

Agenda

City of Loma Linda

From the Department of Community Development

PLANNING COMMISSION

REGULAR MEETING OF

MARCH 6, 2013

7:00 p.m.

CITY COUNCIL CHAMBERS

- A. CALL TO ORDER** - Persons wishing to speak on an agenda item are asked to complete an information card and present it to the secretary. The Planning Commission meeting is recorded to assist in the preparation of the minutes, and you are, therefore, asked to give your name and address prior to offering testimony. All testimony is to be given from the podium.
- B. ROLL CALL**
- C. PLEDGE OF ALLEGIANCE**
- D. ITEMS TO BE DELETED OR ADDED**
- E. ORAL REPORTS/PUBLIC PARTICIPATION ON NON-AGENDA ITEMS (LIMITED TO 30 MINUTES; 3 MINUTES ALLOTTED FOR EACH SPEAKER)** - This portion of the agenda provides opportunity to speak on an item, which is **NOT** on the agenda. Pursuant to the Brown Act, the Planning Commission can take no action at this time; however, the Planning Commission may refer your comments/concerns to staff, or request the item be placed on a future agenda.
- F. AGENDA (THREE MINUTES IS ALLOTTED FOR EACH SPEAKER PER AGENDA ITEM)**

CONTINUED ITEMS

1. **PRECISE PLAN OF DESIGN NO. PPD 12-097 – (PUBLIC HEARING – LIMITED TO 30 MINUTES)** –The Applicant is requesting approval to construct six additional units to an existing nine-unit motel (Dutch Motel) located at 25252 Redlands Boulevard in the East Valley Corridor Specific Plan/General Commercial (EV-GC) Zone.

STAFF RECOMMENDATION:

Continue to April 3, 2013 Planning Commission meeting

STUDY SESSION

2. **DEVELOPMENT CODE UPDATE PROJECT (DCA) – PRESENTATION AND DISCUSSION (PUBLIC MEETING – LIMITED TO 30 MINUTES)** – A comprehensive update of Loma Linda Municipal Code, Title 16 (Subdivisions), Title 17 (Zoning), Title 19 (Development Restrictions), and Title 20 (Environmental Protection) for compliance with the City's General Plan (May 26, 2010), State Law and other applicable laws, and current planning practices. The Planning Commission has already reviewed a final draft of the development code, and will now review some additional minor revisions to the draft development code.

STAFF RECOMMENDATION:

Review and Discuss

G. APPROVAL OF MINUTES – (LIMITED TO 5 MINUTES)

1. January 16, 2013
2. February 6, 2013

H. REPORTS BY THE PLANNING COMMISSIONERS

I. COMMUNITY DEVELOPMENT DIRECTOR REPORT

- J. ADJOURNMENT** - Reports and documents relating to each agenda item are on file in the Department of Community Development and are available for public inspection during normal business hours, Monday through Thursday, 7:00 a.m. to 5:30 p.m. The Loma Linda Branch Library can also provide an agenda packet for your convenience.

Staff Report

City of Loma Linda

From the Department of Community Development

PLANNING COMMISSION MEETING OF MARCH 6, 2013

TO: PLANNING COMMISSION

FROM: KONRAD BOLOWICH, ASSISTANT CITY MANAGER,
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: PRECISE PLAN OF DESIGN (PPD) NO. 12-097 – A PROPOSAL TO ADD SIX NEW UNITS TO AN EXISTING NINE-UNIT MOTEL (DUTCH MOTEL) FOR PROPERTY LOCATED AT 25252 REDLANDS BLVD IN THE EAST VALLEY CORRIDOR SPECIFIC PLAN/GENERAL COMMERCIAL (EV/CG) ZONE).

RECOMMENDATION

The applicant is requesting that this item be continued to the April 3, 2013 Planning Commission meeting so that the applicant may address Staff's and the Commission's concerns raised at the previous Commission meeting.

Staff Report

City of Loma Linda

From the Community Development Department

PLANNING COMMISSION MEETING OF MARCH 6, 2013

TO: PLANNING COMMISSION

FROM: KONRAD BOLOWICH, DIRECTOR

SUBJECT: DEVELOPMENT CODE UPDATE PROJECT – REVIEW OF THE FOLLOWING SECTIONS:

ARTICLE I – BASIC PROVISIONS

CHAPTER 17.02 – ENACTMENT AND APPLICABILITY

CHAPTER 17.04 – INTERPRETATION OF DEVELOPMENT CODE PROVISIONS

CHAPTER 17.06 – DEFINITIONS

ARTICLE II – DEVELOPMENT STANDARDS

CHAPTER 17.08 – GENERAL DEVELOPMENT STANDARDS

SUMMARY

A Development Code contains a city's zoning, subdivision and other land use regulations. Additional building construction requirements and other aspects of development and land use normally can be found in other titles of a Municipal Code. The Planning Commission has already reviewed a final draft, however, minor changes have been made to the final draft and Staff would like to provide the Commission with the opportunity to see those minor changes before a complete final draft is presented to the Commission for recommendation to the City Council. Furthermore, this will also give the two new Commissioners an opportunity to review those changes and become familiar with the Development Code on a section-by-section basis. This Code update includes Article I, Chapters 17.02; 17.04, 17.06, and Article II, Chapter 17.08.

RECOMMENDATIONS

Staff recommends that the Planning Commission takes the following actions:

1. Review, comment and discuss the draft of Article I, Chapters 17.02, 17.04, 17.06, and Article II, Chapters 17.08.
2. Provide staff with direction regarding any revisions or changes.

ANALYSIS

The latest revisions to the code are shown in the attachments, and are in ***bold and italic*** text. Also, text that has been removed is shown in ***~~bold, italic and strikethrough~~*** text. Some of the changes are simply grammatical in nature, while some are required to comply with the latest County, State and Federal codes.

ARTICLE I – BASIC PROVISIONS

Chapter 17.02 – Enactment and Applicability

Chapter 17.02 implements the policies of the Loma Linda General Plan by classifying and regulating the development and uses of land and structures within the City. The Development Code is adopted to protect and promote the public health, safety, general welfare and preserve and enhance the aesthetic quality of the City by providing regulations to ensure an appropriate mix of land uses in an orderly manner.

Significant changes to Chapter 17.02 include:

- **Section 17.02.050 – Responsibility for Administration**

The changes to this section more clearly describe the specific responsibilities of the City Council, Planning Commission, City Manager, and Community Development Director as they pertain to the administration of Title 17 – Zoning.

Chapter 17.04 – Interpretation of Development Code Provisions

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

No significant changes to this Chapter.

Chapter 17.06 – Definitions

This chapter provides definitions of terms and phrases used in this Development Code that are technical or specialized, or that may not reflect common usage.

Significant new definitions include:

- Acupressure/Acupuncture
- Alcohol Sales, On-Sale
- Emergency Shelter
- Medical Marijuana Dispensary
- Places of Religious Assembly
- Alcohol Sales, Off-Sale
- Cottage Food Operation
- Health/Fitness Facilities
- Places of Assembly, Public or Private

Significantly Revised or Deleted Definitions include:

- Church (place of religious worship)
- Driveway, Drive Aisle, Commercial
- Clubs, Lodges, Meeting Halls
- Personal Services

The new and significantly revised definitions provide more detail and/or provide uses that were not previously included in the previous draft.

Recent changes to State of California Laws require that cities incorporate the following:

- Cottage Food Operations

The State of California recently passed AB 1616, which states that a city cannot prohibit a cottage food operation in a residential dwelling unit. A **cottage food operation** is an enterprise within the registered or permitted area of a dwelling unit where the cottage

food operator, as defined by California Health and Safety Code Section 113758, resides and where cottage food products pursuant to California Health and Safety Code Section 113758 are prepared or packaged for direct, indirect, or direct and indirect sale to consumers. A city must grant a nondiscretionary permit to use a residence as any cottage food operation that complies with local ordinances prescribing reasonable standards, restrictions, and requirements concerning spacing and concentration, traffic control, parking, and noise control relating to those homes. Any noise standards shall be consistent with local noise ordinances implementing the noise element of the general plan. The planning agency shall grant these permits, upon the certification without a hearing. Cities are permitted to regulate standards such as, spacing and concentration, traffic control, parking, and noise control relating to those homes, and these regulations will be incorporated into the Cottage Food Operation chapter, which will be brought before the Planning Commission for consideration.

- **Body Art/Body Piercing Establishments**

In September, 2010 a federal court of appeals ruled that a ban on tattoo parlors is unconstitutional and the permanent displays of body ink are a form of artistic expression protected by First Amendment free speech rights. This was a unanimous decision by the three-judge panel of the San Francisco-based Ninth Circuit Court of Appeals and was the first by a federal appellate court, meaning such bans are now unconstitutional in the nine Western states that must comply with Ninth Circuit rulings. The City of Loma Linda presently does not list body art/body piercing establishments as a permitted use in any zone, which is essentially a ban on these types of establishments. This ban can leave the City of Loma Linda vulnerable to legal challenges in light of the court decision above. Tattoo and body piercing are regulated by the State of California Health and Safety Code. At a future Commission meeting, Staff will bring forth development standards, including zones in which these establishments may be located, for the Commission's consideration.

ARTICLE II – DEVELOPMENT STANDARDS

Chapter 17.08 – General Development Standards

This chapter ensures that new or modified land uses and development produce a stable and desirable environment, which is harmonious with existing and future development, and protects the use and enjoyment of neighboring properties, consistent with the General Plan.

Other than some minor grammatical changes, the most significant change to this Chapter is the elimination of the following:

- **Section 17.08.220 – Solar Access and Solar Equipment.**

California cities must comply with the California Government Code Section 65850.5, which directs local agencies to facilitate the installation of solar energy systems and to streamline the permitted process at the local agency level. The State Code precludes a local agency from adopting an ordinance that creates unreasonable obstacles to the installation of solar energy systems, such as aesthetic standards enforced through design review processes.

At a future Commission meeting, Staff will bring forth development standards that comply with California Government Code Section 65850.5 for the Commission's consideration.

CONCLUSION

The Development Code must be amended to be consistent with the new General Plan (July 25, 2009). In addition, the Development Code implements the policies of the City's General Plan by classifying and regulating the development and uses of land and structures within the city. All of the chapters in Article II presented in this report are consistent with the General Plan.

ATTACHMENTS

Chapters 17. 02, 17.04, 17.06, 17.08

ARTICLE I BASIC PROVISIONS

Chapter 17.02 Enactment and Applicability

Sections:

<u>17.02.010</u>	Title
<u>17.02.020</u>	Purpose
<u>17.02.030</u>	Authority-Relationship to General Plan
<u>17.02.035</u>	Relationship to the California Environmental Quality Act
<u>17.02.040</u>	Applicability of the Development Code
<u>17.02.050</u>	Responsibility for Administration
<u>17.02.060</u>	Applicability to City-Owned Property
<u>17.02.070</u>	Partial Invalidation of the Development Code
<u>17.02.080</u>	Zones Established
<u>17.02.1090</u>	Zoning Map Adopted by Reference

17.02.010 Title

This title is, and may be cited as, the Land Use and Development Code of the City of Loma Linda, Title 17 of the Loma Linda Municipal Code, hereafter known as the "Development Code" and may be cited as such.

17.02.020 Purpose

The Development Code implements the policies of the Loma Linda General Plan by classifying and regulating the development and uses of land and structures within the City. The Development Code is adopted to protect and promote the public health, safety, general welfare and preserve and enhance the aesthetic quality of the City by providing regulations to ensure an appropriate mix of land uses in an orderly manner. In furtherance of this purpose, the City desires to achieve a pattern and distribution of land uses which generally:

- A. Retain and enhance land uses that support the City as a university town where education, health and medical services are important.
- B. Allow new development within the valley portions of Loma Linda, clustered around open space areas to provide a low density feeling of openness.
- C. Providing incentives for the clustering of development, the majority of the acquired *space* by the City for permanent open space, including a comprehensive trails system.
- D. **Encourage** clustered development ~~will~~ to allow the South Hills to retain their

sense of openness and natural beauty. ~~As a result, creating~~ views of the South Hills from locations such as Barton Road, Interstate 10, and San Timoteo Canyon Road **that** are of natural open space rather than homes.

- E. **Attract** high-tech industries ~~will be attracted~~ to the City ~~and~~ to create a diverse mix of high-paying job opportunities, ~~to~~ raise the City's standard of living and complement Loma Linda University Medical Center.
- F. Ensure that retail stores include a rich mix of local and visitor attractions that will be integrated into the community's design and fit the scale and the character of existing buildings to maintain a small town character and to preserve historic buildings.
- G. Ensure that Loma Linda will continue to be a safe, unique community in which to both live and work. People, natural assets, a unique economy and strong health foundation will provide a beautiful City for generations of all ages to enjoy.

17.02.030 Authority-Relationship to the General Plan

- A. The Development Code is enacted based on the authority vested in the City by the State of California, including the State Constitution; California Government Code Sections 65800 et. seq. California Environmental Quality Act (Public Resources Code 2100 et. seq.) Housing Act and the Health and Safety Code.
- B. The Development Code is the primary tool used by the City to implement the goals, objectives, and policies of the City of Loma Linda General Plan. The Loma Linda City Council intends that this Development Code be consistent with the Loma Linda General Plan, and that any land use, subdivision or development approved in compliance with the Development Code will also be consistent with the Loma Linda General Plan.

17.02.035 Relationship to the California Environmental Quality Act

When a project application pursuant to the provisions of this Development Code is determined to be subject to the provisions of the California Environmental Quality Act (CEQA), the application shall be reviewed in accordance with the provisions of this Development Code, the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.), the CEQA Guidelines (Title 14, California Code of Regulations, Section 15000 et seq.), and any environmental guidelines and other applicable rules adopted by the City.

17.02.040 Applicability of the Development Code

The Development Code applies to all land uses, subdivisions and development within the City as follows;

- A. Uses Not Permitted/Prohibited. All uses not specifically permitted, permitted subject to a conditional use permit, or provided for by interpretation of the

enforcement officer or City Council shall be prohibited. A variance as provided for in this Title shall not be construed as a zoning device to allow or permit a prohibited use.

- B. New Land Uses or Structures. Changes to Existing Land Uses or Structures. It is unlawful, and a violation of this Development Code, for any person to establish, construct, reconstruct, alter, maintain, or replace any use of land or structure, except in compliance with the requirements of this Code.
- C. Building or Grading Permits. Building or grading permits may be issued by the City only when (i) the proposed land use and/or structure does not violate the prohibition in subsection A of this section, (ii) when the Director determines that the site was subdivided in compliance with all applicable requirements of Title 16 of this Code and (iii) when the proposed grading is in compliance with all applicable requirements of Title 15 of this Code.
- D. Subdivision of Land. No land shall be subdivided and/or developed for any purpose which is not in conformity with the General Plan, and any applicable Specific Plan and permitted by this Development Code, or other applicable provisions of the Loma Linda Municipal Code.
- E. Public Facilities. The type and intensity of land use as shown on the General Plan and any applicable specific plan shall determine, together with this Development Code, the type of streets, roads, highways, utilities and public services shall be provided by the sub-divider.
- F. Effect on Past Approvals. All zoning devices (variances, use permits, precise plans, and similar exceptions or approvals) previously granted by the City or County shall remain in full force and effect under conditions and terms or time periods applicable thereto. Notwithstanding any other provision of this Title, no use authorized by such previously granted zoning device, which is being lawfully exercised in compliance with all conditions of approval imposed upon the authorizing zoning device, shall be deemed to be non-conforming, for any purpose, except as herein specifically set forth. If, as of the effective date of this title, pursuant to the provisions of the former zoning regulations of the City, legislative or administrative action is pending, such action shall be deemed to have been taken pursuant to the provisions of this title, and shall be finally processed, insofar as possible, in accordance with the provisions hereof.
- G. Effect of Development Code Changes on Projects in Progress. The enactment of this Development Code or any subsequent amendments may impose different standards on new land uses than those that applied to existing development (e.g. this Development Code or an amendment could require more off-street parking spaces for a particular land use than the former Development Code provisions). The following provisions determine how the requirements of this Development Code apply to projects in progress at the time requirements are changed.

1. Approved Projects not yet Under Construction. Any approved development project for which construction has not begun as of the effective date of this Development Code or amendment, may still be constructed as approved, as long as (i) required building permits have been obtained and remain active and construction work or (ii) activities at the site have begun before the expiration of any applicable land use permit or, (iii) where applicable, before the expiration of any approved time extension granted under this Title.
 2. Approved Projects not Requiring Construction. Any approved land use not requiring construction that has not been exercised as of the effective date of this Development Code or any subsequent amendment, may still be exercised in compliance with its approved permit, as long as the permittee exercised the permit or entitlement prior to the time limits set forth in this Title or any extension granted pursuant to this Title.
 3. Approved Subdivisions not yet Recorded. Any approved subdivision for which a parcel or final map has not been recorded as of the effective date of this Development Code of amendment, may still have a parcel or final map recorded in compliance with the approved tentative map, as long as recordation occurs before (i) the expiration date of the tentative map as set forth in this Title or any approved time extension granted under this Title.
 4. Projects under Construction. If a permittee is constructing a structure on the effective date of this Development Code or any subsequent amendment, the permittee may continue to construct the structure as approved, unless the applicable building permits expire or become invalid by operation of law.
- H. Other Requirements may still apply. Nothing in this Development Code eliminates the need for obtaining any other permits, licenses, approvals, or entitlements required by the City, this Code, or any county, regional, state or federal agency.
- I. Conflicting Permits and Licenses to be Void. All permits or licenses shall be issued by the City in compliance with the provisions of this Development Code. Any approval, permit or license issued in conflict with this Development Code shall be void.
- J. Application Requirements. Except for a property owner(s) or an agent of a property owner, no person may file an application for a permit, license, approval, or other entitlement under this Title. The Director may require any applicant to submit proof of his or her interest in the real property for which he or she is seeking a permit, license, approval or other entitlement. The Director may also require an agent to submit evidence of his or her authority to act on behalf of the property owner. In instances where an application must be filed in connection with the abatement of a violation of this Development Code, or any

other portion of the Loma Linda Municipal Code, the Director may require all owners of record for the property on which the violation is located to sign the application.

17.02.050 Responsibility for Administration

This Development Code shall be administered by the Loma Linda City Council, Planning Commission, Director, and the Department as provided in this Title.

A. Responsibilities of the City Council

The City Council of the City of Loma Linda, referred to herein as Council, shall have the following responsibilities with respect to enforcement of the provisions of this Development Code:

- 1. Appoint members of the Planning Commission.*
- 2. Hear and act upon appeals of decisions of the Planning Commission.*
- 3. Hear and act upon applications for Development Code Amendments, Zoning Map Amendments, General Plan Amendments, Specific Plans, Development Agreements, Final Tract Maps, and Parcel Maps. In the event that applications for other land use permits are requested in conjunction with these entitlements, the City Council shall also be the final decision-making body for the other land use permits.*
- 4. Direct planning-related policy amendments and special studies as necessary or desired.*
- 5. Exercise such other powers and duties as are prescribed by State law or local ordinance.*

B. Responsibilities of the Planning Commission

The Planning Commission of the City of Loma Linda, referred to herein as Commission, shall have the following responsibilities with respect to enforcement of the provisions of this Development Code:

- 1. Hear and act upon appeals of decisions of the Community Development Director.*
- 2. Hear and act upon applications for Conditional Use Permits, Variances, Planned Development Permits, and Tentative Tract Maps.*
- 3. Hear and make recommendations to the City Council on applications for Development Code Amendments, Zoning Map Amendments, General Plan Amendments, Specific Plans, Development Agreements, and other related planning studies.*
- 4. Initiate studies of amendments to this Development Code, and make recommendations to the City Council for amendments to this Development Code.*

5. **Exercise such other powers and duties as are prescribed by State law, local ordinance, or as directed by the Council.**

C. Responsibilities of the City Manager

The City Manager of the City of Loma Linda, referred to herein as the City Manager, shall have the following responsibilities, or may delegate such authority, with respect to enforcement of the provisions of this Development Code:

1. **Act upon appeals for Temporary Use Permits.**
2. **Exercise such other powers and duties as are prescribed by State law, local ordinance, or as directed by the Council.**

D. Responsibilities of the Community Development Director

The Community Development Director of the City of Loma Linda, referred to herein as Director, shall have the following responsibilities, with respect to enforcement of the provisions of this Development Code:

1. **Maintain the sections of this Development Code, the Zoning Map, and all records of zoning actions and interpretations.**
2. **Advise the Council, Commission, and City Manager on planning matters.**
3. **Hear and act upon Small Projects Applications**
4. **Conduct administrative functions authorized by this Development Code, including distribution and receipt of permit applications and corresponding fees; application review and public noticing; determination and issuance of administrative permits and approvals; and preparation of staff reports with recommendations, proposed findings, and proposed conditions for quasi-judicial and legislative actions by the designated Review Authorities.**
5. **Provide information to the public, and facilitate public participation on planning matters.**
6. **Interpreting the provisions of this Development Code.**
7. **Exercise such other powers and duties as are prescribed by State law, local ordinance, or as directed by the City Manager.**

E. Violation Constitutes a Public Nuisance

1. **Violation of Zoning Code is a Misdemeanor – Any person who violates any provision of this Development Code shall be guilty of a misdemeanor and shall be subject to the enforcement and penalties set forth in Chapter 9.24.100 (Administrative Code Enforcement Remedies) of the Municipal Code.**
2. **Violation of the Zoning Code – Public Nuisance – Any violation of the Zoning Code is declared to be a public nuisance, which may be Summarily abated by the City pursuant to Chapter 9.12.090 of the**

Municipal Code and/or any available legal remedies, including but not limited to civil enforcement through a restraining order, preliminary or permanent injunction, and the filing of criminal and/or civil citations. In any action or proceeding to enforce the provisions of Development Code, the prevailing party will be entitled to recovery of all costs, attorney's fees and expenses, per Council Resolution as adopted and amended from time to time, as provided in Chapter 1.16.030 of the Municipal Code.

