal law, an application filed in compliance with this Title may be referred to any public agency that may be affected by or have an interest in the proposed land use activity.

**Sec. 106-859. – Findings and Decisions.**

A Site Plan Review may be approved, with or without conditions, only after first making specific findings as outlined below, and any additional findings required for the approval of specific land uses in Article IV.

- A. *Findings for Approval of Non-Housing Development Projects.* The Review Authority shall only approve a Site Plan Review Permit application for a non-housing related project if it finds that the application is consistent with the purposes of this article and with the following:
  1. The applicable standards and requirements of this Code;
  2. The General Plan and any applicable Specific Plan, Community Plan, ordinances or policies the City has adopted;
  3. Any applicable design guidelines/standards the City has adopted;
  4. Any approved Tentative Map, Conditional Use Permit, Variance, or other planning or zoning approval that the project required;
  5. The existing or proposed public facilities necessary to accommodate the proposed project (e.g., fire protection devices, parkways, public utilities, sewers, sidewalks, storm drains, streetlights, traffic control devices, and the width and pavement of adjoining street and alleys) will be available to serve the subject site.
  6. The proposed development will not be substantially adverse to the public health, safety, or general welfare of the community, nor be detrimental to surrounding properties or improvements.
- B. *Findings for Approval of Housing Development Projects.*

1. The Project does not have a specific, adverse impact on public health or safety. A "specific adverse impact" means a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions in existence on the date the application was deemed complete.
  2. The Project is consistent with the purpose and intent of this Chapter, the requirements of the zoning district in which the site is located, and with all applicable development and objective design standards, as existed on the date the application was deemed complete.
  3. The Project is consistent with the General Plan and any applicable specific plan.
  4. The existing or proposed public facilities necessary to accommodate the Project (e.g., fire protection devices, parkways, public utilities, sewers, sidewalks, storm drains, street lights, traffic control devices, and the width and pavement of adjoining streets and alleys) will be available to serve the subject site.
- C. *Findings for Denial or Reduced Density of Housing Development Projects.* Housing development projects consistent with the General Plan, Zoning Code, and objective design standards can only be denied if the findings in Gov. Code 65589.5(j)(1) can be made.
- D. *Findings for Denial or Reduced Density of Housing Development Projects with 20% Affordability.* Housing development projects with 20% affordable units and consistent with the General Plan, Zoning Code, and objective design standards can only be denied if the findings in Gov. Code 65589.5(d) can be made. Certain affordable housing projects shall be processed under the Zone Clearance, Streamlined Development process.

#### **Sec. 106-860. – Conditions of approval.**

In granting approval of a Site Plan Review Permit, the Review Authority may impose conditions that are reasonably related to the application and deemed necessary to achieve the purposes of this article, the General Plan, and any applicable operative plan or policy the City has adopted. The conditions shall ensure compliance with the applicable criteria and standards established by this Code or mitigation required pursuant to the California Environmental Quality Act (CEQA) review. Conditions may be related to the following objectives:

- A. The proposed design will not lead to an overburdening of existing or planned infrastructure capacities, including, but not limited to, capacities for water, runoff, storm water, wastewater, and solid waste systems;
- B. The proposed design will ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies and design guidelines adopted by the City Council;
- C. The proposed design will achieve the general purposes of this Code or the specific purpose of the zoning district in which the project is located;
- D. The proposed project shall mitigate any potential impacts identified as a result of the environmental review conducted in compliance with the California Environmental Quality Act.
- E. The proposed project shall provide the public facilities necessary to accommodate the Project (e.g., fire protection devices, parkways, public utilities, sewers, sidewalks, storm drains, street lights, traffic control devices, width and pavement of adjoining streets and alleys, etc.).

**Sec. 106-861. – Post-approval procedures.**

Procedures relating to appeals, notices, revocations and modifications, as identified in Article V (Administration) in addition to those identified in Article IV (Standards for Specific Land Uses and Activities), shall apply following the approval of a Site Plan Review.

