

Development Code Update Project
Chapter 17.26
Water Efficient Landscape Requirements

ARTICLE II DEVELOPMENT STANDARDS

CHAPTER 17.26 WATER EFFICIENT LANDSCAPE REGULATIONS

Sections:

<u>17.26.010</u>	Intent and Purpose
<u>17.26.020</u>	Definitions
<u>17.26.030</u>	Applicability
<u>17.26.040</u>	Exemptions
<u>17.26.050</u>	Landscape Design and Plant Requirements
<u>17.26.060</u>	Irrigation Requirements
<u>17.26.070</u>	Soil and Grading Requirements
<u>17.26.080</u>	Implementation
<u>17.26.090</u>	Compliance and Enforcement

17.26.010 Intent and Purpose

According to the General Plan (Guiding Policy 9.6.2), "Water quality and availability are critical to the current and future residents of the City of Loma Linda, its planning area, and its sphere of influence. No new development shall be approved that endangers the quality or quantity of water delivered to households within the City." Drought-tolerant and native vegetation which require little irrigation are significant ways for the City to implement this conservation policy.

This chapter of the Development Code implements current state law regarding water-efficient landscape regulations. These regulations have been created for the purpose of conserving water through efficient and responsible use of water resources, with the intent of preserving existing natural vegetation and incorporating native plants, plant communities and ecosystems into landscape design in new development; and

- A. To recognize that well-designed landscaping enhances the appearance of the City through the incorporation of landscaped areas in commercial, industrial, and institutional developments as well as streetscapes, residential neighborhoods; and
- B. To encourage the appropriate design, installation, maintenance, and management

of landscapes so that water demand can be decreased, run-off can be retained, and flooding can be reduced without a decline in the quality or quantity of landscapes; and

- C. To promote and encourage the use of low water use plants and to minimize the use of cool season turf; and
- D. To promote the conservation of potable water by maximizing the use of recycled water and other water-conserving technology for appropriate applications; and
- E. To reduce or eliminate water waste.

17.26.020 Definitions

This section provides definitions of terms and phrases used in this chapter that are technical, specialized or may not reflect common usage. If any of the definitions in this section conflict with definitions in other chapter of the Municipal Code, these definitions shall prevail for the purposes of this Development Code. If a word is not defined in this section or other title of the Municipal Code, the most common dictionary definition is assumed to be correct.

Amendments Any material added to a soil to improve its physical properties, such as water-retention, permeability, water infiltration, and drainage.

Anti-drain Check Valve A valve located under a sprinkler head to hold water in the system to prevent drainage from the lower elevation sprinkler heads when the system is off.

Application Rate The depth of water applied to a given area, measured in inches per minute, or inches per hour, or gallons per hour.

Applied Water The portion of water supplied by the irrigation system to the landscape.

Automatic Rain Shut-Off Feature A system in which a component automatically suspends the irrigation system event when it rains.

Botanical Gardens and Arboretums Gardens in which a variety of plants are grown for scientific and educational purposes.

Certified Landscape Irrigation Auditor A person certified to perform landscape irrigation audits by an accredited educational institution or a professional trade organization.

Conceptual Landscape Plan The portion of a landscape application that includes a

design statement, irrigation notes, planting notes, the plant palette, and conforms with the requirements of this Ordinance.

Control Valve A device used to control the flow of water in the irrigation system. It may also mean all of the sprinklers or emitters in a line controlled by the valve.

Controller An automatic timing device used to remotely control valves or heads to set an irrigation schedule. A weather-based controller is a controller that uses evapotranspiration or weather data. A self-adjusting irrigation controller is a controller that uses sensor data (i.e., soil moisture sensor).

Discretionary Permit Any permit requiring a decision-making body to exercise judgment prior to its approval, conditional approval, or disapproval.

Ecological Restoration Project A project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

Estimated Annual Applied Water Use (EAWU) The portion of the Estimated Total Water Use that is derived from applied water. The Estimated Applied Water Use shall not exceed the Maximum Applied Water Allowance.

The Estimated Total Water Use (ETWU) Shall be calculated using the equation below. The sum of the Estimated Total Water Use calculated for all hydro zones shall not exceed MAWA. (See Water Efficient Landscape Worksheet)

ETWU = (ET_o)(0.62)[(PFxHA)/(IE)+SLA] where:

ETWU =Estimated Total Water Use per year (gallons)

ET_o for Loma Linda = 55.6

PF =Plant Factor from WUCOLS (see "Plant Factor")

HA =Hydro Zone Area [high, medium, and low water use areas] (sq. ft.)

SLA =Portion of the landscape area identified as Special Landscape Area (sq. ft.)

0.62 =Conversion to gallons per square foot

IE =Irrigation Efficiency (minimum 0.71)

Estimated Total Water Use = _____ gallons

ET Adjustment Factor (ETAF) A factor of 0.7, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. A combined plant mix with a site-wide average of 0.5 is the basis of the plant factor portion of this calculation. For purposes of the ETAF, the average irrigation efficiency is 0.71. Therefore, the ET Adjustment Factor is $(0.7) = (0.5/0.71)$. ETAF for a Special Landscape Area shall not exceed 1.0. ETAF, for existing non- rehabilitated landscapes is 0.8.

Evapotranspiration Rate ETo The quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

Hydro Zone A section or zone of the landscaped area having plants with similar water needs that are served by a valve or set of valves with the same schedule. A hydro zone may be irrigated or non-irrigated.