3. ***Each Day as Separate Offense – Any person who violates any provision of this Chapter shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be penalized accordingly.***

17.02.060 Applicability to City-Owned Property

The regulations contained in this title, shall not apply to City-owned or leased property, when actually in use by the City.

17.02.070 Partial Invalidation of the Development Code

If any article, section, subsection, paragraph, subparagraph, sentence, clause, phrase, or portion of this Development Code is for any reason held to be invalid, unconstitutional, or unenforceable, these decisions shall not affect the validity of the remaining portion of this Development Code. The City Council declares that this Development Code and each article, chapter, section, subsection, paragraph, subparagraph, sentence, clause, phrase, and portion thereof would have been adopted irrespective of the fact that one or more portions of this Development Code may be declared invalid, unconstitutional, and unenforceable.

17.02.080 Zones Established

The following zones are established within the City to carry out the purpose of this title:

- R-1 Single-Family Residence Zone
- R-3 Multiple-Family Residence Zone
- R-4 Senior Residential Zone**
- A-P Administrative and Professional Office Zone
- C-1 Neighborhood Business Zone
- C-2 General Business Zone
- C-M Commercial Manufacturing Zone
- H Hillside Development Suffix Zone
- OS Open Space Conservation Zone
- I Institutional Zone
- PRD Planned Residential Development Overlay Zone

GH Geologic Hazards Overlay Zone. (Ord. 98 § 11.05, 1974)

17.02.090 Zoning Map Adopted by Reference

There is adopted an "Official Zoning Map" for the City, a true copy of which is marked as such and incorporated in this title by this reference. All properties within the City are placed in the zones as indicated on said map. Said map shall remain on file in the office of the City Clerk of the City. All changes to said map shall be noted thereon by the City Clerk as soon as the same become effective.

ARTICLE I BASIC PROVISIONS

Chapter 17.04 Interpretation of Development Code Provisions

Sections:

- 17.04.010 Purpose
- 17.04.020 Rules of Interpretation
- 17.04.030 Procedures for Interpretations

17.04.010 Purpose

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

17.04.020 Rules of Interpretation

- A. Authority. The Director is assigned the responsibility and authority to interpret the requirements of this Development Code.
- B. Language.
 - 1. Terminology. When used in the Development Code, 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 plurals the singular, unless the natural construction of the word indicates otherwise. The words "includes" and "including" shall mean "including but not limited to".
 - 2. Number of Days. Whenever a number of days are specified in this Development Code, or in any permit, condition of approval, or notice issued or given as provided in this Development Code, the number of days shall be construed as calendar days. Time limits will extend to the following working day where the last of the specified number of days falls on a weekend or holiday.

3. Minimum Requirements. When interpreting and applying the regulations of this Development Code, all provisions shall be considered to be minimum requirements, unless stated otherwise (e.g., height limits and site coverage requirements for structures, and the number and size of signs allowed are maximums, not minimums).
- C. 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 using the scale appearing on the zoning map; and
 3. Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley will be included within the zoning district of the adjoining property. ~~on either side of the centerline of the vacated or abandoned street or alley.~~
- D. Conflicting Requirements.
1. Development Code and Municipal Code Provisions. If conflicts occur between requirements of this Development Code, or between this Development Code and other regulations of the City, the most restrictive shall apply.
 2. Development Agreements or Specific Plans. If conflicts occur between the requirements of this Development Code and standards adopted as part of any development agreement or specific plan, the requirements of the development agreement or specific plan shall apply.
 3. Private Agreements. This Development Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development, maintenance, or use of structures or land than a private agreement or restriction. The City shall not enforce any private covenant or agreement.

17.04.030 Procedures – for Interpretations

Whenever the Director determines that the meaning or applicability of any of the requirements of this Development Code is subject to interpretation generally or as applied to a specific case, the Director may issue an official interpretation. Interpretations may also be requested, by any interested party, in compliance with this section. Notwithstanding any provision in this chapter, a determination by the Director or department staff, pursuant to any other section, that a person is violating this Development Code is not subject to a request for interpretation, nor is that determination appealable to the Planning Commission or to the City Council, or subject to a call for review.

- A. Request for Interpretation. A request shall be written and filed within ten days of any action by the department involving the provision which is the subject of the request. The written request shall specifically state the provision(s) in question, and may provide any information to assist in the review of the request.
- B. Record of Interpretations. If the Director determines that a provision of this Development Code requires refinement or revision, an amendment to this Development Code should be made as soon as is practical. Until amendments can occur, the Director will maintain a complete record of all official interpretations, which shall be available for public review, and indexed by the section number. Official interpretations shall be:
 - 1. In writing, and shall quote the provisions of this Development Code 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 City Council, Planning Commission, City Attorney, City Clerk and the department staff.
- C. Appeals and Referral. Any interpretation of this Development Code by the Director may be appealed to the Planning Commission as provided by Chapter 17.68.430. The Director may also refer any interpretation to the Commission for interpretation. Any interpretation by the Director may be called up for review by the Planning Commission in accordance with Chapter 17.68.420.

An interpretation of the Planning Commission shall be adopted by resolution and shall be effective ten days after the date of adoption unless appealed to the City Council as prescribed in Section 17.68.430. Determinations of the City Council shall also be adopted by resolution and shall be effective upon adoption.

ARTICLE I BASIC PROVISIONS

CHAPTER 17.06 DEFINITIONS

Sections:

- 17.06.010 Purpose
- 17.06.020 Criteria
- 17.06.030 Definitions of Specialized Terms and Phrases

17.06.010 Purpose

This chapter provides definitions of terms and phrases used in this Development Code that are technical or specialized, or that may not reflect common usage.

If any of the definitions in this chapter conflict with definitions in other chapters of the Municipal Code, these definitions shall prevail for the purposes of this Development Code. If a word is not defined in this chapter, or other titles of the Municipal Code, the most common dictionary definition is assumed to be correct.

17.06.020 Criteria

~~**A. All words used in the present tense shall include the future tense and all words in the singular shall include the plural. Already stated in Sec. 17.04.020(B)**~~

B. The word "building" includes the word "structure."

~~**C. The word "shall" is mandatory and not directory. (Already stated in Sec. 17.04.020(B)).**~~

~~**D. The word "may" is directory and not mandatory permissive. (Per Sec. 17.04.020(B)) (Already stated in Sec. 17.04.020(B))**~~

E. The words "zoning map" mean the map on file in the office of the Planning Division and hereby made a part of this title. The zoning map divides the property in the City and designates its zoning category (i.e. residential, commercial).

F. The word "Council" means the City Council of the City of Loma Linda.

G. The word "City" means the City of Loma Linda, a Municipal Corporation and General Law City of the State of California.

17.06.030 Definitions of Specialized Terms and Phrases

"A" Definitions.

Abandoned. To cease or suspend from developing or maintaining a building or use for a stated period of time.

Abutting (Adjacent). Two or more parcels sharing a common boundary, of at least one point.

~~**Accessory.** *A building or use which is subordinate to the main building or primary use and used for purposes incidental to those of the main building or use on the said lot, including private garages and detached living quarters for use only by temporary guests or by the domestic help of the occupants of the premises, provided such accessory building has no kitchen facilities, and is not rented for or used as a separate dwelling.*~~

Accessory Structure. *A detached structure which is subordinate to, and the use of which is customarily incidental to, that of the primary structure or use on the same lot. Detached structures that contain dwelling units shall not be considered accessory structures. Accessory structures include, but are not limited to: garages, decks, patio covers, gazebos, greenhouses, spas and hot tubs, storage sheds; swimming pools, tennis and other on-site sport courts, art studios and hobby shops*

~~**Accessory Residential Uses and Structures.** *Any use and/or structure that is customarily a part of, and clearly incidental and secondary to, a primary residence and does not change the character of the surrounding residences and neighborhood. These uses include the following detached accessory structures, and other similar structures normally associated with a residential use of property including: Garages; patios; gazebos; greenhouses; spas and hot tubs; storage sheds; swimming pools; tennis and other on-site sport courts, art studios and hobby shops.*~~

Acres, Gross. The entire acreage of a site. Gross acreage is calculated to the centerline of the bounding streets. In cases where all required dedications have been offered and accepted by the County of San Bernardino and the City gross acreage equals net acreage. Compliance with the Subdivision Map Act is required.

Acres, Net. The portion of a site not reserved for public use. The following are not included in the net acreage of a site: Public or private road rights-of-way; common or public open space; and floodways. Compliance with the Subdivision Map Act is required.

Acupressure, Acupuncture. *A form of medical treatment involving the use of pressure, needles, or similar applications.*

Adaptive Reuse. The conversion of obsolete, old, or historic buildings from their original or most recent use to a new use. For example, the conversion of a former hospital or school building to residential use, or the conversion of an historic single-family home to an office use.

Addition (Building or Structure). Any construction which increases the size of a building or facility in terms of site coverage, height, length, width or gross floor area.

Adult Day Health Care. Pursuant to Health and Safety Code Section 1570.7 “adult day health center” or “adult day health care center” means a licensed and certified facility that provides an organized day program of therapeutic, social, and skilled nursing health activities and services to elderly persons or adults with either functional physical or mental disabilities. When provided on a short-term basis, adult day health care serves as a transition from a health care facility or home health program to personal independence. Provided on a long-term basis, it serves as an alternative to institutionalization in a long-term health care facility when 24-hour skilled nursing care is not medically necessary or viewed as desirable by the recipient or his or her family.

Adult Oriented Business. *See Chapter 17.34 – Adult Oriented Businesses*

Adverse Impact. A negative consequence for the physical, social or economic environment resulting from an action or project and the resulting change.

Affordable Housing. Housing that can be purchased or rented by a household with very low, low or moderate income and based on a household’s ability to make monthly payments necessary to obtain housing. Housing is considered affordable when a household pays less than 30% of its gross monthly income for housing, including utilities.

~~**Agriculture.** *Use of land for the production of food and fiber, including the growing of crops and/or grazing of animals on natural prime or improved pasture land.*~~

~~**Air Pollution.** *Concentrations of substances found in the atmosphere that exceed naturally occurring quantities and are undesirable or harmful to human health in some way. (Are both of these definitions necessary)?*~~

Alley. A public or private way, at the rear or side of property, permanently reserved as an ancillary means of vehicular or pedestrian access abutting a property.

Alcohol Sales, Off-Sale. *Any establishment in which alcoholic beverages are sold, served, or given away for consumption off the premises and which is applying for or has obtained a Department of Alcoholic Beverage Control (ABC) License Type 20 (off-sale beer and wine-package store) or License Type 21 (off-sale general-package store). References to the establishment*

shall include any immediately adjacent area that is owned, leased, or rented, or controlled by the licensee.

Alcohol Sales, On-Sale. Any establishment in which alcoholic beverages are sold, served, or given away for consumption on the premises and which is applying for or has obtained any Department of Alcoholic Beverage Control Licenses for on-site consumption. References to the establishment shall include any immediately adjacent area that is owned, leased, or rented, or controlled by the licensee.

Alteration. Any construction or physical change in the internal arrangement of rooms or the supporting members of a building or structure, or change in the appearance of any building or structure.

Amenity. Aesthetic or other characteristics of a development that increase its desirability to the community or its marketability to the public. Amenities differ from development to development but may include recreational facilities such as swimming pools or tennis courts, security systems, views, tree preservation, gardens, or enhanced open space.

Amortization. A term used in zoning to mean the process by which non-conforming uses and structures must be discontinued or made to conform to the requirements of the ordinance at the end of a specified period of time. The term itself is a variation of the real estate term by which borrowers are required to pay back a debt in regular payments over a fixed period of time, e.g., installment payments on the principal of a mortgage.

Amusement Devices, Electrical or Mechanical. Any machine, which upon the insertion of money, coin, slug, token, plate or disc, may be operated by the public generally for use as a game entertainment or amusement, whether or not registering a score. It shall include such devices as electronic machines, computer machines, marble machines, pinball machines, skill ball and all games, devices, operations or transactions similar thereto under whatever name they may be indicated or known.

Animal Boarding/Kennels. The commercial provision of shelter and care for dogs, cats, and other household animals permitted by this Title, including activities associated with such shelter and care (e.g., feeding, exercising, grooming, and incidental medical care).

Animal Grooming. The commercial provision of bathing and trimming services for dogs, cats, and other household animals permitted by this Development Code.

Animal Hospital. (See Veterinary Clinic, Hospital) A place where animals and pets are given medical or surgical treatment and are cared for during the time of such

treatment; the ancillary use of the premises as a kennel or a place where animals or pets are boarded for remuneration.

Animal Retail Sales. *The retail sales and boarding of household animals within an entirely enclosed building. These uses include grooming, if incidental to the retail use.*

Antenna. A device used in communications that transmits or receives radio signals.

Antenna, Dish. A dish-like antenna, **greater than 36-inches in diameter,** used to link communications sites together by wireless transmission of voice or data. Also called microwave antenna or microwave dish antenna.

Antenna Panel. An antenna or array of antennae that are flat and rectangular and designed to concentrate a radio signal in a particular area. Also referred to as directional antennae.

Antenna, Whip. An antenna that transmits signals in 360 degrees. They are typically cylindrical in shape and are less than six inches in diameter and measure up to nine feet in height. Also called omni-directional, pipe or stick antenna.

Applicant. Owner(s) or lessee(s) of property, or their agent(s), or person(s) who request in writing the approval of a lease, permit, license, certificate or other entitlement for use from one or more public agencies.

Arcades, Recreational. A business being conducted or carried on when a substantial part of the premises is taken up by electronic or mechanical amusement devices for the purpose of being operated by the public generally.

Atrium. A fully enclosed space whose ceiling height is at least 1.5 times higher than the ceiling of a building's own adjacent interior space. An atrium must have interior openings, or windows bordering it on at least one side.

Attached. Any structure that has an interior wall or roof in common with another structure.

Automobile Service Station. A business which provides for the servicing or fueling of motor vehicles, including tire repairs, battery charging, storage of merchandise and supplies related to the servicing of motor vehicles, sale of gasoline and other fuel and lubricants, motor vehicle washing, grease racks, and motor vehicle repairs, excluding body and fender work, engine overhauling and replacement, transmission work and other similar activities.

Automotive and Vehicular Repair (Minor). Activities including, but not limited to,

the wholesale or retail sale or exchange of goods and/or services for the repair, restoration, overhaul, or maintenance of automobiles, light trucks, boats, trailers, or other vehicles (of less than 6,000 lbs) whether performed on site or elsewhere, and the cleaning and washing, by hand or machine, of the same. Such repair, restoration, overhaul, or maintenance activities shall be limited to those activities which do not require the use of open flames, welding, body work, or painting (whether within or outside of a paint booth), or acts involving the removal, in whole or in part, of the vehicle's engine, transmission, transfer case, front or rear axle, fenders, exterior skin, or bumpers. The wholesale or retail sales of vehicle part or accessories, including engine, transmission, front or rear axle, fenders, exterior metal skin, or bumpers, for installation at another location shall be permitted

Automotive and Vehicular Repair (Major). Activities including, but not limited to, the wholesale or retail sale or exchange of goods and/or services for the repair, restoration, overhaul, or maintenance of automobiles, light trucks, boats, trailers, or other vehicles and the cleaning and washing, by hand or machine, of the same. Such repair, restoration, overhaul, or maintenance activities may include activities which require the use of open flames, welding, body work, or painting (whether within or outside of a paint booth), or acts involving the removal, in whole or in part, of the vehicle's engine, transmission, transfer case, front or rear axle, fenders, exterior skin, or bumpers. The wholesale or retail sales of vehicle part or accessories, including engine, transmission, front or rear axle, fenders, exterior metal skin, or bumpers, or the installation of major accessories.

Awning. A roof-like cover that is attached to and projects from the wall of a building for the purpose of shielding the building from the elements.

"B" DEFINITIONS

Backfill. Material placed into an excavated area, pit, trench or behind a constructed retaining wall or foundation.

Banks and Financial Services. Financial institutions including: banks and trust companies; credit agencies; holding (but not primarily operating) companies; lending and thrift institutions; other investment companies; securities/commodity contract brokers and dealers; security and commodity exchanges; and vehicle finance (equity) leasing agencies.

Basement. A space wholly or partly underground, and having more than one-half of its height, measuring from its floor to its ceiling below the average adjoining grade; if the finished floor level directly above a basement is more than six feet above grade at any point, such basement shall be considered a story. A basement, when used as a dwelling, shall be counted as a story for purposes of height measurement.

Balcony. *A platform that projects from the wall of a building and is enclosed*

by a parapet or railing

Bay Window. A projecting bay from an exterior wall of a structure that contains window glazing over at least 50 percent of any surface of the bay that does not lie perpendicular to the exterior wall. The bay window may be directly supported by a foundation or it may be cantilevered out from an exterior wall. ***(A bay window with a foundation may not encroach into required setbacks)***

Bed and Breakfast. See Hotel or Motel.

Berm. A mound or embankment of earth, typically used in landscaping for decorative purposes or screening purposes.

Block. A parcel of land surrounded by public streets, highways, freeways, railroad rights-of-way, flood control channels, creeks, washes, rivers or un-subdivided acreage or any combination thereof.

Block Face. One complete side of a block, usually facing a public street.

Boarding House. A structure where lodging and meals for **four (4)** ~~seven (7)~~ or more boarders is provided for compensation. See also Lodging Unit.

Body Art. Body art is the collective term for any single activity or combination of activities defined herein as tattooing, body piercing or the application of permanent cosmetics. It shall not include activities such as, or similar to, cutting of the skin or subcutaneous tissue, cutting or modification of cartilage or bone, implantation, branding, deep tissue penetration, threading, stapling or any other invasive procedure, whether or not such act would constitute the practice of medicine requiring licensure as a physician.

Body Art Establishment. ***Any permanent premises, business, location, or facility, used or operated in whole or in part as a body piercing parlor, permanent cosmetics parlor, or as a tattoo parlor.***

Body Piercing. ***The creation of an opening in the human body for purpose of inserting jewelry or other decorations. This includes, but is not limited to, creating such an opening in the ear, lip, tongue, nose, eyebrow or navel for the purpose of inserting jewelry or other decorations.***

Body Piercing Parlor. ***Any place of business where body piercing occurs.***

Borrow Pit. Any place or premises where dirt, soil, sand, gravel or other material is removed by excavation or otherwise below the grade of surrounding land for any purpose other than that necessary and incidental to grading or to building construction or operation on the premises.

Breezeway. A structure with two sides open which connects a main building with an

accessory building or portions of a main building.

Buffer Area. A strip of land established to protect one type of land use from another land use that is incompatible. A buffer may include plantings, berms or other screens which block vision noise or other negative impacts of more intense uses on less intense uses.

Building. Any structure having a roof supported by columns or walls, built for the support, shelter, or enclosure of persons, animals or personal property or any kind.

Building Area. The net portion of the lot remaining after deducting all required setbacks from the gross area of the lot.

Building Height. The vertical distance above a reference datum to the highest point of the coping of a flat roof, or to the top deck line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- A. The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet above the lowest grade; or,
- B. An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in paragraph A above is more than ten (10) feet above lowest grade.
- C. The height of a stepped or terraced building is the maximum height of any segment of the building.

Building, Historic. A building listed individually on the National Register of Historic Places, or by a state or county agency charged with recognition or preservation of historic structures, or by resolution of the City Council as having significant local or regional historical importance or value to the community.