**Secs. 106-862—106-866. – Reserved.**

**ARTICLE V. - ADMINISTRATION**

**DIVISION 7. – CONDITIONAL USE PERMITS**

Subdivision I. – In General

**Sec. 106-875. - Post-approval procedures.**

Conditional Use Permits granted pursuant to the provisions of this Chapter that are valid and in effect, shall run with the land and shall continue to be valid upon a change of ownership of the site or structure that was the subject of the use permit application. However, should the activity approved by the use permit be discontinued for a consecutive period of one year with two 6-month extensions as approved by the Director, the use permit shall be deemed to be expired and shall become null and void. An applicant may request an extension by filing a written application with the Director at least 30 days, but no more than six months prior, to the expiration of the approval. Upon expiration, further continuation of the activity on-site will require approval of a new Conditional Use Permit.

**ARTICLE V. - ADMINISTRATION**

**DIVISION 10. - AMENDMENTS TO GENERAL PLAN TEXT, GENERAL PLAN LAND USE MAP, ZONING CODE TEXT, ZONING MAP, AND SPECIFIC PLAN AMENDMENTS**

**Sec. 106-1019. – Purpose.**

The city council may amend this chapter whenever required by public necessity, convenience and general welfare.

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## AGENDA REPORT

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**To:** Planning and Preservation Commission Vice Chair Martinez and Commissioners

**From:** From: Wendell Johnson, Director of Public Works  
By: Rodrigo Mora, Public Work Operations Manager

**Date:** January 27, 2025

**Subject:** Presentation of 2024-25 Citywide Tree Maintenance and Procedures Update

### **RECOMMENDATION:**

It is recommended that the Planning and Preservation Commission:

- a. Receive and file this informational report.

### **BACKGROUND:**

1. On April 19, 2024, the City Council adopted Resolution No. 8301, approving and adopting the 2024 Urban Forest Management Plan (UFMP).
2. On August 12, 2024, the Planning and Preservation Commission received and filed a presentation of the Standard Operating Procedures (SOP) for tree removals on the public right of way based on the recommendations of the UFMP.
3. Utilizing these updated policies and procedures, the Public Works Department have worked with West Coast Arborists (WCA) and Tree People to trim 1,010 trees, remove 46 trees, and plant 385 trees in the first half of the 2024-25 fiscal year.

### **ANALYSIS:**

City trees are defined as any tree determined to be within the public right-of-way or those planted on City-owned property. When a tree is designated as City-owned, it is the responsibility of the City to maintain and, when appropriate, remove potentially hazardous or dead trees. In 2024, the City was designated as a Tree City USA for the extensive network of urban forest winding through the community and the ongoing care taken by staff to upkeep maintenance.

The Public Works Department remains committed to maintaining and enhancing the City's urban forest. Trees are a vital component of San Fernando's infrastructure, contributing to



environmental health, aesthetics, and the overall quality of life for residents. This report provides an overview of tree-related activities and procedural updates that have taken place in the 2024-25 fiscal year.

### **Overview of Current Policies and Procedures**

#### *Urban Forest Management Plan (UFMP)*

Approved by City Council on April 19, 2024, the UFMP provides guidelines for tree maintenance, tree preservation, and tree planting throughout the City. It also outlines criteria for tree removal and replacement. For every tree removed, the City commits to planting two trees in its place, with consideration given to parkway width and species recommendations. This plan underscores the philosophy for how the City develops policies and procedures to ensure compliance with relevant tree maintenance regulations and a strategic direction for ensuring a continued commitment to the expansion and beautification of the City's urban forest.

#### *Standard Operating Procedures (SOP)*

To ensure effective outcomes and diligent processes, staff developed SOPs for tree removals based on UFMP recommendations. Criteria taken into consideration for tree removal include:

- Imminent danger to human life or property
- Dead or dying trees
- Over-mature trees in declining health
- Trees infected with untreatable diseases or pathogens that could spread
- Hazardous trees as determined by a Risk Assessment Report
- Trees requiring extensive root pruning compromises stability

Notification of potential tree removals are posted on the tree with a red tag. Residents may appeal against the decision by contacting the Public Works Department within 14 days.

#### *Contractor Services*

The City contracts with West Coast Arborist (WCA) for tree maintenance, removals, and planting. WCA performs grid pruning annually and handles stump removals. Areas cleared of stumps may be designated for replanting, subject to replacement criteria.

#### *Tree People Collaboration*

Tree People, in partnership with the City in fiscal year 2024-25, planted 221 trees in parkways lacking trees or where prior removals occurred. This year's plantings, focused on the northwest quadrant, included Holly Oak, Crape Myrtle, and Carrotwood trees.

### **Tree Maintenance Statistics (July 1, 2024 to December 31, 2024)**

- **Tree Trimming:**
  - 412 palm trees trimmed.
  - 598 multi-species trees trimmed.

- **Tree Planting:**
  - 385 new trees planted to enhance our urban landscape by both The Tree People and City Staff.
- **Tree Removals:**
  - 46 trees were removed due to disease, damage, or natural decline.
- **Stump Removal:**
  - 33 tree stumps removed (a total of 114 stumps were removed in the 2024 calendar year, with 29 stumps still scheduled for removal in 2025)
- **Grid Trimming Program (Attachment "A"):**
  - Completed tree trimming in "Grid C"
  - Began trimming trees in "Grid D" as of November 2024

**BUDGET IMPACT:**

There is no budget impact associated with this update, tree maintenance services for 2024-25 are already accounted for in the Public Works Department budget.