Building Material Supplies (Retail). Establishments selling lumber and other large building materials, where most display and sales occur indoors. Includes paint, wallpaper, glass, fixtures. Includes all building material stores which sell to the general public, even if contractor sales account for a major proportion of retail sales. Includes incidental retail ready-mix concrete operation.

Building Permit. Authorization from the City to commence construction and complete a structure in compliance with plans approved by the City.

Building Site(s). The ground area of a building or buildings together with all open spaces, including those required by this title.

Business Center. A development in which businesses and structures are designed as

an architecturally integrated and interrelated development. Such design is independent of the number of structures, lots, or parcels making up the center.

Business Support Services. Establishments primarily within buildings, providing other businesses with services including maintenance, repair and service, testing rental etc., also includes: blueprinting; mail advertising services (reproduction and shipping); business equipment repair services (except vehicle repair); commercial art and design (production); computer-related services (rental, repair); copying, quick printing, and blueprinting services; photofinishing; equipment rental and janitorial services.

"C" DEFINITIONS

California Environmental Quality Act (CEQA). State law, (California Public Resources Code Sections 21000 et seq.) requiring public agencies to document and consider the environmental effects of a proposed action, prior to allowing the action to occur.

California Public Utilities Commission (CPUC). The governmental agency which regulates the terms and conditions of public utilities in the state.

Caretaker's Residence. A dwelling unit accessory to a principal use on a *commercial, industrial, public, or semi-public* site and intended for occupancy on the same site, as a caretaker, security guard, servant or similar position generally requiring residence on the site.

Carport. A permanent roofed structure with no more than three enclosed sides used or intended to be used for automobile shelter or storage.

Car Washes. An establishment providing facilities for the washing of motor vehicles and open to the public. Oil change and lubrication services may be considered incidental and are limited to a maximum of two (2) service bays. No other type of vehicle repair, body work or vehicle painting is permitted. "Car wash" does not include a "vehicle dealership" that washes customer vehicle that being repaired and vehicle that the dealership has that are for sale, lease, or rent provided that there is no separate charge for the washing of customer vehicles.

Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes including columbariums, crematoriums, mausoleums, and mortuaries when operated in conjunction and within the boundary of such cemetery.

Certificate of Occupancy. A permit issued by the City prior to occupancy of a structure to assure that that the structure is ready for occupancy with all defects corrected and all construction debris removed and the site graded to final grade. Additionally, all on-site amenities (i.e. paving, landscaping, etc.) shall be in place prior to the issuance of the permit.

Child Care Facility. A facility which provides non-medical care to children under 18 years of age in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24 hour basis. Child Day care facility includes day care centers, employer-sponsored child care centers and family day care homes as set forth in Government Code 1596.750 and as defined in regulations.

Child Care Home, Large Family. A home that provides family day care for 8 to 14 children, *including children under the age of 10 years who reside at the home*, in the provider's own home for less than 24 hours per day on lots zoned for single-family dwellings as set forth in Government Code 1597.46 and as defined in regulations.

Child Care Home, Small Family. A home that provides family day care for 8 or fewer children, including children under the age of 10 years who resides at the home, as set forth in Government Code Section 1597.44 and as defined in regulations.

~~**Church (place of religious worship).** An establishment where the principal purpose of which is religious worship and for which the principal structure contains the sanctuary and including accessory uses in the main structure or in separate buildings including school rooms, assembly rooms, kitchen, library room and a dwelling unit, but excluding day care nurseries and facilities for residences of or training of religious orders. The term church shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held. A property tax exemption obtained pursuant to the Constitution of the State of California, shall constitute prima facie evidence that such use is a church as defined herein. (See Places of Religious Assembly)~~

~~**Clubs, Lodges, and Meeting Halls.** Permanent, headquarters-type meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for: business associations; civic, social and fraternal organizations; political organizations; professional membership organizations and other membership organizations. (See Places of Assembly)~~

Commercial. The carrying on of trade and commerce for the purpose of providing substance or profit and into which, or any material part of which, the elements of bargain and sale, barter, exchange or traffic enter.

Commercial Vehicle. A vehicle that is customarily used as part of a business for the transportation of goods and people.

Community Centers. Multi-purpose meeting and recreational facilities typically consisting of one or more meeting or multi-purpose rooms, kitchen and/or outdoor facilities that are available for use by various groups for such activities as meetings,

parties, receptions, dances, etc.

Commercial Recreation and Entertainment. *Establishments providing participant or spectator recreation or entertainment, either indoors or outdoors, for a fee or admission charge. Illustrative examples of these uses include:*

- *arcades or electronic games centers having three or more coin-operated game machines*
- *amusement parks*
- *bowling alleys*
- *billiard parlors*
- *cinemas*
- *golf courses*
- *ice/roller skating rinks*
- *internet cafes*
- *miniature golf course*
- *pool rooms*
- *scale-model courses*
- *sports stadiums and arenas*
- *tennis/racquetball courts*
- *theaters*

Condominium. As defined in Section 1350 of the Civil Code, a condominium is an estate of real property consisting of an undivided interest in common areas, together with a separate right of ownership in space in a residential or commercial building on a legal parcel.

Community Care Facility. As defined in Section 1502 of the Health and Safety Code, a community care facility means any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, and includes following:

- A. Residential facility means any family home, group care facility, or similar facility determined by the director, for 24-hour non-medical care of persons in need of personal services, supervisions, or assistance essential for sustaining the activities daily living or for the protection of the individual.
- B. Adult day program means any community-based facility or program that provides care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living for the protection of the individual on less than a 24-hour basis.
- C. Therapeutic day services facility means any facility that provides non-medical care, counseling, educational or vocational support, or social rehabilitation services on less than a 24-hour basis to persons under 18 years of age who would otherwise be placed in foster care or who are returning to families from foster care.
- D. Foster family agency means any organization engaged in the recruiting, certifying and training of, and providing professional support to, foster parents,

or in finding homes or other places for the placement of children for temporary or permanent care who require that level of care as an alternative to a group home. Private foster family agencies shall be organized and operated on a non-profit basis.

- E. Social rehabilitation facility means any residential facility that provides social rehabilitation service for no longer than 18 months in a group setting to adults recovering from mental illness who temporarily need assistance, guidance, or counseling.
- F. Community treatment facility means any residential facility that provides mental health treatment services to children in a group setting and that has the capacity to provide secure containment.
- G. Full-service adoption agency means any licensed entity engaged in the business of providing adoption services that does all of the following: (a) assumes care, custody and controls of a child through relinquishment of the child to the agency or involuntary termination of parental rights to the child; (b) assesses the birth parents, prospective adoptive parents, or child; (c) places children for adoption; (d) supervises adoptive placements.
- H. Noncustodial adoption agency means any licensed entity engaged in the business of providing adoption services, that does all of the following: (a) assesses the prospective adoptive parents; (b) cooperatively matches children freed for adoption, who are under the care, custody, and control of a licensed adoption agency, under the care, custody, and control of a licensed adoption agency, for adoption, with assessed and approved adoptive applicants; (c) cooperatively supervises adoptive placements with a full-service adoptive agency, but does not disrupt the placement or remove a child from a placement.
- I. Transitional shelter care facility. means any group care facility that provided for 24-hours non-medical care of person in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.
- J. Transitional housing placement facility. means a community care facility licensed by the department pursuant to Section 1559.110 to provide transitional housing opportunities to persons at least 17 years of age, and not more than 18 years of age.

Contractor's Storage Yard. A facility for the storage and maintenance of contractor's supplies and operational equipment.

Construction Permit. Generic term referring to Building, Grading, Electrical, Plumbing, and Mechanical Permits, and any other permit or entitlement granted by the

city which authorizes actual construction activity.

Convenience Store. Retail stores ~~of generally~~ 3,500 square feet or less in gross floor area, which primarily carry prepackaged food and beverage products, but may also include other merchandise oriented to convenience shopping and travelers' needs.

Convention Centers. Multi-purpose facilities including meeting halls, exhibition and convention halls and meeting halls for rent.

Cottage food operation. *An enterprise within the registered or permitted area of a dwelling unit where the cottage food operator, as defined by California Health and Safety Code Section 113758, resides and where cottage food products pursuant to California Health and Safety Code Section 113758 are prepared or packaged for direct, indirect, or direct and indirect sale to consumers.*

Court. An open, unoccupied space, other than a yard, unobstructed from ground to sky on the same lot with a building or buildings and which is bounded on two or more side by the walls of the building.

- A. Court, Inner. An open area, unobstructed from the ground to sky, which is bounded on more than three sides by the exterior walls of one or more buildings.
- B. Court, Outer. An open area, unobstructed from the ground to the sky, which is bounded on not more than three sides by the exterior walls of one or more buildings.

Covenants, Conditions and Restrictions (CC&Rs). A term used to describe restrictive limitations that may be placed on property and its use, and which usually are made a condition of holding title or lease.

Cut and Fill. The excavating of earth material in one place and depositing of it as fill in an adjacent place.

"D" DEFINITIONS

Deck. *A roofless, floored structure, which may have a railing, that adjoins a house and shall not exceed a maximum height of five feet above the natural grade. (Per Section 17.08.070G)*

Dedication. The turning over by an owner or developer of private land for public use, and the acceptance of land for such use by the governmental agency having jurisdiction over the public function for which it will be used. Dedications for roads, parks, school site or other public uses often are made conditions for approval of a development by

the City.

Density. The number of dwelling units per gross acre, unless otherwise stated, for residential uses

Density Bonus. An increase in the number of permitted residential units that may be built upon a property over the otherwise allowable residential density under the applicable land use element limitations of the adopted General Plan. Any and all density bonus application(s) shall be processed and shall conform to the requirements, allowances and limitations as specified within the California Government Code Sections 65915 et.al.

Destination Retail. Retail businesses that generate a special purpose trip and that do not necessarily benefit from a high volume pedestrian location.

Development. The placement or erection of any solid material or structure; discharge or disposal of any dredged material or any gaseous liquid, solid or thermal waste; grading, removing, dredging, mining or extraction of any soil or materials; change in the density or intensity of use of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity or use of water, or of access thereto; construction; reconstruction, demolition or alteration of the size of any structure including any facility of any private, public or municipal utility; and the removal of any major vegetation. A project, as defined in Government Code section 65931 is included in this definition.

Development Agreement. A contract between the City and an applicant for a development project in compliance with Government Code Sections 65864 *et.seq.* A development agreement is intended to provide assurance to the applicant that an approved project may proceed, subject to the rules, regulations, and conditions of approval applicable to the project at the time of approval, regardless of any changes to city policies rules and regulations after project approval. In return, the City may be assured that the applicant will provide infrastructure and/or fees required by a new project.

Development Rights. The right to develop land by a land owner who maintains a fee simple ownership over the land or by a party other than the owner who has obtained the right to develop.

Digital Services. Digital photographic services which may include: scanning; slide show (montage); DVD authoring; retouching; restoration. Audio/video productions including: International video conversion; video transfer from photos; and slides and home movies (8mm & 16mm) to VHS or DVD. Photo lab including: Color, B & W prints and slide processing; camera repair (digital & film); digital prints; and enlarging.

Driveway, Residential. A fully improved area of ~~a residential~~ property designed to provide vehicular access to a legal parking space(s), ~~garage, parking area, or parking structure located on the property.~~

~~**Driveway, Drive Aisle, Commercial.** A fully improved area of a property designed to provide vehicular access on a commercial property to a garage, parking area, or parking structure located on the property.~~

Dormitory. A structure intended principally for sleeping accommodation where no individual kitchen facilities are provided and where such structure is related to an educational institution or is maintained and operated by a recognized non-profit welfare organization.

Duplex. A detached building under single ownership that is designed for occupation as the residence of two families living independent of each other.

Dwelling. A structure or portion thereof designed for residential occupancy, not including hotels or motels.

Dwelling, Multiple. A structure containing two (2) or more dwelling units or a combination of two or more separate single-family dwelling units.

Dwelling Unit. A group of rooms (including, sleeping, eating, cooking, and sanitation facilities, but not more than one kitchen, which constitutes an independent housekeeping unit, occupied or intended for occupancy by one family on a long-term basis.

"E" DEFINITIONS

Easement. A grant of one (1) or more property rights by the property owner for use by the public, a corporation or another person or entity generally for the purposes of access, utilities, storm water, or conservation.

Easement, Conservation. A tool for acquiring open space with less than full fee purchase whereby a public agency buys or is granted only certain specific rights from the land owner. These may be positive rights (providing the public with the opportunity to hunt, fish, hike or ride over the land), or they may be restrictive rights (limiting the uses to which the land owner may devote the land to in the future.

Emergency Shelter. *As defined in Health and Safety Code Section 50801(e), housing with minimal supportive services for homeless persons (e.g., food, counseling, access to other social programs, etc.) that is limited to occupancy of 6 months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.*

Eminent Domain. The right of a government to “take” private property for public use or benefit upon payment of just compensation to the owner.

Enclosed. A covered space fully surrounded by walls, including windows, doors and similar openings or architectural features, for a space of not less than 100 square feet fully surrounded by a building or walls and exceeding eight (8) feet in height.

Encroachment Permit. Authorization by the City for the use of or work within a portion of a public right-of-way for non-municipal purpose, which may be granted by the City Engineer.

Entertainment, Live. Any act, play, revue, pantomime, scene dance act, or song and dance act or any combination thereof, performed by one or more persons whether or not they are compensated for the performance.

Environment. The physical conditions which exist in the area which will be affected by a proposed project, including land, air, water, mineral, flora, fauna, noise, and objects of historic or aesthetic significance.

Equipment Rental Yard or Contractor Yard. A use providing for maintenance, servicing, or storage of motor vehicles, equipment, or supplies; or for the dispatching of service vehicles; or distribution of supplies or construction materials required in connection with a business activity, public utility service, transportation service or similar activity. The term “contractor yard” shall include a construction materials yard, vehicular service center, or similar use.

Exaction. A contribution or payment required as a condition of receiving a development permit. If usually refers to fees, dedications or requirements to make public improvements.

“F” DEFINITIONS

Facade. Any exterior elevation of a building exposed to public view or that wall viewed by persons not within the building.

Family. An individual living alone, or two or more persons living together, related by blood or marriage, or a group of persons who are not related by blood or marriage excluding domestic help, provided the group of persons are living together as a single housekeeping unit in a dwelling unit with one kitchen.

Farmer’s Market. The temporary use of a site for the outdoor sales of food and farm produce items from vehicles, in compliance with California Food and Agriculture Code Sections 1392 *et seq.*

Fence. ~~A manmade wall or barrier constructed for the purpose of enclosing space or separating parcels of land. An artificially constructed barrier of any~~

material (including shrubbery) or combination of materials erected to enclose or screen areas of land.

Fill Material. Dirt, structural rock or gravel, broken concrete and similar structural substances customarily used to raise the level of the ground, but excluding topsoil, bark, ornamental rocks or gravel placed on the surface of the ground

Findings. The formal determinations or conclusions of a city in support of a decision. Findings must be based on the evidence presented and prepared by the decision maker. A requirements to produce findings of fact is often found in due process rules of State legislations and in California applies to most discretionary permits.

Floor Area, Gross.

- A. The area of all floors or levels included within the surrounding walls of a building or structure. Space devoted only to the following shall ***not*** be considered in determining the gross floor area within a building or structure for the purposes of calculating parking requirements or floor area ratios:
1. Enclosed vertical stair shafts;
 2. Elevator shafts;
 3. Courts;
 4. Parking spaces and access thereto;
 5. Rooms exclusively housing building operating equipment or machinery;
 6. Pedestrian mall areas.
- B. Gross Floor Area as used in this Code shall not include space used or provided with a building or structure for publicly owned off-street parking facilities.

Floor Area Ratio. The floor area permitted on a site divided by the total gross area of the site, expressed in decimals to one or two places. For example: on a site with 10,000 gross sq. ft. of land area, a Gross Floor Area of 0.5 would allow 5,000 square feet of floor area 1.0 will allow a maximum of 10,000 sq. ft. of building floor area to be built. Similarly, an F.A.R. of 1.5 would allow 15,000 sq. ft. of floor area; and F.A.R. of 2.0 would allow 20,000 sq. ft. F.A.R.s shall be applied on a parcel by parcel basis as opposed to an average F.A.R. for an entire land use or zoning district.

Frontage. The side of a lot abutting a street (the front lot line), except the side of a corner lot (the street side lot line). On corner lots the narrowest frontage shall be considered the front of the lot. The frontage of a non-rectangular lot or a lot located on a cul-de-sac, curved street or dead-end street with a curved turn-around shall be measured as the line drawn between the terminuses of the side property lines at their intersections with the street right-of-way.

"G" DEFINITIONS

Garage, Private. An enclosed building or a portion of an enclosed building used for the parking of vehicles. May be attached or detached to a residential unit, when detached, considered an accessory structure.

Garage, Public. A building, or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

General Plan. The City of Loma Linda General Plan as adopted by the City Council. A general plan is a comprehensive, long term plan for the physical development of a county or a city and any land outside its boundaries which the planning agency determines bears relation to its planning.

Glare. The reflection of harsh, bright light, or “the physical effect resulting from high luminance or insufficiently shielded light sources in the field of view.”

Government Facility. A use consisting of services and facilities operated by any level of government.

Grade. The elevation of the surface of the ground.

- A. **Grade, Adjacent Ground Level.** The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line; or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.
- B. **Grade, Finished.** The elevation of the surface of the ground after grading, construction or landscaping activities.
- C. **Grade, Natural.** The elevation of the surface of the ground before the ground elevation is altered by any grading, construction or landscaping activities.

“H” DEFINITIONS

Habitable Structure. A structure which includes habitable space for living, sleeping or cooking. Bathrooms, toilet compartments, storage or utility space, and similar areas are not considered habitable space.

Hazardous Material. An injurious substance, including (among others) pesticides, herbicides, poisons, toxic metals and chemicals, liquefied natural gas, explosives, volatile chemicals and nuclear fuels

Health/Fitness Facilities

Small. An indoor facility of 2,000 square feet or less in size where passive or active exercises and related activities are performed using minimal muscle-building equipment or apparatus for the purpose of

physical fitness, improved circulation or flexibility, and/or weight control. Examples of uses include Pilates, personal training, and yoga and studios.

Large. A full-service fitness center, gymnasium, or health and athletic club which is over 2,000 square feet in size and may include any of the following: sauna, spa or hot tub facilities; weight rooms; indoor tennis, handball, or racquetball courts; aerobic classes and other indoor sports activities; locker rooms and showers.

Home Occupation. An accessory occupational use conducted by a resident of a dwelling as a secondary use thereof, which is conducted entirely within a dwelling by the inhabitants thereof, which is clearly incidental to the use of the structure for dwelling purposes and which does not change the character thereof, and for which there is no display, no stock in trade, no commodity sold on the premises, and no mechanical equipment used except that necessary for housekeeping purposes.

Hospital. (See Medical Services, Hospital).

Hotel or Motel. A facility providing lodging and related services for a charge, typically for a period of one month or less. "Hotel" or "motel" shall include inns, residence or extended stay hotels, bed and breakfasts, other similar facilities, and all businesses subject to collection of transient occupancy tax. "Hotel" or "motel" does not include guest houses, assisted living facilities, convalescent care facilities or single-family residences.

"I" DEFINITIONS

Impact. The effect of any direct man-made actions or direct repercussion of man-made actions on existing physical, social or economic conditions.

Impact Fees. Fees levied on the developer of a project by the City as compensation for unmitigated impacts the project will produce.

Impervious Surface. Surface through which water cannot penetrate, such as a roof, road, sidewalk or paved parking lot. The amount of impervious surface increases with development and establishes the need for drainage facilities to carry the increased runoff.

Improvement. Any man-made immovable item which becomes part of, or is placed upon, or is affixed to, real estate.

Industrial. The manufacture, production and processing of consumer goods. Industrial is often divided into "heavy industrial" uses, such as construction yards, quarrying and

factories; and "light industrial" uses such as research and development and less intensive warehousing and manufacturing.

Industrial Park. A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation and open space.

Infill Development. Development that occurs on up to four (4) contiguous lots scattered within areas that are already largely developed or urbanized. Generally these sites are vacant because they were once considered of insufficient size for development, because an existing building located on the site was demolished or because there were other, more desirable sites for development.

Infrastructure. Facilities and services that are required to support and sustain land uses in all zoning districts, including: Water; sewer line and other utilities; streets; communications and public facilities including fire and police stations, parks and schools.

Institutional Use.

- A. Publicly or privately owned and operated activities that are institutional in nature, such as hospitals, museums, and schools:
- B. Other non-profit activities of a welfare, educational, or philanthropic nature that cannot be considered a residential, commercial, or industrial activity.

Intensification of Use. A change in the use of a structure or site, where the new use is required by the Code, to have more off-street parking spaces than the former use; or is a change in the permitted operating characteristics of a use (for example, hours of operation) which generates more activity on the site.

"J" DEFINITIONS

"K" DEFINITIONS

Kennels and Animal Boarding. Commercial facilities for the keeping, boarding, or maintaining of four or more dogs four months of age or older, or four or more cats for commercial purposes, except for dogs or cats in pet shops or animal hospitals.

Kitchen or Kitchenette. An area designed and/or used for the preparation of food, which includes any three of the following features:

- A. Cooking or food heating equipment, including a hot plate, microwave, oven or range;
- B. A refrigerator or other device for cold storage;
- C. Cabinets, shelves, or other facilities for storage of food and/or utensils; or
- D. A sink and water supply.

Kitchen, Dirty. A term for a secondary kitchen that is designed to be a separate room in the house and is used for cooking foods that have strong odors or produce a lot of smoke.

"L" DEFINITIONS

Landscaping. Some combination of planted trees, shrubs, vines, ground cover, flowers, or lawns. The combination or design may include hardscape not to exceed fifty percent of the total for any landscaped area. Hardscape may include rock ground cover and such structural features (benches, *fountains, water features*, statues) that contribute to the overall design of the landscape area.

Laundries and Dry Cleaning Plants. Service establishments primarily engage in high volume laundry and garment services, including power laundries (family and commercial); garment pressing and dry cleaning; linen supply diaper service; industrial laundries; carpet and upholstery cleaners. Does not include coin-operated laundries or dry-cleaning pick-up stores without dry cleaning equipment.

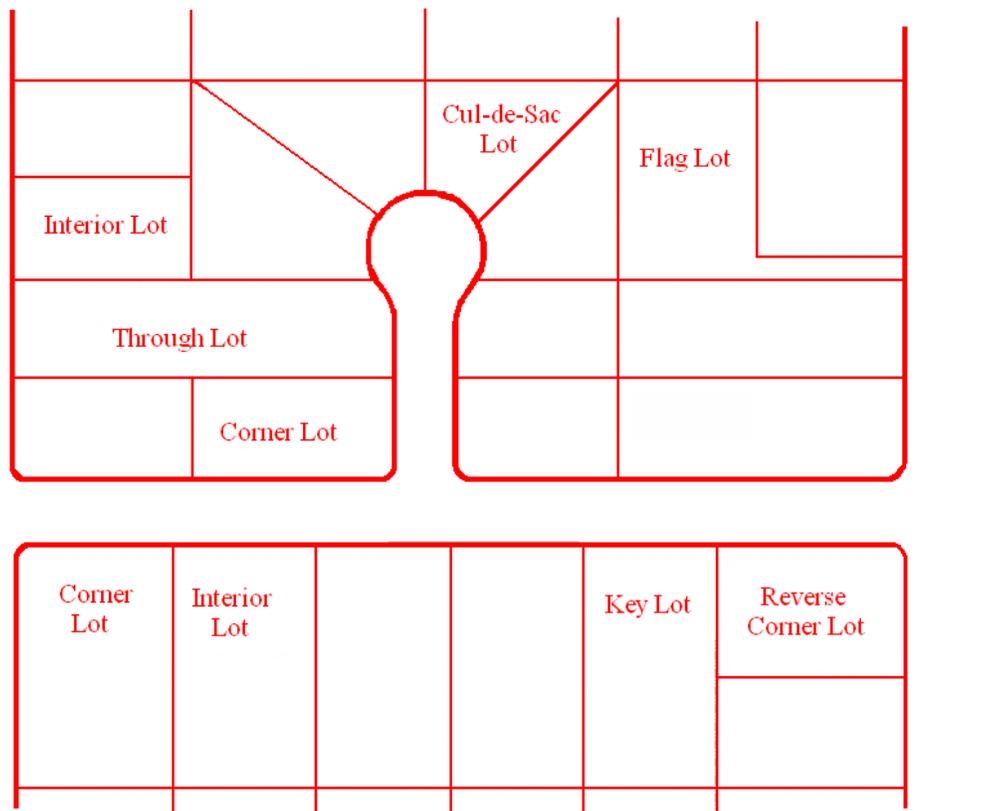
Lodging Unit. An attached or detached residential dwelling unit where rooms may be rented by no more than six (6) paying guests or lodgers. See also Boarding House.

LEED. The Leadership in Energy and Environmental Design (LEED) Green Building Rating System developed and approved by the United States Green Building Council.

Lot. A parcel of real property *as* shown as a delineated parcel of land with a number or other designation on a plat recorded in the office of the county recorder; or a single parcel of land used or capable of being used for a building with yards or other open spaces required by this title or other ordinances, provided such area or parcel contains not less than the prescribed minimum area required in the zone in which it is located, and which abuts at least one public street, an alley, or a recorded private easement, determined by the City Council to be adequate for purposes of access from a street. ***Types of lots include the following:***

- A. ***Corner lot. A lot located at the intersections of two or more streets where they intersect at an interior angle of not more than one hundred thirty-five (135) degrees.***

- B. **Flag lot.** A lot having access to a public street by means of a private right-of-way strip that must be owned in fee.
- C. **Interior lot.** A lot other than a corner or reverse corner lot. Any lot line not abutting a street.
- D. **Key lot.** The first lot to the rear of a reverse corner lot and whether or not separated by an alley. (Ord. 98 § 10.09.18, 1974)
- E. **Reversed Corner lot.** Corner lot, the side street line of which is substantially a continuation of the front lot line of the lot upon which it rears. (Ord. 98 § 10.09.19, 1974)
- F. **Through lot.** A lot with frontage on two generally parallel streets.



Lot Area. The total horizontal area within the boundary of a lot, *inclusive of any easements.* ***On a flag lot, the access portion of the lot is not included in the calculation of the lot area.***

Lot Coverage. The percentage of total site area occupied by structures, and paving for vehicle use. Structure/building coverage includes the principal structure, all accessory structures (e.g., carports, garages, patio covers, storage sheds) architectural features (e.g., chimneys, balconies, decks above the first floor, porches,

stairs, etc.) Building coverage is measured from exterior wall to exterior wall. Pavement coverage includes areas necessary for the ingress, egress, outdoor parking and circulation of motor vehicles.

Lot Depth. The horizontal distance between the front and rear boundary lines, measured in the mean direction of the side lot lines.

Lot Line or Property Line. Any recorded boundary of a lot. Types of lot lines are as follows:

- A. **Front lot line.** In the case of an interior lot, the front lot line means a line separating the lot from the street, and in the case of a corner lot, the front lot line means the line separating the narrowest street frontage of the lot from the street.
- B. **Interior lot line.** Any lot line not abutting a street.
- C. **Rear lot line.** In the case of an interior lot, the rear lot line means the lot line which is opposite and most distant from the front lot line, and in the case of a corner lot, the rear lot line means the lot line opposite the front yard or exterior yard. (Ord. 505 § 2, 1994; Ord. 98 § 10.09.23, 1974) A property line that does not intersect the front lot line, which is most distant from and most closely parallel to the front lot line.

~~Lot Types. Types of lots include the following:~~

- ~~A. **Corner lot.** A lot located at the intersections of two or more streets where they intersect at an interior angle of not more than one hundred thirty five (135) degrees.~~
- ~~B. **Flag lot.** A lot having access to a public street by means of a private right of way strip that must be owned in fee.~~
- ~~C. **Interior lot.** A lot other than a corner lot. Any lot line not abutting a street.~~
- ~~D. **Key lot.** The first lot to the rear of a reversed corner lot and whether or not separated by an alley. (Ord. 98 § 10.09.18, 1974)~~
- ~~E. **Reversed Corner lot.** Corner lot, the side street line of which is substantially a continuation of the front lot line of the lot upon which it rears. (Ord. 98 § 10.09.19, 1974)~~
- ~~F. **Through lot.** A lot with frontage on two generally parallel streets.~~

(Relocated to definition of a "Lot".)

Lot Width. The horizontal distance between the side lot lines measured at right angles to the lot depth at the setback line as required by the zone requirements in which the lot is located.

"M" DEFINITIONS

Manufacturing. A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental processing.

Master Plan. A complete development plan for the subject property showing the placement, dimensions and uses of all structures as well as street and other areas used for vehicular circulation.

Map Act. See "Subdivision Map Act."

Massage Establishment. Any establishment having a fixed place of business where any person, firm association, partnership, or corporation engages in, conducts, or carries on, or permits to be engaged in, conducted or carried on, any business of giving massages, baths, administration of fomentation, electric or magnetic treatments, alcohol rubs, or any other type of system for treatment or manipulation of the human body with or without any characteristic of bath, such as Turkish, Russian, Swedish, Japanese, vapor, shower, electric tub, sponge, mineral, fomentation or any other type of bath.

Massage establishments ***do not*** include the following:

- A. Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are duly licensed to practice their respective professions in the state of California.
- B. Nurses, registered under the laws of the State of California.
- C. Barbers and beauticians who are duly licensed under the laws of the State of California while engaging in practice within the scope of their licenses, except that this provision shall apply solely to the massaging of the neck, face, and/or scalp of the customer or client.
- D. Hospitals, nursing homes, sanitariums, or other health care facilities duly licensed by the State of California.
- E. Accredited high schools, junior colleges and colleges or universities whose coaches and trainers are acting within the scope of their employment.
- F. Trainers of amateur, semiprofessional, or professional athletes or athletic teams.

Median. A paved or planted area separating a street or highway into two (2) or more lanes of opposite direction of travel.

Medical Marijuana Dispensary. *The use of any property or structure to distribute, transmit, give, dispense, or otherwise provide marijuana in any manner.*

Medical Services, Clinics and Laboratories. Facilities primarily engaged in furnishing outpatient medical, mental health, surgical and other personal health services. Such facilities include: medical, dental and psychiatric offices (counseling services by other than medical doctors or psychiatrists are included under "Offices"); medical and dental laboratories; out-patient care facilities; and allied health services. Associations or groups primarily engaged in providing medical or other health services to members are included.

Medical Services, Extended and Convalescent Care. Residential facilities providing nursing and health-related care as a principal use such as: Skilled nursing facilities (facilities allowing care for physically or mentally disabled persons, where care is less than that provided by an acute care facility); extended care facilities; convalescent and rest homes; board and care homes. Hospices, and long-term personal care facilities that do not emphasize medical treatment are classified in "Residential care homes."

Medical Services, Hospitals. Hospitals and similar establishments primarily engaged in providing diagnostic services, extensive medical treatment including surgical and other hospital services; such establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include accessory retail uses (see the separate definition of "Accessory Retail Uses"), and emergency heliports.

Mobile Home/Manufactured Home. A licensed vehicle intended and used as a residence, capable of being moved without additional structural components. A trailer, transportable in one or more sections that is certified under the National Manufactured Housing and Construction and Safety Standards Act of 1974, which is over eight feet in width and forty (40) feet in length, with or without a permanent foundation and not including recreational vehicle, commercial coach or factory-built housing. For purposes of this Code, a mobile home on a permanent foundation is considered a structure.

Mobile Home Park. Any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile homes lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium or other form of resident ownership, to accommodate mobile homes used for residential purposes.

Motel. A building or combination of buildings each containing guest rooms or apartments with separate outside entrances, designed and used to accommodate transient residents.

Municipal Code. Means the City of Loma Linda Municipal Code, as it may be amended from time to time.

"N" DEFINITIONS

National Pollutant Discharge Elimination System (NPDES). The National Pollution Discharge Elimination System established by Section 402 of the Clean Water Act, 33 U.S.C. Section 1342, as it may be amended from time to time.

Natural Features. Physical characteristics of a subject property that are not manmade.

Neighborhood Grocery Store. A full service grocery store less than 15,000 square feet that sells fresh fruit, vegetable, meat and fish, and has food prepared on site.

Noise. The intensity, duration, and character of sound from any and all sources.

Nonconforming Parcel. *Any property created by a legal subdivision of land that was created in compliance with all applicable ordinances and laws at the time the property was subdivided but which, due to subsequently enacted ordinances or laws, no longer complies with the applicable regulations and standards for the zone in which the property is located.*

Nonconforming Building/Structure. A building or portion thereof lawfully existing prior to adoption of this title and which was designed, erected or structurally altered to a use which was then conforming but no longer conforms to the zoning and/or development standards of the zone in which it is currently located.

Nonconforming Use. A use of land which is contrary to the zoning classification or the land use development standards applying to such land, as adopted by this title, and which use was validly commenced pursuant to the zoning classification and property development standards thereof, in effect at the time of such commencement.

Non-Profit Service Provider. A non-profit organization in compliance with Section 501 (c)3 of the United States Tax Code, which may provide one or more of a variety of community services through an office-type facility.

Nuisance. Anything interfering with the use or enjoyment of property, endangering personal health or safety, or offensive to the senses.

Nursery, Landscape. A retail service providing propagation and sale of plants, shrubs, trees, and similar products and related materials and services associated with the

installation, maintenance, and improvement of yards, gardens, landscaped areas, outdoor living and recreation areas and similar facilities.

Nursing Home. Any institution, facility, place building, or agency, or portion thereof, licensed as a skilled nursing facility, intermediate care facility, or intermediate care facility/developmentally disabled, as defined in Chapter 2 (commencing with Section 1250). "Nursing home" also means an intermediate care facility/developmentally disabled facilitative, intermediate care facility/developmentally disabled-nursing, or congregate living health facility as defined in Chapter 2, commencing with Section 1250), if a licensed nursing home administrator is charged with the general administration of the facility. (Section 1416.2. of the Health and Safety Code

"O" DEFINITIONS

Office. A place of employment providing services other than production, distribution or sale or repair of goods or commodities. Office uses may include, but are not limited to the following: Accounting; architectural; engineering; consulting; or other similar professional services; management; administrative; secretarial; marketing; advertising; personnel; or other similar personnel services; sales offices where no inventories or goods are available on the premises; real estate; insurance; travel agent; brokerage; computer programming or consulting; data processing. The following uses are specifically excluded from the definition of office: banks, loan companies, and similar financial institutions.

Open Space. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants or land adjoining or neighboring such open space. Open space does not include: Areas covered by buildings or accessory structures (except recreational structures); paved areas (except recreational facilities) proposed and existing public and private streets or driveways; and school sites.

Open Space, Common. Open space within a project owned, designed, and set aside for use by all occupants of the project or by occupants of a designated portion of the project. Common open space is not dedicated to the public and is owned and maintained by a private organization made up of the open space users. Common open space includes common recreation facilities, open landscaped areas, greenbelts, but excluding pavement or driveway areas or parkway landscaping within the public right-of-way.

Open Space, Private. The open space directly adjoining the units or building which is intended for the private enjoyment of the occupants of the unit or the building. Private open space shall in some manner be defined such that its boundaries are evident. Private open space includes private patios or balconies and front, rear, or side yards on a lot designed for single-family detached or attached housing.

Overlay District. A district established by this Code, which may be applied to a lot or a portion thereof only in combination with the base district.

"P" DEFINITIONS

Parcel. A lot or a designated land area capable of being described by metes and bounds, having only one owner, or having multiple owners of undivided interest.

Parking Lot. An off-street, ground level area, usually surface and improved for the temporary storage of motor vehicles.

Parking Facilities/Vehicle Storage. Service establishments in the business of storing operative cars, buses, recreational vehicles and other motor vehicles for clients. Includes both day use and long-term public and commercial garages, parking lots and structures, except when accessory to a principal use.

Parking Space, Off-Street, Private. A *paved*, permanently maintained space on a lot or parcel of land designed to serve, and of adequate size, location and arrangement to permit the required storage of, and be readily accessible to, a motor vehicle. Such space shall not be located within any front setback area.

Parking Space, Off-Street, Public. The permanently maintained space on a lot or parcel of land designed to serve as an off-street parking area for motor vehicles which space shall be either rented to the owner of the vehicle or shall be made available to off-street parking by the owners or operators of commercial establishments for the use of their customers.

Parking Structure. An enclosed facility for parking of vehicles, which is typically multi-level. Includes day use public and commercial garages and parking structures, except when accessory to a primary use. Includes indoor areas, where vehicles are stored for rental or leasing. Does not include uncovered surface parking lots.

Parkway. An unpaved area between a sidewalk and the street curb used to provide a landscaping strip.

Passive Solar System. A system that distributes collected heat via direct transfer from a thermal storage medium rather than mechanical power. Passive systems rely on building design and materials to collect and store heat and to create natural ventilation for cooling.

Patio. *A paved outdoor area that is used for lounging, dining, etc.*

Patio Cover. *A solid or open roof structure and covering a patio, platform, or deck area, and that is either detached from or attached to another structure.*

Pawn Shop. *A commercial establishment that sells secondhand personal property and in which the operator provides loans secured by such personal property.*

Pedestrian Oriented. A use which is intended to encourage walk-in customers and which generally does not limit the number of customers by requiring appointments or otherwise excluding the general public. A pedestrian-oriented use provides spontaneous draw from sidewalk and street due to intense and attractive visual interest, high customer turnover and intense social interaction.

Performance Standards. A set of criteria or limits relating to nuisance elements, which a particular use or process may not exceed.

Permit. Written governmental permission issued by an authorized official empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization.

Permitted Use. Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Personal Services. Establishments providing non-medical services as a primary use, including but not limited to: barber and beauty shops, dry cleaning pick-up stores with limited *on-site cleaning* equipment, home electronics repair, laundromats (*self-service laundries*), *locksmiths*, *massage (state licensed only)*, shoe repair shops, tailors, tanning salons, *body art/body piercing establishments*.

Performance Standards. Zoning regulations limiting land use activities by setting acceptable levels of such matters as noise, air pollution emissions, odors, fire hazards, traffic generation, and visual impacts.

Pet Shops. Retail stores selling birds, cats, dogs, fish and other common household pets, including supplies for the care and feeding of the animals being sold. This use may include pet grooming, but not the boarding of animals other than those for sale.

Pharmacy. A retail store where a licensed pharmacist prepares prescription medicine for sale, which may also sell over-the-counter medicines, personal care products, and other miscellaneous products. A pharmacy may be an accessory retail use within a medical clinic or hospital. **Excludes "Medical Marijuana Dispensaries."**

Places of Assembly, Public or Private. Permanent, headquarters type meeting facilities for public or private assembly and meetings. Illustrative examples of these uses include:

- *banquet rooms*
- *civic and private auditoriums*
- *community centers*

- *conference/convention facilities*
- *Civic, social and fraternal organizations, political organizations, and other membership organizations*

Also includes functionally related internal facilities (i.e., kitchens, multi-purpose rooms, storage, etc.) Does not include conference and meeting rooms that are accessory and incidental to another principal use and typically used only by on-site employees and clients, and that occupy less floor area on the site than the offices they support (see "Offices").

Places of Religious Assembly. *Any facility specifically designed and used to accommodate the gathering of persons for the purposes of fellowship, worship, or similar conduct of religious practices and activities. This definition includes functionally related internal facilities (i.e., kitchens, multi-purpose rooms, storage, etc.) and residences for clergy. Associated uses (i.e., day care centers, full-time or part-time schools, or emergency housing) may be allowed but require separate discretionary approvals pursuant to the requirements of this Zoning Code.*

Planned Residential Development (PRD). A type of development characterized by comprehensive planning for the project as a whole, clustering of structures to preserve usable open space and other natural features, and a mixture of housing types within prescribed densities.

Police Power. The reserved right of a city to regulate use of property in order to protect the health, safety, welfare, and morals of the community.

Porte-Cochere. An architectural term for a roofed structure extending from the entrance of a building over an adjacent driveway through which it is possible for a vehicle to pass in order for the occupants to alight under cover protected from the weather.

Postal Services. *Establishments that provide commercial postal services directly to the customer, including letter and parcel mailing, post office box rental, and related services.*

Preferential Parking. *Parking spaces designated or assigned, through use of a sign or painted space markings for carpool and vanpool vehicles carrying commute passengers on a regular basis that are provided in a location more convenient to a place of employment than parking spaces provided for single occupant vehicles.*

Printing and Publishing. Establishments engaged in printing by letterpress lithography, gravure, screen, offset or other common process including electrostatic (xerographic) copying and other quick printing services and establishments serving the

printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals and establishments manufacturing business forms and binding devices.

Property Line. The recorded boundary of a parcel of land.

Public Facility. A non-commercial use established primarily for the benefit and enjoyment of the community in which it is located, including a library post office, museum and other similar facilities.

Public Utility Equipment. Transmission points, junction boxes, vaults and other small structures used for the local distribution of utility services.