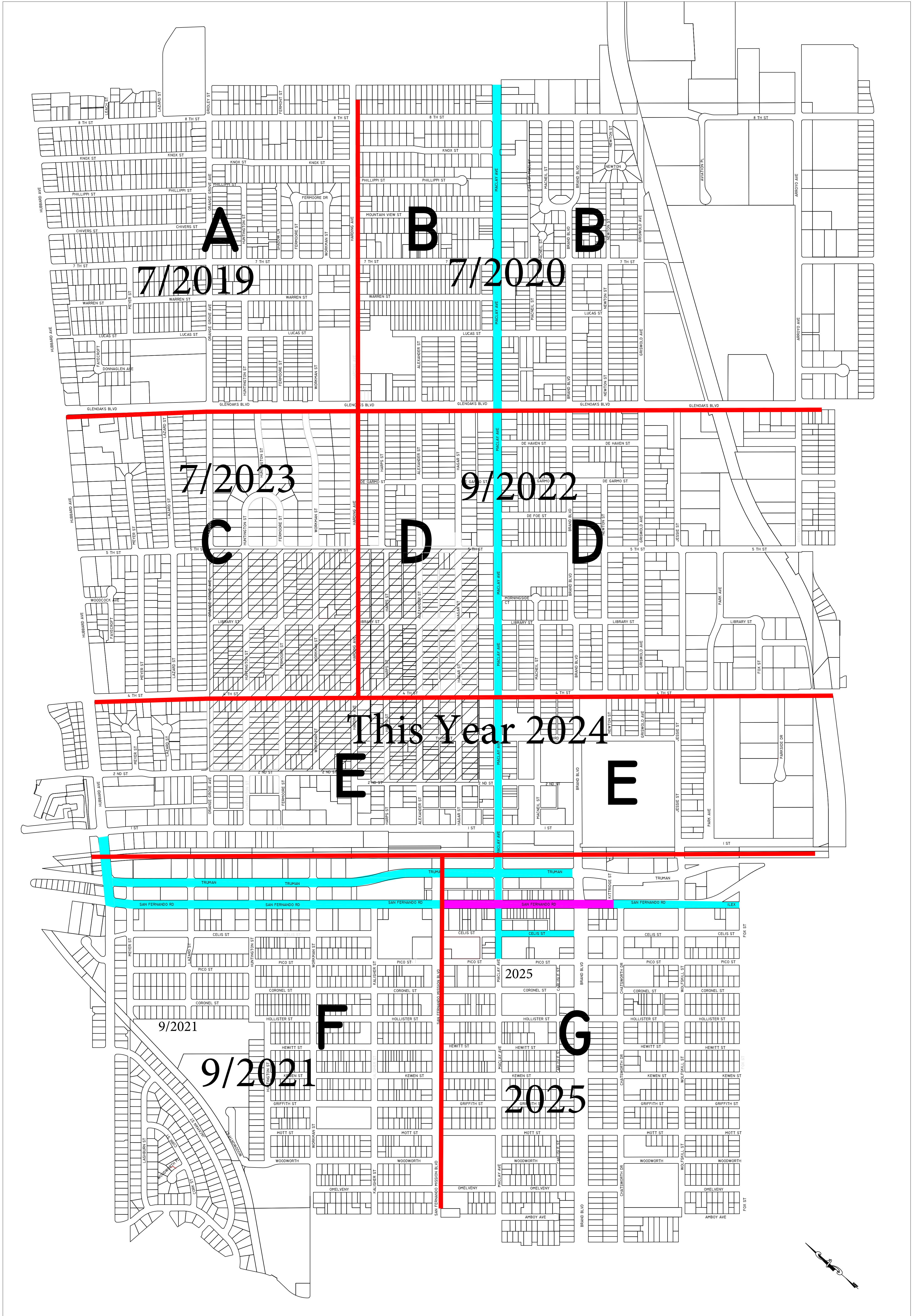
**CONCLUSION:**



Staff recommends that the City Council receive and file this report.

**ATTACHMENT:**

A. Grid Trimming Program Map

# City of San Fernando Tree Maintenance Zones



|   |  |   |  |
|---|--|---|--|
| <p>NOTES:</p>   | <p>PREPARED BY:<br/>Manuel Fabian, Civil Engineer Assistant I DATE</p>   |  <p>CITY OF<br/><b>SAN FERNANDO</b><br/>HISTORIC &amp; VISIONARY</p> | <p>Tree Maintenance</p>  <p>SCALE 1:400</p> |
| <p>LEGEND</p> <p><span style="color: cyan;">█</span> H</p> <p><span style="color: magenta;">█</span> Mall</p> | <p>INFORMATION PROVIDED BY:<br/>Richard Liles, Field Supervisor DATE</p> | <p>CITY OF SAN FERNANDO<br/>DEPARTMENT OF PUBLIC WORKS</p>  |  |



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**To:** Planning and Preservation Commission Vice Chair Martinez and Commissioners

**From:** Erika Ramirez, Director of Community Development

**Date:** January 27, 2025

**Subject:** Planning and Preservation Commission Reorganization

**RECOMMENDATION:**

Staff recommends that the Planning and Preservation Commission:

1. Appoint a Chair to preside over the Commission meetings through the 2025 calendar year; and
2. Appoint a Vice Chair to preside over the Commission meetings through the 2025 calendar year.

**ANALYSIS:**

The Planning and Preservation Commission appoint two Commissioners to serve as Chair and Vice Chair annually. These appointments are effective immediately after each motion is approved. The newly appointed Chair and Vice Chair will preside over the Commission meetings through the 2025 calendar year.

**ATTACHMENT:**

- A. Planning and Preservation Commission Bylaws and Rules of Procedures

**CITY OF SAN FERNANDO  
PLANNING AND PRESERVATION COMMISSION**

**BYLAWS AND RULES OF PROCEDURES  
(Adopted March 2024)**

**ORGANIZATION AND OFFICERS**

**A. Organization**

The Planning and Preservation Commission (Commission) shall consist of five (5) regular members, each with full participation and voting rights.