Public Utility Facilities. Fixed-base structures and facilities serving as distribution or processing centers for the provision of utilities. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code Section 53091, including: Corporation and maintenance yards, electrical substations and switching stations, natural gas regulating and distribution facilities; public water systems wells, treatment plants and storage, wastewater treatment plants, settling pond and disposal fields. These uses do not include office or customer service centers or equipment and material storage yards.

"Q" DEFINITIONS

Queue Line. An area for temporary waiting of motor vehicles while obtaining a service or other activity.

"R" DEFINITIONS

Reclaimed Water. Tertiary treated waste water of a quality suitable for non-potable uses such as landscape irrigation.

Recreational Facilities, Private. Facilities including, but not limited to Country Clubs, tennis and swim clubs, golf courses racquetball and handball facilities. YMCA, YWCA and limited commercial uses (such as a pro-shop) which are commonly associated and directly related to these primary uses.

Recreational Facilities, Public. A park, playground, swimming pool, play lots, playgrounds, and athletic fields for non-commercial neighborhood or community use.

Recycling Facility. A facility for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor means a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers or processing activity located on the

premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. Recycling facilities may include the following:

- A. Collection Facility. A "collection facility" is a center for the acceptance, by donation, redemption, or purchase, of recyclable materials from the public.

Collection facilities may include the following:

1. Reverse vending machine(s);
2. Small collection facilities which occupy an area of not more than five hundred square feet, and may include:
 - a) Mobile unit;
 - b) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty square feet;
 - c) Kiosk type units, which may include permanent structures.
3. Large collection facilities which may occupy an area of more than five hundred square feet and include permanent structures.
4. Processing Facility. A "processing facility" is a building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Processing facilities are expressly prohibited.

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

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

Repair and Maintenance, Consumer Products. Service establishments where repair of consumer products is the principal business activity, including: Electrical repair shops; computer; televisions; radios; and other appliance repair; watch; clock; and jewelry repair; re-upholstery; and furniture repair.

Research and Development. Facilities used for scientific research, and design,

development and testing of computer software, and electrical, electronic, magnetic, optical and mechanical components in advance of product manufacturing, that are not associated with a manufacturing facility on the same site. Also includes chemical and biotechnology research and development. Does not include medical laboratories which are defined under, "Medical services, clinics and labs."

Residence, Multiple-Family. A building designed or used to house more than two families living independently of each other.

Residence, Single-Family. A building containing but one integral family unit, including all domestic employees of such family.

Residence, Two-Family. A building containing not more than two kitchens, designed or used to house not more than two families living independently of each other. (Ord. 98 § 10.09.34, 1974)

Restaurant, Counter Service. A franchised or independently-operated restaurant where customers are served prepared food from a walk-up ordering counter for either on or off premise consumption.

Restaurant, Drive-Thru. A use providing preparation and retail sale of food and beverages with the added provision of one (1) or more drive-thru lanes for the ordering and dispensing of foods and beverages to customers remaining in their vehicles.

Restaurant, Table Service. A retail business selling food and beverages prepared on the site, where customers are served prepared food at tables for on premise consumption. These restaurants may also provide food on a take-out basis where take-out is secondary to table service.

Retail Stores, General Merchandise. Retail trade establishments selling many types of merchandise. Such types of stores and lines of merchandise are included but not limited to: Artists' supplies; auto parts (not repair *of or* machine shops); bakeries (retail only); bicycles; books; camera equipment and supplies; computers; cell phones; clothing and accessories; florists; gifts; novelties; and souvenirs; handcrafted items (stores may including crafting operations subordinate to sales); hardware; hobbies; jewelry; leather goods; office supplies; pet stores; sporting goods and equipment; and toy stores.

"S" DEFINITIONS

Schools, Educational Institutions. A public or parochial institution conducting regular academic instruction at the kindergarten, elementary, secondary or collegiate levels including graduate schools, universities and research institutions. Such institutions must either:

- A. Offer general academic instruction equivalent to the standards prescribed by the State Board of Education; or

- B. Confer degrees as a college or university of undergraduate or graduate standing; or conduct research.

Schools, Specialized Education and Training. Business and vocational schools offering specialized trade and commercial courses. Includes specialized non-degree granting schools offering such subjects as: art, drama, language, music, driver education, ballet and other dance. Also includes seminaries and other facilities exclusively engaged in training for religious ministries; and establishments furnishing educational courses on-line, or by mail. Facilities, institutions and conference centers are included that offer specialized programs in personal growth and development (including fitness, environmental awareness, arts, communications and management, as examples).

Screened. Shielded, concealed, and effectively hidden from view by a person standing at ground level on an abutting site, or outside the area or subject to be screened, by a fence, wall, hedge, berm or similar architectural or landscape feature.

Second-Hand Store. A retail store or resaler offering used clothes, furniture, household appliances, and other similar merchandise, provided (1) clothes may be displayed in heaps or piles, as distinguish from racks or folded on shelves or tables. (2) merchandise may be accepted on sale for consignment; and (3) offers used materials or goods for sale that may require cleaning, repair or refurbishment before it can be worn or put to normal use.

Second Housing Unit. A second permanent dwelling that is accessory to a primary dwelling on the same site. A second unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Senior Citizen. Generally, any person 62 years of age or older. However, for purposes of any State or federal housing programs, the age may be 55 years or older.

Senior Citizen Housing, Congregate Care. A senior citizen housing development having a common dining facility and limited kitchen facilities in the individual living units.

Senior Citizen Housing, Independent Living. A senior citizen housing development comprised of self-contained dwelling units having one or more rooms with private bath and kitchen facilities.

Service Station. A retail business selling gasoline or other motor vehicle fuels, which may also provide vehicle engine maintenance, repair services, ***or drive-thru car wash facilities***, incidental to fuel sales. May also include accessory towing and trailer rental services, but not the storage or repair of wrecked or abandoned vehicles,

vehicle painting, body or fender work, or the rental of vehicle storage or parking spaces.

Setback. The distance by which a structure, parking area or other development feature must be separated from a lot line, other structure or development feature, or street centerline. See also "yard."

Shopping Center. A building or buildings with at least five separate tenants or occupants whose combined gross floor area total at least twenty thousand (20,000) square feet, where not more than ten percent of tenants' or occupants' combined gross floor area is devoted to restaurant use, and which are located on a site where any underlying separate lots are tied together by a binding legal agreement providing right of reciprocal vehicular parking and access.

Sign. Any visual device or representation (written or pictorial) used to convey information, or to identify, announce, or otherwise direct attention to a premise, product, service, person, organization business or event, and placed on, suspended from, or in any way attached to any structure.

Site. A lot or adjoining lots under single ownership or single control, considered a units for the purpose of development or other use.

Slope. An inclined ground surface, the inclination of which is expressed as a percentage, or a ratio of horizontal distance to vertical distance.

Solar Access. The provision of direct sunlight to an area specified for solar energy collection when the sun's azimuth is within forty-five (45) degrees of true south.

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

Specific Plan. A plan consisting of text, maps, and other documents and exhibits regulating development within a defined area of the City, consistent with the General Plan and the provisions of Government Code Section 65450.

Sport Facilities and Outdoor Public Assembly. Indoor and outdoor facilities for spectator-oriented sports, and other public assembly facilities for such activities as outdoor theater and concerts, that include: amphitheatres; stadiums and coliseums; arenas; race tracks; motorcycle racing and drag strips and other sports that are considered commercial.

Standard. A rule or basis for comparison, typically expressed in quantitative terms. A quantified measure or criterion which must be met. For the purposes of the

development code a standard is considered the requirements in a zoning ordinance that govern building and development as distinguished from use restrictions; for example, site design regulations such as minimum lot area, height limit, frontage, landscaping and floor area ratio.

Standard Industrial Classification (SIC) System. The classification of establishments by type of activity which is determined by its principal product or group of products produced or distributed, or services rendered. The purpose of the system is to facilitate the collection, tabulation, presentation and analysis of data relating to the establishments. This system is detailed in the Federal Office of Management and Budget's Standard Industrial Classification Manual, as amended.

State. Means the State of California or any official agency of the state.

State Historic Building Code. Part 2.7 of the California Health and Safety Code, commencing with Section 18950 and the regulations promulgated there under as they may be amended from time to time.

Stock Cooperative. A development defined by Section 110033.2 of the Business and Professions Code and Section 1351(m) of the Civil Code, where a corporation is formed to hold title to improved real property and the shareholder of the corporation receive a right of exclusive occupancy in a portion of the real property.

Storage, Accessory. The indoor storage of various materials on the same site as a principal building or land use which is other than storage, where the storage supports the activities or conduct of the principal use. Includes the storage of automobiles (including their incidental restoration and repair) personal recreational vehicle and other personal property, accessory to a residential use.

Storage, Outdoor. The storage of valuable materials outside of a structure other than fencing, either as an accessory or principal use.

Storage, Personal Storage Facility. A structure or group of structures containing generally small, individual compartmentalized stalls or locks rented as individual storage spaces.

Storm Water. Means any surface or water flow produced by rain, snow, or sleet.

Story. A space in a building between the surface of any floor and the surface of the floor next above, or if there is no floor above, then the space between such floor and the ceiling or roof above.

Story, Half. That portion of a building, either as part of a basement or above a habitable room that is used to contain mechanical equipment.

Streetscape. An urban design component that concentrates on making the road system and road environment useful as an instrument in understanding and organizing the urban development. It may be defined as the sensitive placement of landscaping, signage, lighting and street furniture. Views, driver orientation, meaningful visual sequences, and the design of compatible land use edge conditions are essential objectives of a streetscape system.

Structure. Any *thing* constructed or *erected, installed,* the use of which requires attachment to the ground or attachment to something located on the ground. For the purposes of the development code, the term "structure" includes "buildings."

Structure, Principal. Any building containing a minimum of one thousand square feet of gross space and not housing accessory uses which are clearly subordinate and incidental to a principal use or activity located on the site or parcel or the largest building when multiple structures occupy a single parcel. (Moved from Sign Definition Section)

Studio, Dance, Martial Arts, or Similar Instruction. Instructional facilities, typically accommodating one group of students at a time, in no more than one instructional space. Examples include: individual and group instruction and training in the arts, production rehearsal, photography and the processing of photographs produced only by users of the studio facilities, martial arts training studios, and gymnastics instruction. Also includes production studios for individual filmmakers, musicians, painters, sculptors, photographers, and other artists. These uses may also include accessory retail sales of products related to the services provided. Does not include "Modeling Studio"

Subdivision Map Act or "Map Act". Division 2, Title 7 of the Government Code, commencing with Section 66410 as presently constituted, and any amendments to those provisions.

Subdivision. The division, by any subdivider, of any unit or portion of land shown on the latest equalized Los Angeles County assessment roll as a unit or contiguous units, for the purpose of sale, lease, or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads streets, utility easement or railroad rights-of-way. Subdivision include a condominium project, as defined in Section 1350 of the Civil Code, a community apartment project, as defined in Section 11004 of the Business and Professions Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the Business and Professions Code.

Swap Meets. Any outdoor place, location, or activity where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces; and

where a fee may be charged to prospective buyers for admission, or a fee may be charged for the privilege of offering or displaying such merchandise. The term swap is interchangeable with flea markets, auctions, open air markets, or similarly labeled activities.

"T" DEFINITIONS

Telecommuting. A work arrangement for performing work electronically, where employees work at a location other than the primary work location (i.e. at home in a subordinate office).

Teleconferencing. Telephone or video multi-access link for group communication.

Teleservices. Automatic information services (i.e. automatic teller machines, telephone information services, telephone bank/transactions, computer mail, computer modem, facsimile).

Temporary Use. A use established for a specified period of time, with the intent to discontinue the use at the end of the designated time period.

Tenant. The lessee of facility space within a development project.

Theaters. Indoor facilities for public assembly and group entertainment, other than sporting events including: civic theaters and facilities for live theater and concerts; exhibition and convention halls; motion picture theaters; public and semi-public auditoriums; similar public assembly uses.

Topography. Configuration of the surface of land, including its relief and the position of natural and man-made features.

Transit, Public. A system of regularly-scheduled buses and/or trains available to the public on a fee-per-ride basis. Also called mass-transit.

Transitional Housing. *As defined in Health and Safety Code Section 50675.2(h)*, shelter provided to the homeless for an extended period, often as long as 18 months, and generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency.

Transportation Demand Management. A strategy for reducing demand on the road system by reducing the number of vehicles using the roadways/and or increasing the number of persons per vehicle. TDM attempts to reduce the number of person who drive alone on the roadway during the commute period and to increase the number in carpools, vanpools, buses, trains, walking and biking.

Tutorial Services. A type of business designed to provide individualized instructions

to a person generally in field of general education or the arts with no more than two students per one instructor the premises at the same time. Tutorial services, not in a classroom setting, shall include, but are not limited to, instructing, tutoring, educational counseling, testing, training, etc. Students typically do not stay more than two hours.

"U" DEFINITIONS

Undeveloped. A parcel of land devoid of any structure or utility.

Urban Design. The attempt to give form, in terms of both beauty and function, to selected urban areas or whole cities. Urban design is concerned with the location, mass, and design of various urban components and combines elements of urban planning architecture and landscape architecture.

Use. The purpose, (type and extent) for which land or a building is arranged, designed, or intended for which either land or a structure is occupied or maintained.

- ***Use, Accessory. A use incidental and subordinate to the permitted principal use on the premises which does not alter the characteristics of the use considered as a whole and as related to other uses permitted in the same district. Accessory uses are permanent or long term in nature.***
- ***Use, Accessory Retail. The retail sale of various products (including food service) in a store or similar facility that is located within a health care, hotel, office, or industrial complex. These uses include pharmacies, gift shops, and food service establishments within hospitals; convenience stores and food service establishments within hotel, office and industrial complexes.***
- ***Use, Allowed. A use or conditional use that may be established with a land use permit, subject to compliance with all applicable provisions of Development Code.***
- ***Use, Principal. The principal or predominant use of any lot, building, or structure.***
- ***Use, Nonconforming. See "Nonconforming Use."***

"V" DEFINITIONS

Vanpool. ***A vehicle carrying seven or more persons commuting together to and from work on a regular basis, usually in a vehicle with a seating arrangement designed to carry seven to fifteen adult passengers, and on a prepay subscription basis. See also "Buspool" and "Carpool."***

Value or Valuation. The value of a building shall be the estimated cost to replace the building in kind based on current replacement cost.

Variance. ~~Permission to depart from the literal development requirements of the development code.~~ A modification of the specific regulations of this Development Code granted by the Planning Commission in accordance with the terms of this Code for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zone.

Vehicle Storage/Impound Facility. Any lot, lot area, or parcel of land used, designed, or maintained for the specific purpose of storing, impounding, or keeping motor vehicles, but not including dismantling or wrecking activities.

Vehicle/Equipment Sales (New and Used). Sale of automobiles, construction equipment, motorcycles, recreational vehicles, trucks, and similar vehicles and equipment, including display, storage, maintenance, repair, and incidental rental of the vehicles and equipment. May include the sale, installation, and servicing of related equipment and parts.

Vehicles Sales, Office Only. Limited to an office for the sale of automobiles. Does not include on-site inventory, display, storage, maintenance, or repair of automobiles. May be subject to parking requirements of the Department of Motor Vehicles.

Veterinarians, animal hospitals, kennels, boarding. Office and indoor medical treatment facilities used by veterinarians, including large and small animal veterinary clinics, and animal hospitals. Kennels and boarding operations are commercial facilities for the keeping, boarding or maintaining of four or more dogs four months of age or older, or four or more cat, except for dogs or cats in pet shops.

View Corridor. The line of sight identified as to height, width and distance of an observer looking toward an object of significance to the community (e.g. ridgeline, valley, etc.) the route that directs the viewers attentions.

Viewshed. The area within view from a defined observation point.

"W" DEFINITIONS

Warehousing. Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include: Warehouse storage or mini-storage facilities offered for rent or lease to the general public (mini-storage); warehouse facilities in which the primary purpose of storage is for wholesaling.

Waste. Shall have the meaning described by Public Resources Code Section 40191, as it may be amended from time to time.

Waste, Construction. Construction and demolition debris, dredging, grubbing from land clearing, and rubble and the remodeling, repair and demolition operations on housing, commercial buildings, and other structures and pavements.

Waste, Domestic. A class for discards that occur both in the home and workplace, i.e. beverage containers and newspapers.

Waste, Light Industrial. Waste derived from research and development facilities and light manufacturing operations such as semiconductors and computer manufacturing.

Wholesaling and Distribution. Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as: agents, merchandise or commodity brokers and commission merchants; assemblers, buyers and associations engaged in the cooperative marketing of farm products; merchant wholesalers; store primarily selling electrical plumbing. Heating and air conditioning supplies and equipment.

Wireless Telecommunications Facilities. Public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, cellular telephone, and data networks communications; including commercial earth stations for satellite-based communications. Includes antennas, towers, commercial satellite dish antennas, and equipment buildings. Does not include telephone, telegraph, and cable television transmission facilities utilizing hard-wired or direct cable connections.

- **Amateur Radio Antenna.** An antenna at a height and dimension sufficient to accommodate amateur radio service communications in compliance with Part 97 of Title 47 of the Code of Federal Regulations (or successor regulations).
- **Antenna.** Any system of dishes, panels, poles, reflecting disks, rods, and wire or similar devices used for the transmission or reception of electromagnetic signals.
- **Antenna Structure.** Any structure, including mast, pole, or tower, whether ground mounted or mounted on another structure that supports an antenna or an array of antennas. The height of an antenna structure is measured to the highest point of any antenna mounted upon it or to any higher point of the antenna structure.
- **Cell Site.** A parcel of land that contains a wireless communication facility/ies.
- **Co-Location.** The placement of two or more wireless communication facility on the same site, building, or structure where each facility is operated by a different carrier, operator, or owner.
- **Monopole.** A freestanding antenna structure with antennas attached to it that consists of a single shaft, including stealth designs (e.g., flag poles, monopalms,

monopines) and has a single continuous footing designed to be self-supporting without the use of any guy wires.

- **Mount.** A structure or surface upon which antennas are mounted. There are two types of mounts: (1) Ground mounted – mounted on the ground, including but not limited to, monopoles, and (2) structure mounted – mounted to the façade or roof of an existing structure.
- **Stealth and Stealthing.** A wireless communication facility that is: (1) not easily identifiable as a wireless communication facility by a casual observer, and (2) aesthetically compatible and blends with the cell site and immediate surroundings. Stealthing may be achieved by any means or combination of means including, but not limited to, the use of camouflage, painting, screening, textures, or architectural integration with the surroundings (e.g., a bell tower within a church or a church steeple, an unobtrusive penthouse on a roof, false structure integrated into the design of existing site or structure, false rock, or false tree amongst existing or new vegetation).
- **Wireless Communication Facility/ies.** Any co-located, ground-mounted, roof-mounted, or stealth device or system used for transmitting and/or receiving electromagnetic signals, including, but not limited to, microwaves and radio waves for cellular technology, data transmission, e-mail, mobile services, paging systems, personal communications services, and related technologies. A wireless communication facility includes antennas, antenna structures, microwave dishes, parabolic structures; wireless communication facility support facilities that house support equipment; and other accessory development, equipment, improvements, and structures used to support the operation of the wireless communication facility.
- **WCF Support Facilities.** Any enclosed box, cabinet, shed, or structure located on the cell site which houses, among other things, batteries, electrical, or other equipment necessary for the operation of the wireless community facility. This shall apply to any associated structures deemed necessary for the operation of the wireless community facility.

"X" DEFINITIONS

Xeriscape. *Landscape methods which conserve water through the use of drought-tolerant plants, mulching, irrigation, maintenance, limited turf, soil improvements, and design.*

"Y" DEFINITIONS

Yard. An area upon a lot, other than a court or on a space, required as a front, side or rear yard, which shall be maintained unoccupied and unobstructed from the ground upward without any encroachments therein, except as expressly authorized in this title. Yards include:

- **Front.** A yard extending across the full width of a lot, immediately adjacent to the front lot line thereof. The depth of a required front yard shall be the specified horizontal distance measured between the front lot line and a line parallel thereto on the lot.
- **Rear.** A yard extending across the full width of a lot, immediately adjacent to the rear lot line thereof. The depth of a required rear yard shall be the specified horizontal distance measured between the rear lot line and a line parallel thereto on the lot.
- **Side.** A yard extending from the rear line of a required front yard, or the front lot line where no front yard is required, to a line parallel with the rear of the main building, thence at a width of five feet to the front line of the required rear yard, or the rear lot line where no rear yard is required. The width of a required side yard shall be the specified horizontal distance measured between each side lot line and line parallel thereto on the lot except that the portion of the side yard between the line parallel in the rear of the main structure and the front line of the required rear yard, or the rear lot line where no rear yard is required is reduced to five feet. See Figure 17.02.490.

Yard, Measurement. All yards shall be measured from the ultimate right-of-way line of any future public street, alley or other right-of-way where such right-of-way has not been medicated or improved in order to avoid interference with future widening and improvement. (Ord. 98 § 10.09.37.04, 1974)

"Z" DEFINITIONS

Zero Lot Line. The location of a structure on a lot in such a manner that one or more of the structures rest directly on a lot line.

Zoning. The division of the City by legislative regulation into areas, districts or zones which specify allowable uses for real property and size restrictions for structures within these areas, a programs that implements the policies of the general plan.

Zoning District. A portion of the City within which certain uses of land and structures are defined and regulations are specified by this development code.

ARTICLE II

DEVELOPMENT STANDARDS

Chapter 17.08 GENERAL DEVELOPMENT STANDARDS

Sections:

<u>17.08.010</u>	Purpose and Applicability
<u>17.08.020</u>	Access, Circulation and Transportation
<u>17.08.030</u>	Lots and Placement of Buildings
<u>17.08.040</u>	Relocation of Buildings
<u>17.08.050</u>	Reduction of Minimum Lot Size Prohibited
<u>17.08.060</u>	Accessory Buildings
<u>17.08.070</u>	Height Measurement and Height Limit Exceptions
<u>17.08.080</u>	Fences, Walls and Hedges and Dish Antennas
<u>17.08.090</u>	Setback Requirements and Exceptions
<u>17.08.100</u>	Distance Between Structures
<u>17.08.110</u>	Yards
<u>17.08.120</u>	Screening
<u>17.08.130</u>	Outdoor Lighting
<u>17.08.140</u>	Green Building Requirements
<u>17.08.150</u>	Construction Completion and Restoration Permitted
<u>17.08.160</u>	Undergrounding of Utilities
<u>17.08.170</u>	Public Improvements
<u>17.08.180</u>	Noise
<u>17.08.190</u>	Air Quality Maintenance
<u>17.08.200</u>	Energy Conservation
<u>17.08.210</u>	Hazards
<u>17.08.220</u>	Solar Access and Solar Equipment
<u>17.08.230</u>	Solid Waste/Recyclable Materials Storage

17.08.010 Purpose and Applicability

- A. Purpose. This chapter ensures that new or modified land uses and development produce a stable and desirable environment, which is harmonious with existing and future development, and protects the use and enjoyment of neighboring properties, consistent with the General Plan.
- B. Applicability. The provisions of this chapter apply to a variety of land uses regardless of the applicable zoning district (e.g., residential, commercial, institutional), and therefore are combined in this chapter.

1. These standards shall be considered in combination with the standards for each zoning district included in Title 17. Where perceived conflicts exist, the standards specific to the zoning district shall override these general standards.
2. All new or modified structures and uses shall conform with all applicable provisions of this chapter prior to construction.

17.08.020 Access, Circulation and Transportation

- A. General Standard. Every structure or use shall have adequate physical and legal access to a public street in the form of street frontage, or permanent means of access by way of a public or private easement, or recorded reciprocal (mutual) access agreement.
- B. Performance Standards. Proposed development shall comply with the following access, circulation and transportation performance standards. The performance standards shall apply to: (i) an individual single-family residential dwelling unit on an existing residential lot; (ii) the addition of new residential dwelling units within existing residential developments; and, (iii) the expansion of existing or new commercial, professional office, medical office, healthcare, institutional, business-park, and industrial developments.
 1. Projects that provide new driveways shall meet the following standards.
 - a. Driveway access should be limited to the local street system. Where feasible within non-residential areas, reciprocal access and joint access agreements shall be required to promote shared use of driveways.
 - b. Existing driveways which are unnecessary or substandard shall be removed or upgraded in conjunction with any major or minor onsite development.
 - c. If single-family residences front on collector or arterial roadways, circular driveways or onsite turnarounds shall be required, where feasible, to eliminate the need for residents to back onto the street.
 - d. Driveway locations shall maintain adequate separation from access points on the opposite side of the street or shall be aligned with access points on the opposite side of the street.
 - e. Driveways shall not be located within passenger waiting areas of bus stops or within bus bays. Driveways shall be located so that drivers will be able to see around bus stop improvements, both

existing and planned.

- f. New access or required upgrades to access to residential and non-residential lots and/or developments shall conform to City of Loma Linda standards (as per Standard Drawings).
2. Where medians exist or where a project is required to provide a median, such project shall meet the following:
 - a. Medians shall be required in order to fulfill the following objectives: access control, separation of opposing traffic flow, left turn storage, aesthetic improvement, and pedestrian refuge.
 - b. Projects shall provide median openings at the maximum feasible intervals.
 - c. New medians or required upgrades to medians for residential and non-residential developments shall conform to City of Loma Linda standards (as per Standard Drawings).
3. Where an approved traffic study requires installation or improvement, traffic signals shall meet the following standards:
 - a. Where a series of traffic signals are provided along a route, traffic signals shall be coordinated to optimize traffic progression on a given route.
 - b. Traffic signalization should emphasize facilitating access from neighborhood areas onto the City's streets and should work to discourage through traffic from using local streets.
4. Where intersection improvements are required, the intersection shall meet the following standards:
 - a. Intersections should be spaced consistent with the primary function of the street. Accordingly, street intersections along heavily traveled arterial routes should be spaced closer than intersections along collectors.
 - b. Streets at intersections along arterials and collectors should not be offset and should be placed directly across the street from one another. Intersections along local and minor residential collector streets may be offset within a subdivision or neighborhood as a means of discouraging through traffic.
5. The following standards shall factor into on-street parking considerations:

- a. Parking on public streets shall be secondary to the street's primary purpose of providing safe and efficient travel for the public.
 - b. Parking is normally permitted on collector streets, but may be restricted to accommodate transit stops, on-street bicycle lanes, additional lanes at intersection, or other similar operational requirements. Removal of parking to increase capacity of traffic along the street should be avoided.
6. The following standards shall factor into alternate travel mode considerations:
- a. Alternative modes of transportation should be integrated into the City's street system in order to: (i) reduce traffic congestion; (ii) improve air quality; (iii) conserve energy; (iv) and, provide better transportation for the non-motorist.
 - b. Park and ride lots should be provided to allow a safe, convenient place to park for a person utilizing a pre-arranged car pool, van pool or bus pool.
 - c. Bicycle storage facilities shall be provided by uses which have a demand for bicycle use (e.g. schools, parks, offices, shopping centers, libraries).
7. Where the installation of sidewalks is required, the following standards shall apply:
- a. Sidewalks or pedestrian paths approved by the City shall be designed to make direct connections between commercial, residential, schools, parks bus stops and other public facilities.
 - b. In general, sidewalks and pedestrian paths should be straight to provide a direct route for short to medium distance business trips, and to facilitate the movement of pedestrians. Meandering sidewalks are appropriate in areas where the natural topography or low density land uses lend themselves to informal landscapes.

17.08.030 Lots and Placement of Buildings

Where more than one dwelling is constructed on one lot or parcel of land, the buildings shall be so located that the lot or parcel can be divided geometrically into smaller parcels or lots. When so divided, each shall be considered as a separate lot or parcel. The number and location of buildings shall comply with the requirements of the zone in which the lot or parcel of land is located. Nothing in this section shall be construed to allow the partitioning or division of any lot or parcel of land in such a manner as to

result in substandard lots in contravention of any other ordinance of the City prescribing minimum lot standards. (Ord. 98 § 12.01, 1974)

17.08.040 Relocation of Buildings

No building or structure shall be moved from one lot or premises to another, or be relocated upon the same lot or premises, unless such building or structure shall thereupon be made to conform to all the provisions of this title and all other ordinances of the City relative to buildings or structures hereafter erected upon the lot or premises to which such building or structure shall have been moved or rebated upon. (Ord. 132 § 1, 1976, Ord. 98 § 12.03, 1974)

17.08.050 Reduction of Minimum Lot Size Prohibited

No lot or parcel of land held under separate ownership shall be separated in ownership or reduced in size below the minimum lot width or lot area required by this title. No lot or parcel of land held under separate ownership at the time this title becomes effective and which has a width or an area less than that required by this title shall be further reduced in any manner. No portion of a lot, necessary to provide the required area per dwelling, shall be separated in ownership from the portion of the lot upon which the building containing the dwelling unit or units is located. (Ord. 98 § 12.02, 1974)

17.08.060 Accessory Buildings

- A. Location. No detached private garage or accessory building may be constructed, moved, altered, or enlarged to a point closer to the street property line than the main wall of any building or dwelling located in any residential zone.
- B. Maximum height. No accessory building shall exceed two stories or thirty-five feet in height. Enclosed storage structures located on the interior side yard and rear yard property lines subject to a conditional use permit as permitted in the R-3 zone, shall not exceed one-story in height.
- C. Breezeway connections. Accessory buildings, including private garages, which are connected by breezeways to main buildings, where the front walls of the accessory buildings are six feet or more to the rear of the rear wall of the main building may be considered a detached accessory building under this code, but they shall comply with the side and rear yard requirements of this code for accessory buildings.

17.08.070 Height Measurement and Height Limit Exceptions

- A. Maximum Height. The height of a structure shall not exceed the standard for the applicable zoning district established by Title 17, or other height limit provided by this article.

- B. Height Measurement. Maximum allowable height shall be measured as the vertical distance from the natural or finished grade, whichever is lower, of the site to an imaginary plane located the allowed number of feet above and parallel to the natural or finished grade.
- C. Non-sloping Lots. Building height shall be limited to the maximum allowed height, as established by a zoning district or overlay zone, above natural or finished grade; whichever is lower, where the average parcel slope is less than twenty percent.
- D. Sloping Lots. Building height of sites with an average slope of twenty percent or more shall be limited as follows:
 - 1. Total Height. Total building height shall not exceed the maximum allowed height, as established by a zoning district or overlay zone, above natural or finished grade, whichever is lower, and fifteen feet from the highest elevation on the parcel to the highest point on the building.
 - 2. Down-Hill Building Walls. No single building wall on the down-hill side of a house shall exceed fifteen feet in height above natural or finished grade, whichever is lower. Additional building height on a down-hill side may be allowed in fifteen-foot increments, where each increment is stepped-back from the lower wall a minimum of ten feet. In addition, a portion of a second story may be built to the front building wall as long as that portion does not exceed more than twenty-five percent of the width of the front building elevation. This section applies to enclosed space as well as covered porches and patios.
- E. Exceptions to Height Limits. The height limits of this Development Code shall not apply to the following:
 - 1. Agricultural structures (e.g. commercial equestrian barns, water tanks, windmills and other similar agricultural structures if located at least fifty feet from any property line, and is not adjacent to a public street.
 - 2. Chimneys with a maximum height of thirty inches above the highest point of the roof.
 - 3. Cooling towers, elevator penthouses, grain elevators, and stairs providing roof access.
 - 4. ~~Church~~ Spires, belfries, cupolas and domes.
 - 5. Structures for public assembly (e.g. *churches places of religious assembly*, schools, and other permitted public and semi-public structures), with no more than one story, provided that:

- a. The side and rear setbacks of the structure normally required by the applicable zoning district are increased by one additional foot for each foot that the structure exceeds the height limit of the zoning district.
 - b. The structure does not exceed the maximum height established by the applicable zoning district by more than fifty percent without the approval of a variance.
- F. Corner cutoff area. Proposed development on corner parcels shall be designed to provide a corner cutoff area for public safety purposes. No structure or landscape element placed with corner cutoff area shall exceed a height of forty-two inches, unless approved by the director. This triangular area is formed by measuring thirty-five feet from the intersection of the front and street side property line of a corner parcel and connecting the line across the property.
- G. Height limits for specific structures-decks. The walking surface of a deck shall not exceed a maximum height of five feet above the natural grade.
- H. Final pad elevations. Final pad elevations shall be reviewed and approved by the director.

17.08.080 Fences, Walls and Hedges

The following standards shall apply to the installation of all fences walls and hedges.

- A. Exempt Fences. Fences (wood, wrought iron, chain link) in the residential zoning districts which comply with the height limits in subsection (B) of this section are exempt land use permit requirements.
- B. Height Limitations. Fences, wall and hedges are subject to the height limitations in this subsection.
 - 1. General Height Limit.
 - a. Freestanding fences, walls and hedges shall be limited to a maximum height of forty-two inches at the front property line.
 - b. Fences, walls and hedges are limited to a height of six feet beyond the front setback.
 - c. Fences, walls and hedges within side or rear yard setback areas may not exceed six feet in height.
 - d. Entry features over front yard gates (e.g. trellises, pilasters, pedestals), with a maximum height of eight feet, may be

authorized provided that the entry features are no wider than eight feet.

2. Corner Parcels. No fence, wall, hedge, shrubbery, mounds of earth, or other visual obstruction over forty-two inches in height above the top of the existing or planned curb elevation shall be located within a corner cutoff area.

This requirement shall not apply to: public utility poles; trees trimmed (to the trunk) to a line at least six feet above the elevation of the intersection; saplings or plant species of open growth habitats and no planted in the form of a hedge, which are so planted and trimmed as to leave, at all seasons, a clear and unobstructed cross view and official warning signs or signals.

3. Retaining Walls. Individual retaining walls shall not exceed a height of six feet. Outward-facing retaining walls in the front setback may not exceed a height of four feet. Outward-facing retaining walls within a side yard or rear yard setback, and which face a street or public park, may not exceed four feet in height. All retained slopes should be terraced and landscaped/screened. The minimum distance between terraced or tiered retaining walls shall be four feet.
- C. Required Fences Exempt. The provisions of this section shall not apply to a fence or wall required by any law or regulation of the City, State or any agency thereof.
 - D. Prohibited Materials. The use of electrified fence, barbed wire, razor wire, or **similar type of fencing** in conjunction with any fence, wall or hedge, or by itself within any zoning district is prohibited unless required by any law or regulation of the City, State or any agency thereof.
 - E. Chain Link Fencing. Temporary chain link fencing (**top rail required**) for construction projects and chain link fencing for private and commercial baseball fields, tennis courts, and other recreational facilities are permitted in any zoning district.
 - F. Fences Between Different Land Uses. Fences or walls may be required between different land uses (e.g. commercial and residential, multi-family residential, and single-family residential).
 - G. Swimming Pool Fences. Swimming pools shall be enclosed by a minimum five-foot high non-climbable fence.

17.08.090 Setback Requirements and Exceptions

- A. Purpose. The following setback standards provide open areas around structures for: visibility, traffic safety; access to and around structures; natural light access; ventilation; incompatible land uses separation; privacy; landscaping and recreation.

- B. Setback Requirements. All structures shall comply with the setback requirements of each zoning district and with any special setbacks established for specific uses by this chapter, except as otherwise provided by this section. No portion of any structure, including eaves or roof overhangs, shall extend beyond a property line; or into an access easement of public right-of-way, without first securing an encroachment permit or other legal right to do so.
 - 1. Infill Development Within Previously Approved Project. Any setback requirements of a recorded subdivision map, or specific plan, development agreement, conditional use permit, or other planned development entitlement shall apply to the continuing development within the approved project instead of the setbacks requirements as set forth in Title 17.
 - 2. Special Setbacks for Development Plan Project. The City Council may authorize uniform setbacks for a specific subdivision project that are different than those required by this Development Code, through the approval of a development plan or specific plan.
 - 3. Limitation of Paved Surfaces-Front Setback. No more than fifty percent of the required front setback for any lot within a residential zone that contains a single family dwelling shall be paved with asphalt, cement or any other impervious surface.

- C. Exemptions from Setback Requirements. The minimum setback requirements of this Development Code apply to all development and new land uses, except the following:
 - 1. Fences or walls six feet or less in height above the grade of the site, when located outside of the front setback.
 - 2. Decks, earthworks, free-standing solar devices, steps, terraces and other site design elements that are placed directly upon grade and do not exceed a height of eighteen inches above the surrounding grade at any point.

- D. Measurement of Setbacks. Setbacks shall be measured as follows:
 - 1. Front Yard Setbacks. The front yard setback shall be measured at right angles from the nearest point on the front property line of the parcel (or

edge of access easement on a private street) to the nearest point of the wall or structure, except as follows:

- a. **Flag Lots.** For a parcel with a fee ownership strip extending from a street right-of-way to the building area of the parcel, the measurement shall be taken from the nearest point of the wall of the structure to the point where the access strip (“flag pole”) meets the bulk of the parcel along a continuous line, establishing a parallel setback line.
 - b. **Corner Lots.** The measurement shall be taken from the nearest point of the structure to the nearest point of the front lot line.
2. **Side Yard Setbacks.** The side yard setback shall be measured at right angles from the nearest point on the side property of the parcel to the nearest line of the structure; establishing a setback line parallel to the side property line, which extends between the front and the rear yards.
 3. **Street Side Yard Setbacks.** The side yard on the street side of a corner parcel shall be measured from the nearest point of the side property line bounding the street, or the easement for a private road.
 4. **Rear Yard Setbacks.** The rear yard shall be measured at right angles from the nearest point on the rear property line to the nearest of the structure, establishing a setback line parallel to the rear property line, which extends between the side yards. The rear yard on the street side of a double-frontage parcel shall be measured from the nearest point on the rear property line bounding the street, or the easement for a private road.
- E. **Allowed Projections into Setbacks.** Attached architectural features and certain detached structures may project beyond the wall of the structure and into the front side and rear yards setbacks, in compliance with the following table:

Allowed Projections Into Setbacks			
Feature	Allowed Projection into Specified Setback		
	Front Setback	Side Setback	Rear Setback
Chimney, bay/garden window (1) (2) (3)	30 in.	30 in.	30 in.
Cornice, eave, roof overhang (1) (3)	30 in.	30 in.	30 in.

Deck (1) (4)	6 ft.	5 ft.	10 ft.
Porch (1) (2) (5)	6 ft.	36 in.	6 ft.
Stairway (2) (6)	6 ft.	36 in.	6 ft.
Unenclosed patio covers and trellises (7)	6 ft.	30 in.	7.5

Notes:

- (1) Chimney's that project into a side yard setback shall not exceed six feet in width. Ground-story bay windows, porches and decks shall not project into the side yard over half the length of the side wall.
- (2) Features may not project closer than thirty-six inches to the property line.
- (3) The cantilevered architectural features that may project into setbacks include balconies, bay windows, cornices, eaves and solar devices.
- (4) Decks less than eighteen inches above grade are exempt, in compliance with this section, above.
- (5) A roofed porch allowed to project into a setback shall be enclosed only by a railing in compliance with Title 15, Building and Construction, of the Municipal Code and shall be located at the same level as the entrance floor of the structure.
- (6) A stairway that may project into a setback shall not be roofed or enclosed above or below the steps.
- (7) The setback for trellises and unenclosed patio covers shall be measured from the support post. The additional roof overhang of 30" as noted above may be allowed.

2. Equipment. Swimming pool equipment, air conditioning and heating equipment, and other equipment, shall not be closer than thirty-six inches to the side or rear property line.

F. Setback Requirements for Specific Structures:

1. Fences. **See** Section 17.08.080
2. Site Design Elements. Detached decks, earthworks, freestanding solar devices, steps, terraces, and other site design elements which are placed directly upon the grade, and which exceed a height of eighteen inches above the surrounding grade at any point, shall conform to the setback requirements of the underlying zone (site design elements less than eighteen inches above grade are exempt in compliance with subsection C (2) of this section).
4. Hot Tubs, Swimming Pools and appurtenance features and structures. See Section ~~17.12.165~~ **(This Section Does Not Exist)**.
5. Retaining Walls. Retaining walls less than six feet in height may be located within a required setback. **Refer to See** Section ~~17.20.100~~ **17.08.080** for standards applicable to retaining walls.

6. Outdoor recreational features, such as fireplaces, built-in pizza ovens, or built-in barbeque grills. See Section ~~17.12.180(f)~~ **(This Section Does Not Exist)**.
7. The following setbacks shall apply to storage sheds:
 - a. For a storage shed that qualifies~~ed~~ for the exemption in Section ~~17.02.020 (B)(7)~~ **17.10.10** of this code and is less than six feet in height, the minimum required setback shall be five feet from all property lines.
 - b. In the RS, RM, RR, and RC zoning districts, if a storage shed does not qualify for the exemption in Section ~~17.02.020 (B)(7)~~ **17.10.10** of this title and/or ~~it~~ is over six feet in height, the storage shed shall meet the required setback of the zoning district in which it is located.
 - c. In the HM and OC zoning districts, if a storage shed (i) does not qualify for the exemption in Section ~~17.02.020 (B)(7)~~ **17.10.10** of this title, it must meet the required setback of the zoning district in which it is located; or (ii) qualifies for the exemption in Section ~~17.02.020 (B)(7)~~ **17.10.10** of the Code but is over six feet in height, the accessory must meet a minimum setback of ten feet from the side property line and twenty feet from the rear property line.
- G. Restrictions on the Use of Residential Setbacks. No front or street side setback within a residential zoning district shall be used for the storage of scrap, junk, boats, habitable trailers, utility trailers, or other similar vehicles or equipment. This restriction includes the storage of operable or inoperable vehicles in other than improved (**paved**) parking areas.