**B. Officers**

**1. Selection**

- a. A Chair and Vice-Chair shall be elected annually from among the Commission's membership at the January meeting to serve at the pleasure of the Commission.
- b. The Vice-Chair shall succeed the Chair if he/she vacates his/her office before his/her term is completed, the Vice-Chair to serve the unexpired term of the vacated office. A new Vice-Chair shall be elected at the next regular meeting.
- c. In the absence of the Chair and Vice-Chair, any other member shall call the Commission to order, whereupon a chair shall be elected from the members present to preside.

**2. Responsibilities**

The responsibilities and powers of the members of the Commission shall be as follows:

**a. Chair**

- (1) Preside at all meeting of the Commission.
- (2) Call special meetings of the Commission in accordance with legal requirements and the rules of Procedure.
- (3) Sign documents of the Commission.
- (4) See that all actions of the Commission are properly taken.

- (5) The Chair shall be an ex officio member of all committees with voice but not vote.

**b. Vice-Chair**

During the absence, disability or disqualification of the Chair the Vice-Chair shall exercise or perform all the duties and be subject to all the responsibilities.

**C. Duties and Powers**

1. The Commission shall have the power to recommend to the City Council, after a public hearing, the adoption of or amendments to elements of a General Plan, or any part thereof, for the physical development of the City.
2. The Commission shall exercise such functions with respect to land subdivision, planning, and zoning as may be prescribed by ordinance.
3. Deleted (1/95)

**D. Rules of Order**

Except as otherwise provided in these Rules of Procedure, "Parliamentary Procedure at a glance, new edition, O. Garfield Hones, Based on Robert's Rules of Order" shall be used as a guide to the conduct of the meetings of the Commission provided, however, that the failure of the Commission to conform to said rules of order shall not in any instance, be deemed to invalidate the action taken.

Each Commission member should do his/her part to treat each fellow Commission member with respect and to ensure that meetings proceed in an orderly and constructive manner.

**MEETINGS**

**A. Public Meetings**

All meetings shall be held in full compliance with the provision of State law, Ordinances of the City, and these Rules of Procedure

**B. Regular Meetings**

1. All meetings shall be held on the 2<sup>nd</sup> Monday of the month at 5:30 p.m. in the Council Chambers of the City Hall.
2. Whenever a regular meeting falls on a public holiday or regular Council meeting, no regular meeting shall be held on that day. Such regular meeting may be



rescheduled to the next business day, another day, or canceled by motion adopted by the Commission.

**C. Adjourned Meetings**

In the event it is the wish of the Commission to adjourn its meeting to a certain hour on another day, a specific date, time, and place must be set by the Commission prior to the regular motion to adjourn.

**D. Special Meetings**

Special meetings of the Commission may be held at any time upon the call of the Chair or by a majority of the voting members of the Commission or upon request of the City Council following at least 24 hours' notice to each member of the Commission. The time and place of the special meeting shall be determined by the convening authority.

**E. Study Sessions/Workshops**

1. The Commission may be convened as a whole or as a committee of the whole in the same manner as prescribed for the calling of a special meeting for the purpose of holding a study session provided that no official action shall be taken and no quorum shall be required.
2. Such meetings shall be open to the public; but, unless the Commission invites evidence or comments to be given, participation by interested members of the public shall not take place at such study sessions.

**F. Agenda**

1. An agenda for each meeting of the Commission shall be prepared by the Community Development Director or his/her staff person.
2. There shall be attached to each agenda a report of matters pending action by the Commission.
3. A copy of the agenda shall be posted at City Hall and on the City's website for a period of three calendar days not counting the day of meeting or the day of posting.

**G. Order of Meetings**

1. **The Order of Business Shall Be as Follows:**
  - a. The Chair shall take the chair precisely at the hours appointed for the meeting and shall immediately call the Commission to order.
  - b. Members present and absent shall be recorded.