17.08.100 Distance Between Structures

- A. Where more than one structure is placed on the same parcel, the structure shall be separated by the following minimum distance, in any zoning district where front, side and rear setbacks are required by Title 17.
 1. Distance between primary structures. A minimum distance of ten feet shall be required between all primary residential structures on the same parcel.
 2. Distance between accessory and primary structures. Except where a greater distance is otherwise required by Title 17, a minimum distance of six feet shall be required between any primary residential structure and an accessory structure established on the same parcel.

3. Distance between accessory structures. No minimum distance between accessory structure is required, except as may be required by the City's building and construction regulations.
4. Projections allowed into area between structures on the same parcel. Certain structures and architectural features may project into the area required by this section for separation between structures in the following Table:

ALLOWED PROJECTION INTO DISTANCE BETWEEN STRUCTURES

Projecting Feature Allowed	Maximum Projection Allowed
Awning and canopies	2.5 ft.
Belt courses, capitals, cornices, rain conductors and spout sill, and water tables	2.5 ft
Buttresses, fireplace structures and wing walls	2.5 ft
Cantilevered roofs and eaves	2.5 ft
Covered breezeway or trellis, open to both sides	Allowed unrestricted within the required distances between structures
Stairways and balconies at or above the level of the first floor.	3.5 ft.
Water heaters, water softeners, gas or electric meters, including service conductors and pipes.	2.5 ft
Uncovered decks, landings, platforms, porches and stairways up to 2.5 feet above grade.	Allowed unrestricted within the required distances between structures
Uncovered decks, landings, platforms, porches and stairways over 2.5 feet above grade.	3.5 ft.

17.08.110 Yards

- A. Corner lots, front yard requirements. Dwellings erected on the rear of a corner lot shall have a front yard facing the side street equal to the side yard adjacent

to the side street as required in the zone in which the lot is located.

- B. Rear yard requirements. Each residential lot shall maintain a rear yard area consistent with the minimum rear yard dimension required for the underlying zone. For corner lots, such rear yard area may be opposite the front yard or exterior side yard, but in either case, no permit shall be issued which would cause any residential property which has an interior yard meeting the rear yard requirement to be diminished to less than the standard rear yard setback.
- C. Yard of one lot not part of another. No part of a yard provided for any building or structure on any lot for the purpose of complying with the provisions of this title shall be included or considered as a part of a yard required by this title for a building or structure on any other lot.
- D. Front yard averaging permitted when. In any residential zone where more than fifty percent of the lots on one side of the street frontage in a block are occupied for dwellings, multiple dwellings or hotels, fronting on the same street, the average front yard of the occupied lots may be used to determine the minimum required front yard for all lots on the same ~~side~~ of the street frontage on such block. In no case shall such front yard established by existing buildings be less than ten feet. An existing building located on the rear half of a lot shall not be used in determining the average front yard.
- E. Through lots-double front yards required exception. On every through lot in a residential zone there shall be a front yard on both street frontages as required in the R-3 zone, and lots in the R-1 and R-2 zones upon which rights of vehicular access over the rear property line have been relinquished by recorded document, and when the rear yard of such through lot does not abut the front yard of an adjacent lot.
- F. Nothing in this section shall be construed to prohibit the installation of a fence or wall enclosing an electrical utility building or structure as required by an applicable law or regulation.
- G. In manufacturing zones, fence constructed of material approved by the City Council may be erected to a height of not more than eight feet from the surface of the ground; provided, that such fences installed along that portion of the property fronting upon any street shall be set back not less than two feet from the property line and planted with ***a combination of vines, plants, shrubs, trees and turf. ~~vegetation.~~***
- H. Yard restrictions. Parking or storage of business-related equipment, materials and tools is prohibited upon any residentially zoned property unless it is within an enclosed building in a manner where it is not visible from the public right-of-way or other public or private property. Exempt from this prohibition is a vehicle

regularly used to transport an occupant to and from such person's employment.

17.08.120 Screening

- A. Screening between uses. Wherever a site within a commercial zoning district abuts a residential zoning district, a six-foot high, solid decorative masonry wall shall be constructed along the property line abutting the residential zoning district. The wall shall be architecturally treated on both sides, subject to the approval of the Director.
- B. Screening of equipment. Any equipment, whether on the roof, side of structure, or ground, shall be properly screened from the public right-of-way and adjacent properties. The method of screening shall be architecturally compatible with other site development in terms of materials, colors, shape and size. Landscaping shall be installed and maintained for screening purposes for all ground mounted equipment. The screening design and construction shall be subject to the approval of the director and shall blend with the design and construction of the structure(s) on the site. Where feasible, ground mounting of mechanical equipment shall be required as an alternative to roof mounting.
- C. Screening of loading and services areas. Loading, service, storage, special equipment, and maintenance areas should be screened from public right-of-way and adjacent properties with landscaping and architectural elements. Loading docks and service areas should be located on interior side yards, and shall be concealed from public view.
- D. Utility equipment and communication devices shall be screened so that the project will appear free of all such devices.

17.08.130 Outdoor Lighting

- A. General standards for outdoor lighting. Outdoor lighting shall be designed to prevent glare, light trespass, and sky glow as much as possible. Permanently installed lighting shall not blink, flash, or be of unusually high intensity or brightness. Exterior lighting shall:
 - 1. Be architecturally integrated with the character of the structures;
 - 2. Be directed away from adjacent properties and public rights-of-way;
 - 3. Be energy-efficient and shielded so that all glare is confined within the boundaries of the site;
 - 4. Use timers, where acceptable, to turn outdoor lights off during hours when they are not needed;

5. Be appropriate in height, intensity and scale to the uses they are serving;
6. Use no more intensity than absolutely necessary, Illuminating Engineering Society of North America (IENSA) recommend light levels are as follows.

Location or Purpose of Lighting	Recommended Light Level (foot candles)
Commercial building entrances - Active	5
Commercial building entrances - Inactive	1
General human safety	0.5 to 5 (depending on hazards and activity level)
Parking or pedestrian areas	A minimum of 0.2 to 0.9, with an average minimum ratio of 4:1
Pathways, outdoor steps	1
Service station pumping island	20 to 30*

*With 20 for light-colored surfaces and 30 for dark-colored surfaces.

7. Make use of "full cut-off" fixtures to avoid glare and up-light. Note that these are different from "cut-off" fixtures, which still allow some up-light.
 8. Be on poles that are low and relatively closely spaced, Lighting in large surface areas (e.g. parking lots), shall use a larger number of lower, pole-mounted fixtures rather than fewer, taller, fixtures. Wattage shall be kept below 250 watts.
- B. Security lighting. Security lighting shall be provided at all structure entrances and exits, except for single-family dwellings and duplexes, where this requirement is optional. Motion-sensing controls shall be used with rapid-start lamps, except where the Director deems that these are not appropriate or feasible.
- C. Shielded lighting. Light sources associated with non-residential land uses shall be shielded to direct light rays onto the subject parcel only. The light source, whether bulb or tube, shall not be visible from adjacent properties or the public right-of-way. This section does not apply to traffic and safety lighting or public street lighting.

17.08.140 Green Building Requirements

- A. All new developments, remodels, and tenant improvements shall comply with the following requirements of the City of Loma Linda as applicable. Where this section references another portion of the Municipal Code, the applicability of that section shall be used to determine applicability.
- B. Construction and Demolition Waste. Project shall divert a minimum of 80 percent of all construction and demolition away from landfills.

- C. Storm Drains. Storm drains in the public right-of-way adjacent to the project site shall be labeled in accordance with the standards set by the Public Works Department.
- D. Future Photovoltaic. Projects shall provide a roof layout plan that illustrates how future installation of a photovoltaic system could be accommodated. Projects shall install a conduit from the roof to the electrical room, or electrical panels if no electrical room is provided, to accommodate future photovoltaic system installation.
- E. Construction Air Quality Management Plan. Project shall provide a construction air quality management plan on construction drawings that, at a minimum, includes protecting ducts during construction and changing the filters and vacuuming ducts prior to occupancy.
- F. Interior Paint and Wood Finishes. Projects shall use interior paints and wood finishes with low volatile organic compound levels that do not exceed 50 grams per liter flat, or 150 grams per liter, non-flat. This shall be noted on the approved plans.
- G. Energy Star Appliances. Appliances provided in residential and mixed-use projects, and commercial projects as appropriate, shall be Energy Star qualified appliances.
- H. Energy Efficiency. Projects shall comply with all applicable provisions of the most recent editions of the Title 24 Energy Efficiency Standards, and most recent editions of the City of Loma Linda Building, Electrical, Mechanical and Plumbing Codes.

17.08.150 Construction Completion and Restoration Permitted

Nothing in this Title shall be deemed or construed to prevent the completion of any building or structure which is under construction prior to adoption of this title, in the event that such construction or the proposed use of such building or structure, is not at said date in violation of any other ordinance or law, and in the further event that such building or structure is completed within one year from such date. Nothing in this title shall be construed to prohibit the restoration of any building or structure, the minor portion of which shall have been destroyed by the elements, fire, explosion, act of God or act of public enemy. If the major portion of any building or structure shall have been destroyed upon restoration thereof, the use thereof shall be made to conform to a use permitted in the zone in which such building or structure is located, a major portion being that the cost of repairs equal or exceed fifty percent of the fair market value of such structure based on the most recent assessment information of the County Assessor. (Ord. 98 § 12.05, 1974)

17.08.160 Undergrounding of Utilities

- A. Facilities to be Undergrounded. All existing and proposed on-site utility facilities (including electric, telecommunications and cable television lines) intended to serve a new structure shall be installed underground from the utility company distribution line to the structure, except for equipment appurtenant to underground facilities, including surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets and concealed ducts.
- B. Responsibility of Applicant. The applicant is responsible for complying with the requirements of this section and shall make the necessary arrangements with the utility companies for facility installation.

The review authority may waive the requirements of this section if topographical, soil, or any other factors or conditions make underground installation unreasonable or impractical.

- C. Location of Installation. Underground utility lines may be installed within public rights-of-way or along any lot line. When installed within public rights-of-way, their location and method of installation shall be subject to the approval of the City Engineer.

17.08.170 Public Improvements

All lots or building sites developed with any use or structures under the provisions of this title shall be fully dedicated in accordance with adopted street alignments and City standards and further fully improved with all public improvements including, but not limited to, street paving, curb, gutter, sidewalk, landscaped parkway, street lights, street trees, fire hydrants and repair or maintenance of existing improvements. The City may establish and charge fees as approved by the City Council for installation and/or maintenance of any such public improvements in lieu of immediate improvement. All lots or building sites developed with any use or structures under provisions of this title shall be fully improved on site in accordance with zone provisions and subject to review and approval of compaction and draining by the City Engineer. (Ord. 98 § 12.W, 1974)

17.08.180 Noise

- A. Performance Standards. The following noise management performance standards shall apply to all proposed development, except for the construction of one single-family home on an existing lot, the expansion of existing commercial, office and business park projects, and the addition of housing units to an existing multifamily residential project.
 - 1. Limit project-related noise to no greater than a 60 dBA CNEL (Community Noise Equivalent Level) within known wildlife nesting or migration areas, as well as within natural open space areas, as necessary to maintain

tranquil open space and viable wildlife habitats and mobility.

2. One or more of the following mitigation measures shall be provided as necessary to mitigate project-related noise:

Project Site Planning

- b. Orient buildings to buffer or attenuate noise.
- c. Route or align roadways away from noise sensitive receptors where such routing and alignment can be accomplished without creating other significant impacts.
- d. Locate the highest noise sources as far away from adjacent sensitive uses as is feasible.
- e. Provide sound attenuation walls (open space buffers and berms are preferred).
- f. Utilize landscape materials and "softscape" design to break up hard surfaces for the purpose of minimizing reverberation (mandatory for noise, as well as aesthetic purpose).

Landscape Treatment

- g. Utilize open space and landscaped buffers between uses to naturally attenuate noise with distance. Project applicants shall be responsible for providing open space buffers in the form of easements to eliminate noise encroachment from having an adverse effect. The distance shall be sufficient to meet the exterior noise standards established in Sections ~~17.04.130~~ **17.08.180 (C) and (D)**.
- h. For commercial, retail, and business park uses, place fixed equipment, such as air conditioning units, inside an enclosed space, or in shielded locations.

Architectural Design

- i. For commercial, office and business park uses, place rooftop equipment at an appropriate setback from property lines, or in acoustically treated mechanical rooms or in shielded equipment wells, to meet noise standards and minimize disturbance potential.
- j. Provide one or more of the following: sound rated windows, additional exterior wall or roof insulation, vent or mail slot

modifications or relocation, of forced air ventilation.

- B. Noise Standards. Sections ~~17.04.130~~ **17.08.180** (D) and (E) establish standards for acceptable exterior and interior noise levels. These standards are intended to protect persons from excessive noise levels, which are detrimental to the public health, welfare and safety since they have the potential to: (i) interfere with sleep, communication, relaxation and the full enjoyment of property; (ii) contribute to hearing impairment and a wide range of adverse physiological stress conditions; and (iii) adversely affect the value of real property. It is the intent of this chapter to protect persons from excessive noise levels within or near various residential development and other specified noise-sensitive land uses.
- C. Exceptions to Noise Standards. The standards of Section ~~17.04.130~~ **17.08.180** (D) are not applicable to noise from the following sources:
1. Activities conducted in public parks, public playground and public or private school ground, including school athletic and entertainment events;
 2. The use of any mechanical device, apparatus or equipment related to or connected with emergency activities or emergency work;
 3. Safety signal, warning devices, and emergency pressure relief valves;
 4. Noise sources associated with construction, including the idling of construction vehicles, provided such activities do not take place before seven a.m. or after six p.m. on any day except Sunday in which no construction is allowed before eight a.m. or after five p.m. No construction is allowed on Saturdays or Federal holidays. These requirements may be modified by a conditional use permit.
 5. Noise sources associated with work performed by private or public utilities in the maintenance or modification of their facilities;
 6. Noise sources associated with the collection of waste or garbage from property devoted to other than residential uses.
 7. Traffic on public roads and any other activity to the extent regulation thereof has been preempted by state or federal law.
- D. Exterior Noise Level Standards. No person shall cause or allow exterior noise levels to exceed the levels set forth in Table 3.1 on any property owned, leased, occupied or otherwise controlled by such person.

Table 3.1 Exterior Noise Level Standards		
Zone	Time Interval	Hourly Equivalent Sound Level (Leq. dBA)
Residential Zones	Monday-Friday	
RS, RM, RMH, RR, RC, HM, OS	10 p.m. to 7 a.m.	50 dBA
RS, RM, RMH	7 a.m. to 10 p.m.	65 dBA
RR, RC, HM, OS	7 a.m. to 10 p.m.	60 dBA
	Saturday and Sunday	
RS, RM, RMH, RR, RC, HM, OS	10 p.m. to 8 a.m.	50 dBA
	8 a.m. to 10 p.m.	60 dBA
Commercial and Special Purpose Zones	All days of the Week	
PD, CL, CR, CO, CMU, CB, CT, PF, REC	10 p.m. to 7 a.m.	60 dBA
PD, CL, CR, CO, CMU, CB, PF	7 a.m. to 10 p.m.	65 dBA
REC with active recreation areas	7 a.m. to 10 p.m.	70 dBA

- E. Interior Noise Standards for Residential Uses. No person shall operate or cause to operate any source of sound within any residential dwelling unit or allow the creation of noise on property owned, leased, or occupied or otherwise controlled by such person which causes the noise level, when measured inside a neighboring dwelling unit to exceed the levels set forth in Table 3-2.

Table 3-2 Interior Noise		
	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
Hourly Equivalent Sound Level (Leq. dBA)	45	40
Maximum Level dBA	60	55

- E. Noise Level Measurement. For the purpose of evaluating conformance with the standards of this chapter, noise levels shall be measured as follows:
1. Use of meter. Any noise measurement required by this section shall be

made with a sound level meter using the A-weighted network (scale). Measurement equipment with an acoustical calibrator shall be calibrated immediately prior to recording any noise data.

2. Measuring exterior noise levels. Exterior noise levels shall be measured at the property line. Where practical, a microphone shall be positioned five feet above the ground and away from reflective surfaces.
3. Measuring interior noise levels: Interior noise levels shall be measured within the affected residential use at points at least four feet from the wall, ceiling or floor nearest the noise source, with windows in their normal seasonal position. The reported interior noise level shall be the average of the various microphone readings.

17.08.190 Air Quality Maintenance

The following air quality performance standards shall apply to new residential subdivisions, multi-family development, retail, office, business-park and industrial development:

- A. New residential subdivisions, multi-family development, office, institutional, business park and industrial development shall be designed to the following standards to encourage opportunities for residents to work at home, thereby reducing vehicle trips and associated vehicular emissions:
 1. Building designs which provide work spaces are encouraged.
 2. Where feasible, high-technology telecommunication links (fiber optic) are to be incorporated into project infrastructure.
 3. Any new development's roadway system is to be designed to accommodate bicycle travel. Roadway width shall be adequate to accommodate both vehicular and bicycle traffic.
 4. Where feasible, multiple walkway/bicycle access points shall be provided along the perimeter of a subdivision, as well as through cul-de-sacs so that more direct and convenient access for those modes of transportation will encourage their use.
- B. Where the application of all feasible mitigation measures for reducing air pollutant emissions will not reduce emissions below the thresholds of significance maintained by the Air Quality Management District (AQMD) for construction or operations, offsetting indirect mitigation will be required. Such offsetting mitigation may consist of the following items or other measures as would be required by CEQA.

1. Establishment or contribution toward the establishment of a telecommuting facility or teleconferencing facility.
2. Construction of off-site pedestrian facilities.
3. Off-site contributions to regional transit (e.g., right-of-way, park and ride lots, transit stops and/or shelters).
4. Contribution to an adopted traffic signal synchronization project.
5. Construction or contribution toward the construction of bicycle facilities.
6. Provision of on-site child day care facilities or contribution toward the establishment of nearby child day care facilities.

17.08.200 Energy Conservation

- A. To ensure that the City's performance objectives on energy are met, projects shall be reviewed to assess their compliance with the following criteria:
1. Design buildings in groups or clusters with protected indoor or plaza open areas which promote both exterior accessibility and enjoyment within a protected environment.
 2. Construct internal circulation roadways at the minimum widths necessary for safe circulation to minimize solar reflection and heat radiation. Developments shall utilize shade tree within parking areas so that fifty percent of the parking area surface is placed in the shade at noon during the summer equinox within five (5) years of installation.
 3. Where possible, locate reflective surfaces (e.g. parking lots) on the north and east sides of buildings to decrease potential heat gain and reflection to adjacent buildings. In the alternative, where parking area must be located to the south or west of buildings, development shall have landscaping to reduce potential heat gain.
 4. Where possible, orient glass toward the south, the side with the greatest amount of solar access (heat gain potential). Use appropriate building and locations to promote maximum feasible solar access to individual units.
 5. Design individual buildings to maximize natural internal lighting through the use of court wells, interior patio areas, and building architecture. Site plan elements (e.g., buildings, landscaping) should protect access to sunshine for planned solar energy systems and/or for solar oriented rooftop surfaces which can support a solar collector or collectors capable of providing for the anticipated hot water needs of a building between the

hours of 9:00 a.m. and 3:00 p.m., Pacific Standard Time, on December 21.

6. Use canopies and overhangs to shade windows during summer months while allowing for reflection of direct sunlight during summer months.
7. Install windows and vents in commercial and industrial buildings to provide the opportunity for through ventilation.
8. Use reflective roof materials to reduce solar gains, unless a passive heat system is provided.
9. Incorporate the use of deciduous trees in landscaping plans, especially near buildings and around large expanses of parking lots or other paved areas.
10. Incorporate deciduous vines on walls, trellises and canopies to shade south and west facing walls, to cool them in summer months.
11. Incorporate wind breaks to protect against winter winds.
12. Cooperation, where feasible, is encouraged with South California Edison (SCE), the Gas Company, and the South Coast Air Quality Management District (SCAQMD) for the purposes of establishing energy conservation demonstration projects, or serving as a laboratory for testing new energy conservation techniques.

17.08.210 Hazards

- A. The following performance standards apply to new development and include hazardous materials, seismic and geologic hazards, and fire hazards.
 1. The use, handling and storage and transportation of hazardous substances shall comply with all applicable state laws (Government Code Section 65850.2 and Health and Safety Code Sections 25505 et. seq. and the San Bernardino County Hazardous Waste Management Plan.
 2. New commercial, office, and business park use will be required to comply with the provision of the San Bernardino County Hazardous Waste Management Plan; the most current amendments to Title 22 of the California Code of Regulations; and any other applicable city, county, state or federal standard relating to the use, storage, handling, transportation, or disposal of hazardous materials.
 3. Concurrent with the submittal of discretionary development applications, project proponents will be required to submit a history of onsite soil use,

and, if warranted, a soil survey to determine the potential presence of hazardous substances in the soil.

4. The design of all new structures shall comply with the latest California Building Code seismic design standards, as well as such supplemental design criteria as the city may adopt to ensure that a) buildings are designed so as to avoid structural collapse; and b) all uses needed for emergency response are designed to withstand sufficient "G" force to remain functional.
5. To prevent future slope failures, new development shall be required to 1) achieve a factor of safety of 1.5 against shear failure; and 2) achieve a factor of safety of 1.1 against seismically induced soil failure.
6. Roadways and internal circulations systems shall be designed to accommodate fire suppression equipment with adequate turn-around areas as determined by the California Fire Code and Loma Linda amendments.
7. All new development shall be provided with the water facilities needed to meet fire flow requirements as determined by the California Fire Code and Loma Linda amendments.

17.08.220 Solar Access and Solar Equipment (This section to be revised)

These provisions are intended to ensure that solar energy systems are protected from shading and to facilitate their safe operation. The standards may be modified by the Director in the case where compliance would demonstrably reduce the operating efficiency or performance of the solar energy system and compliance will not adversely impact public health and safety.

- A. Protection of Solar Access. A structure, fence or wall shall not be constructed or modified in a residential zoning district, and vegetation may not be placed or allowed to grow, so as to obstruct more than 10 percent of the absorption area of a solar energy system on a neighboring parcel at any time.
- B. Solar Energy Systems Standards. The following installation standards shall apply to solar energy systems.
 1. Solar Collectors.
 - a. Roof-mounted collectors shall be placed in the location least visible from public streets and, where feasible, be integrated into the design of the structure as an architectural element.
 - b. Wall-mounted and ground-mounted collectors shall be screened from public view.

2. Appurtenant Equipment. Where feasible, appurtenant equipment, plumbing and related fixtures, shall be installed in the attic. Appurtenant equipment, plumbing, and related fixtures shall comply with the setback requirements of Title 17 and shall be screened from public view.

17.08.230 Solid Waste/Recyclable Materials Storage

The following provisions establish standards for the construction and operation of solid waste and recyclable material storage areas in compliance with the California Solid Waste Reuse and Recycling Access Act. (Public Resources Code Sections 42900 through 42911).

- A. General Requirement. All proposed development shall comply with applicable provisions of the City’s Public Services and Facilities Element.
- B. Required Storage for Multi-family Projects. Multi-family residential projects, with five or more units shall provide solid waste and recyclable material storage areas as follows:
 - 1. Individual Unit Storage Requirements. Each dwelling unit shall be provided an area with a minimum of six cubic feet designed for the indoor storage of solid waste and recyclable material. A minimum of three cubic feet shall be provided for the storage of solid waste and a minimum of three cubic feet shall be provided for the storage of recyclable material; and
 - 2. Multi-family projects shall provide the following minimum solid waste and recyclable material storage areas, which may be located indoors or outdoors as long a they are readily accessible to all residents. These requirements apply to each individual structure. All required areas are measured in square feet.

TABLE 3-4 SHARED STORAGE REQUIREMENTS			
Number of Dwellings	Minimum Storage Areas Required (sq.ft.): Solid Waste	Minimum Storage Areas Required (sq.ft.): Recycling	Minimum Storage Areas Required (sq.ft.): Total Area
2-6	12	12	24
7-15	24	24	48
16-25	48	48	96
26-50	96	96	192
51-75	144	144	288
76-100	192	192	384
101-125	240	240	480

126-150	288	288	576
151-175	336	336	672
176-200	384	384	768
201+	*	*	*

* Every additional 25 dwellings shall require an additional 100 sq. ft. for solid waste and 100 sq. ft. for recyclables.

- C. Non-residential structures and uses within all zoning districts shall provided solid waste and recyclable material storage areas. The following are minimum area requirements.

These requirements apply to each individual structure. All required areas are measured in square feet.

Table 3-5 Required Storage for Nonresidential Structures and Uses			
Building Floor Area (sq. ft.)	Minimum Storage Areas Required (sq. ft.): Solid Waste	Minimum Storage Areas Required (sq. ft.): Recycling	Minimum Storage Areas Required (sq. ft.): Total Area
0-5,000	12	12	24
5,001-10,000	24	24	48
10,001-25,000	48	48	96
25,001-50,000	96	96	192
50,001-75,000	144	144	288
75,001-100,000	192	192	384
100,001+	*	*	*

*Every additional 25,000 sq. ft. shall require an additional 48 sq. ft. for solid waste and 48 sq. ft. for recyclables.

- D. Refuse enclosure standards and guidelines.
1. Purpose. Enclosures should be designed to reduce container visibility and prevent their misplacement of containers, especially in parking area. Enclosures should increase efficient solid waste and recycling practices and enhance the aesthetic appearance of the community.
 2. Except development of a single-family residence or multi-family residence of up to four units, any new development shall comply with the following:
 - a. Space allocation. Each refuse enclosure shall be large enough to fit at least one receptacle for trash, one receptacle for recycling and one receptacle for organic waste. Each enclosure shall be sized to provide for three receptacles without blocking the other for proper access. The minimum interior dimensions of a refuse enclosure are

seven feet by twenty feet. Enclosure wall height shall be at least six feet high from the base. The roof will be spaced two feet higher than the top of the wall of the enclosure, making height clearance eight feet. There must be ventilation occupying the space between the roof and the wall; however, this space shall be covered with a wire mesh (painted to match the enclosure) to keep animals out and debris in. The enclosure should be at the same level as the concrete outside of its walls.

- b. **Materials.** The refuse enclosure shall resemble the exterior surface of the main building. It should blend with the texture and color of the primary building(s). The refuse enclosure should be made of material that is harmonious with the materials of the main building and surrounding buildings. The floor of the enclosure should be paved with concrete and graded toward the sanitary sewer.
- c. **Roofing.** A permanent, waterproof and noncombustible roof must be present to prevent rainfall from entering the enclosure. The roof shall overhang the enclosure on all sides. Acting as protection over the enclosure, the roof shall be a height of eight feet. The roof should limit contaminated water from escaping into nearby storm drains and creeks. The roof should be designed in such a way that rainwater from the enclosure roof discharges into the surrounding landscape.
- e. **Screening.** Refuse enclosure areas shall be enclosed such that they are screened from view. The enclosure gates shall be swing or roll-up and be of a color and design that is compatible with the enclosure. Swinging doors shall be permanent and made of solid steel. Wire mesh is acceptable as long as it has small holes, so that the inside of the enclosure is not visible from the outside. The opening for the gates should be at least eight feet wide and should allow for an overhead clearance of at least seven feet. The gates shall not open towards the street; they shall instead open towards the structures of the development. Double swing gates should have swivel spots outside of the opening area of the enclosure. Swivel points shall be attached to concrete filled steel post or columns at the ends of the walls. In addition, six inch diameter bollards shall be installed to ensure that the gates do not open into adjacent structures or parking spaces. These bollards shall be brightly colored with reflective taping at the top. For commercial and industrial sites, property owners shall have the option to lock the enclosure after business hours, and in some cases, the owner can choose to lock the enclosure during business hours.

- f. Interior Design. Refuse enclosure shall have six inch high wheel stops to prevent the bins from damaging the walls, In addition, a six inch high curb should be created within the perimeter of the interior enclosure walls further protecting the walls from possible damage caused by the bins. The concrete curb shall be eight inches from the wall in order to provide an eight inch clearance from all three walls of the enclosure.
- g. Lighting. Adequate lighting should be provided within the refuse enclosure to ensure safety and to discourage illegal dumping into and around the enclosures. The lighting shall be equipped with sensors to turn off automatically when not in use.
- h. Sanitary Sewer Connection. A drain shall be located on the floor of the refuse enclosure. This drain shall be connected to the sanitary sewer to facilitate disposal of leach ate resulting from cleaning the enclosure. The enclosure shall have adequate filtration at the sewer drain so that hazardous waste does not enter the sewer system.
- i. Prohibited Waste. No other materials (e.g. hazardous wastes, grease, equipment, furniture) shall be stored in the refuse enclosure. The enclosure shall have adequate filtration at the sewer drain so that hazardous waste does not enter the sewer system.
- j. Oil and Grease Receptacle. Any commercial or industrial refuse enclosure shall reserve adequate space for oil and grease receptacle, regardless of the current or planned use. The space shall be at least twelve square feet in addition to the minimum dimensions in this section.
- k. Signage. Unless otherwise provided for by a solid waste hauler permanent signage shall be posted on recycling and organic waste containers to distinguish these bins from the solid waste containers. The enclosure shall have eighteen inch by thirty-six inch signage that reads, "*Do Not Mix Recyclable Materials with Trash*" posted on the front wall or on the gate of the enclosure. "*NO PARKING*" signs shall also be posted. All required signage shall be lighted.
- l. Location and Accessibility. Refuse enclosures shall be located within two hundred and fifty feet of a residential unit but no closer than fifty feet. Refuse enclosure shall provide convenient access for solid waste vehicles and sufficient space for turnaround movements. The turning radius for the enclosure shall be at least forty feet. The front of a refuse enclosure shall also have striped "*keep clear*" areas. A reinforced four to six inch thick concrete pad shall be

located outside the entrance of the refuse enclosure. This pad shall not be sloped so that it drains towards the refuse enclosure; rather the pad shall be sloped so that it drains away from it. The refuse enclosures must be located at least twenty-five feet from any storm drain inlet.

Planning Commission

Regular Meeting of January 16, 2013

A regular meeting of the Planning Commission was called to order by Chairman Nichols at 7:00 p.m., Tuesday, January 16, 2013, in the City Council Chambers, 25541 Barton Road, Loma Linda, California.

Commissioners Present: John Nichols, Chairman (arrived at 7:07 p.m.)
Miguel Rojas, Vice Chairman
Carolyn Palmieri
Nikan Khatibi
Fred Khosrowabadi

Staff Present: Konrad Bolowich, Assistant City Manager
Guillermo Arreola, Associate Planner
Richard Holdaway, City Attorney

Vice Chairman Rojas led the Pledge of Allegiance. No items were added or deleted; no public participation comments were offered upon invitation.

PC-13-01 – MASTER SIGN PROGRAM NO. MS 12-044 – (PUBLIC HEARING – LIMITED TO 30 MINUTES) – The applicant requests approval of a Master Sign Program for the Center Point commercial center located at the southeast corner of Barton Road and Mountain View Avenue. The sign program is site specific to the project and contains criteria for exterior signage.

Planner Arreola presented his report into evidence, indicating that the Master Sign Plan outlines the location of wall signage, monument signs and free standing center identification signs. He pointed out two issues with the proposed McDonalds wall signs: 1) in order to comply with their own sign program, their logo has to be 39.5 inches maximum, the sign plan proposes 42 inches, so the height will have to be reduced by 2.5 inches and be made a condition of approval should the Planning Commission approve the Master Sign Plan. 2) McDonalds is not a corner pad and therefore allowed only one (1) wall sign, however the proposed sign plan indicates signs along the west and south elevations. A condition of approval has been included requiring removal of the extra signs off the west and south elevations of the McDonalds building. The Chase Bank building is allowed four (4) wall signs as it is a corner pad with frontage on Barton Road and Mt. View Avenue. Directional signs are allowed for both pads, with the maximum height of three (3) feet. He indicated that staff recommends approval subject to the conditions of approval, including removal of logos along the west and south elevations of the restaurant pad building and the maximum height of the Chase Bank directional signs limited to three (3) feet. He indicated that the applicant was present to answer any concerns or address any concerns.

Commissioners concerns included:

- The approved color pallet and design of the center and the colors of the McDonalds building appear radically different from the rest of the center, including the yellow canopies. The drawings provided to the Commissioners show a marked departure from the color pallet of the rest of the center.
- Any indication as to a major tenant may affect signage as it pertains to color scheme of the center with the branding of the different stores as with the McDonalds building.
- How close to the street are the monument signs.

Planner Arreola responded that he was not aware of any major tenant signing at this point; that any tenant would have to comply with the master sign program – channel letter design, the maximum sign area, maximum sign length, maximum copy height and maximum logo height. As for the McDonalds, the canopies were included in the conditional use permit. The monument signs are as close to the property line as possible.

Assistant City Manager Bolowich also indicated that the McDonalds building color and stone do match the rest of the center. The building colors in the copies most likely did not reproduce true to color or were left off to focus on the signs. McDonald's logo lettering is white with the yellow logo.

Chairman Nichols inquired that with respect to blending the color pallet of the buildings with the sign program, what prerogative the Commission had to alter the brand of the companies to conform to a color pallet as opposed to a strict adherence to their individual brand color pallet.

City Attorney responded that the Commission is limited to addressing sign issues; the color pallets for the building cannot be changed at this stage. In considering the color pallet for the signs, background and supporting structure consistency with the rest of the development is within the Commission's reasonable discretion; logos, branding and trademarks are issues in which the Commission would not address every specific color detail as they follow a standard format. If a particular tenant coming in has a national branding and logo, prohibiting use of that for whatever reason may or may not be within the Commission's reasonable discretion, however, addressing specific issues of consistency may be within the Commission's discretion. Focus is on the overall sign and the more narrow that becomes, care should be taken in the exercise of that discretion.

Chairman Nichols opened the public hearing and invited comments from the audience.

Applicant Robert Stewart addressed the Commission and clarified that while the parent copies may be true to color, once transmitted and printed, colors can vary. The color scheme of the restaurant and bank buildings is consistent with the color board and stone samples presented previously. The colors and stone veneer finishes on the monument and freestanding signs are all consistent with the color scheme of the entire center.

Chairman Nichols asked as to the amount of latitude given McDonalds with respect to their branding.

Stewart responded that McDonalds worked to create their signs to be consistent with the rest of the center. It was their desire to include the signage on the west and rear elevations in order to orient customers once in the center to more clearly identify their building. It is the objective of the proposed master sign program that the signs have continuity but not necessarily identical size lettering and allow each tenant the ability to have a logo as society identifies with logos. Mr. Stewart indicated that he was ok with the conditions of approval recommended by staff. He also pointed out that there is not a sign on the corner; there is the pedestrian plaza at the corner with the monument signage at the driveway entrances, away from the corner.

Dick Wiley, Loma Linda, addressed the Commission pointing out the possible benefits of using neon in the signs.

Chairman Nichols closed the public hearing.

In response to further questions from the Commissioners regarding changes after approval, Planner Arreola indicated that changes to the approved sign heights, number of signs, etc. would require the applicant to modify the master sign program and come back before the Planning Commission.

Motion by Khatibi, seconded by Khosrowabadi and unanimously carried to approve Master Sign Program No. MS 12-044, subject to the conditions of approval as amended.

PC-13-02 – APPROVAL OF MINUTES – November 7, 2012

Motion by Khatibi, seconded by Palmieri and unanimously carried to approve the minutes of the November 7, 2012 as presented.

REPORTS BY PLANNING COMMISSIONERS

Chairman Nichols commented on the LLUMC campus expansion project and the Healthy Cities workshop in December. Andrejs Galenieks, an Intern working with the City on the Healthy Cities concept has an architecture background and prepared some conceptual sketches of what a town center along Anderson and Prospect could be for the city and in conjunction with the campus expansion, with a more pedestrian friendly, landscaped Anderson Street, student housing, retail, etc. In addition, he had met with city staff and LLUMC administration staff and they appear to be open to a collaborative process with the City toward the conceptualization of this town center concept and land use elements. He indicated that there was another workshop proposed in March and encouraged the other Commissioners to attend. He asked about the possibility of the town center conceptual sketches being available at the next Planning Commission meeting.

COMMUNITY DEVELOPMENT DIRECTOR REPORT

Assistant City Manager Bolowich indicated that he would have the town center conceptual sketches available at the next meeting; and agreed that working with LLUMC has been mutually beneficial.

In addition, he is attempting to acquire some exterior renderings of the proposed VA building on Redlands Boulevard to share with the Commission at the next meeting and perhaps schedule a workshop/study session to share the Commission's input with the VA and their architects. The building will be 3 stories, plus the penthouse with 275,000 sq. ft. of usable space and about 320,000 sq. ft. net. The existing property owner is Lewis Homes and as part of this process there will be a general plan amendment, zone change for that particular piece of property taking it out of Area D, redistributing some of the allocations for housing and open space, a PPD and the design of the building, probably within the next 14 months.

Dick Wiley addressed the Commission regarding the proposed VA building and perhaps a mission style concept.

The meeting adjourned at 8:07 p.m.

Minutes approved at the meeting of _____.

Barbara Nicholson
Deputy City Clerk

Planning Commission

Regular Meeting of February 6, 2013

A regular meeting of the Planning Commission was called to order by Chairman Nichols at 7:00 p.m., Tuesday, February 6, 2013, in the City Council Chambers, 25541 Barton Road, Loma Linda, California.

Commissioners Present: John Nichols, Chairman
Miguel Rojas, Vice Chairman
Carolyn Palmieri
Fred Khosrowabadi

Commissioners Present: Nikan Khatibi

Staff Present: Konrad Bolowich, Assistant City Manager
Guillermo Arreola, Associate Planner
Richard Holdaway, City Attorney

Chairman Nichols led the Pledge of Allegiance. No items were added or deleted; no public participation comments were offered upon invitation of the Chairman.

PC-13-03 – PRECISE PLAN OF DESIGN NO. PPD 12-097 – (PUBLIC HEARING – LIMITED TO 30 MINUTES) –The Applicant is requesting approval to construct six additional units to an existing nine-unit motel (Dutch Motel) located at 25252 Redlands Boulevard in the East Valley Corridor Specific Plan/General Commercial (EV-GC) Zone.

Planner Arreola presented his report into evidence.

Chairman Nichols opened the public hearing. Discussion ensued regarding:

- Increased traffic
- Floor plans, sheet 2 shows 2 sets
- Handicap path on the west side along the manager's office
- Two units on west side being handicap accessible
- Stronger delineation to path of travel to units on the west side, i.e. a raised, covered pedestrian walkway providing safety for occupants
- Lack of a color board or colored sketches

Assistant City Manager Bolowich indicated that a continuance may be appropriate to allow the applicant to address the concerns expressed.

Chairman Nichols invited applicant Yogendra Patel, 25252 Redlands Blvd., Loma Linda, to address the Commission. Mr. Patel indicated that the existing units were 1926 buildings; the units were developed with parking in-between with the proposed improvements to the east side, however, he was agreeable to ask his designer to add the sidewalk; and color samples could be provided. He was also agreeable to a continuance.

Planner Arreola asked for clarification from the Commissioners in that requiring a sidewalk to the units on the west side may come at the expense of the existing planters and would the Commission be agreeable if that were the case. Consensus was to keep the landscaping if possible, however the safety of the occupants is of the utmost importance.

Commissioners expressed thanks to the applicant for the proposed improvements to the property, their willingness to address the Commissioners concerns and work with staff to present the best possible project.

Motion by Palmieri, seconded by Rojas and carried to continue Precise Plan of Design No. PPD 12-097 to the next scheduled meeting on March 6. Khatibi absent.

REPORTS BY PLANNING COMMISSIONERS

In response to Chairman Nichols, Commissioner Khosrowabadi indicated that the I-10 Anderson/Tippecanoe off-ramp improvements were moving along as anticipated.

Commissioner Palmieri asked about the maintenance at Elmer Digneo Park. Assistant City Manager Bolowich indicated that the park is being maintained; the property is leased by the City from the LLU and with the campus realignment, there is some discussion regarding possible relocation of that park to elsewhere in the neighborhood. He would forward her concerns to the Public Works Department.

COMMUNITY DEVELOPMENT DIRECTOR REPORT

Assistant City Manager Bolowich updated the Commission on the following:

- The memory care facility at New Jersey and Orange is moving along well.
- All plan checks are completed for the restaurant and bank; grading plans have been issued for the project at Barton and Mt. View.
- VA bid process is ongoing
- Senior housing project on the west side of Poplar Street has started pouring foundations.

The meeting adjourned at 7:47 p.m.

Minutes approved at the meeting of _____.

Barbara Nicholson
Deputy City Clerk