- c. The agenda shall be approved as submitted or revised.
- d. The minutes of any proceeding meeting shall be submitted for approval.
- e. The public shall be advised of the procedures to be followed in the meeting.
- f. The Commission shall then hear and act upon those proposals scheduled for consideration or public hearing, together with such other matters of business and report as the Commission finds to require Commission consideration.
- g. Any member of the audience may comment on any matter which is not listed on the agenda.
- h. Adjournment.

## 2. **Presentation of Hearing of Proposals (Optional)**

The following shall be the order of procedure for public hearings:

- a. The Chair shall announce the subject of the public hearing, as advertised.
- b. If a request is made for continuance, a motion may be made and voted upon to continue the public hearing to a definite time and date.
- c. The staff shall be asked to present the substance of the application, staff report and recommendation, and to answer technical questions of the Commission.
- d. **Order of Testimony and Time Allotment.** The order of testimony and time allotment shall be as follows:
  - (1) Applicants/Proponents' statements (Maximum time allocation of 15 minutes)
  - (2) Opponents' statements (Maximum time allocation of 15 minutes)
  - (3) If necessary, a rebuttal from wither side (Maximum time allocation of 5 minutes each for either side)
  - (4) Public hearing closed
  - (5) The Commission shall then deliberate and either determine the matter or continue the matter to another date and time certain.
- e. **Rules of Testimony.** The rules of testimony shall be as follows:
  - (1) Persons presenting testimony to the Commission are requested to give their name and address for the record.
  - (2) If there are numerous people in the audience who wish to participate on the issue, and it is known that all represent the same opinion, a spokesman should be selected to speak for the entire group. The spokesman will thus have the opportunity of speaking for a reasonable length of time and presenting a complete case.
  - (3) To avoid unnecessary cumulative evidence, the Chair may limit the number of witnesses or the time of testimony on a particular issue.
  - (4) Irrelevant and off-the-subject comments will be ruled out of order.
  - (5) The Chair will not permit any complaints regarding the staff or individual commissioners during a public hearing. Complaints

should be submitted in writing or presented verbally as a separate item on the agenda.

- (6) No person shall address the Commission without first securing the permission of the Chair to do so.
- (7) All comments shall be addressed to the Commission. All questions shall be placed through the Chair.

## **H. Motions**

1. A motion to adjourn shall always be in order except during roll call.
2. The Chair, or other presiding officer, may make and second motions and debate from the chair subject only to such limitations of debate as are imposed on all members of the Commission.

## **I. Voting**

### **1. Voting Requirements**

- a. A quorum shall consist of a majority of the Commission membership.
- b. A majority vote of the Commission present is necessary for it to take action.
- c. When a member of the Commission abstains from voting on any matter before it because of a potential conflict of interest, said vote shall not constitute nor be considered as either a vote in favor of or opposition to the matter being considered. When a member of the Commission abstains from voting for any reason other than a potential conflict of interest, the abstention shall be counted as affirmative vote.

### **2. Voting Order**

The Chair will ask for a motion, than a second than a roll call vote will be taken with Chair voting last.

### **3. Recording of Votes**

The minutes of the Commission's proceeding shall show the vote of each member, including if they were absent or failed to vote on a matter considered.

### **4. Disqualification from Voting**

A member shall disqualify himself/herself from voting in accordance with the Government code §87100 et seq, Financial Conflicts of Interest and §1090 et seq, Financial Interest in Contracts. When a person disqualifies (recuse) himself/herself, he/she shall state prior to the consideration of such matter by the Commission that he/she is disqualifying him/herself due to a possible conflict of interest and shall then leave the voting area.

## **REVIEW AND AMENDMENTS PROCEDURE**

- A. The rules of Procedure shall be reviewed in July of each year by a subcommittee appointed by the Chair with the general agreement of the Commission. The review subcommittee shall present their recommendation for amending, or not amending, these rules.
- B. In addition, these Rules of Procedure may be amended at any meeting of the Commission by a majority of the membership of the Commission provided that notice of the proposed amendment is received by each commissioner not less than 5 days prior to said meeting.

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