Infiltration Rate The rate of water entry into the soil expressed as a depth of water per unit of time (i.e., inches per hour).

Invasive Species Non-indigenous species that adversely affect the habitats they invade economically, environmentally, or ecologically.

Irrigation Efficiency The measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum irrigation efficiency for purposes of this Chapter is 0.71.

Irrigation System The network of piping, valves, and irrigation heads.

Landscape Application The complete packet of documents required under Section 16.40.390 Water efficient landscape requirements to be submitted to the Community Development Department. The landscape application shall include the conceptual landscape plan and landscape construction plans (irrigation plan, plant and soils plan, water management plan).

Landscape Architect A person licensed to practice landscape architecture in this State pursuant to Chapter 3.5 (commencing with Section 5615) of Division 3 of the Business and Professions Code.

Landscape Construction Plans The portion of a landscape application that includes the irrigation plan, plant and soils plan, water management plan, and conforms with the requirements of Section 16.40.390 Water efficient landscape requirements.

Landscape Water Audit An in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. Audits include, but are not limited to: inspection, system tune-up, system test with distribution, uniformity, and verification of minimal overspray or run off that causes overland flow, preparation of an irrigation schedule.

Low-head Drainage Drainage from a sprinkler that is caused by water flooding down an irrigation system from a higher level of elevation.

Maximum Applied Water Allowance (MAWA) The upper limit of annual applied

water for the established landscaped area. It is based upon the area's reference evapotranspiration, the ET Adjustment Factor, and the size of the landscape area. The Estimated Total Water Use shall not exceed the Maximum Applied Water Allowance. Special Landscape Areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0. See Water Efficient Landscape Worksheet.

The project's Maximum Applied Water Allowance shall be calculated using this equation:

MAWA = $(ET_o)(0.62)[(0.7 \times LA) + (0.3 \times SLA)]$ where:

MAWA = Maximum Applied Water Allowance (gallons per year)

ET_o for Loma Linda = 55.6

ET Adjustment Factor (ETAF) = 0.7

LA = Landscaped Area includes Special Landscape Area (sq. ft.)

0.62 = Conversion to gallons per square foot

SLA = Portion of the landscape area identified as Special Landscape Area (sq. ft.)

0.3 = additional ET Adjustment Factor for Special Landscape Area (1.0 - 0.7 = 0.3)

Maximum Applied Water Allowance = _____ gallons per year

Example: MAWA for landscaped area of 10,000 sq. ft.

$(54.6)(0.7)(10,000)(0.62) = 236,964$ gallons per year (MAWA)

Mulch Any organic material such as leaves, bark, or inorganic material such as pebbles, stones, gravel, decorative sand or decomposed granite left loose and applied to the soil surface to reduce evaporation.

Operation Pressure The pressure at which an irrigation system of sprinklers is designed by the manufacturer to operate, usually indicated at the base of a sprinkler.

Overspray The water that is delivered beyond the landscaped areas by the irrigation system onto pavements, walks, structures or other non-landscaped areas.

Plant Factor" or "Plant Water Use Factor A factor, when multiplied by ET_o, estimates the amount of water needed by plants. For purposes of this ordinance, the plant factor range for low water use plants is 0 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this ordinance are derived from the Department of Water Resources 2000 publication "Water Use Classification of Landscape Species."

Planting Plan The plan submitted with the construction plans indicating a list and quantity of plants.

Potable Water Water meant for human consumption that is treated to legal standards for human consumption.

Pressure Regulator A device used in sprinkler systems for radius and high pressure control.

Project Net Landscape Area or Landscaped Area or Landscape Project Area All of the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

Rain Sensor A system component which detects rainfall and automatically overrides the irrigation system during rain events.

Recycled Water Water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur and is therefore considered a valuable resource.

Rehabilitated Landscapes Any re-landscaping project that requires a permit, plan check, or design review, and meets the requirements of this Chapter.

Runoff Water that is not absorbed by the soil or landscape to which it is applied and flows from the area.

SMART Irrigation Controller Weather-based or soil moisture-based irrigation controller that monitors and uses information about the environmental conditions at a specific location and landscape to automatically adjust watering schedules.

Soil Management Plan Plan submitted with the construction plans indicating results from soil tests and recommended soil amendments.

Soil Test Test done by soils test lab that indicates minimum soil texture, water holding capacity, pH, and soluble salts

Soil Type The classification of soil based on the percentage of its composition of sand, silt, and clay.

Special Landscape Area An area of the landscape dedicated to edible plants, areas irrigated with recycled water, and areas dedicated to active play such as parks, sports fields, golf courses, where turf provides a playing surface.

Sprinkler Head A device which delivers water through a nozzle.

Static Water Pressure The pipeline or municipal water supply pressure when water is not flowing.

Turf A surface layer of earth containing mowed grass or grass-like sedge with its roots; a groundcover surface of mowed grass or grass-like sedge. Turf includes, but is not limited to, the following plant types: Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, Tall fescue, Bermuda grass, Kikuyu grass, Seashore Paspalum, St. Augustine grass, Zoysia grass, Carex pansa, and Buffalo grass.

Water Efficient Landscape Worksheet Worksheet which calculates a site's water budget (See landscape application)

Water Feature Any water applied to the landscape for non- irrigation, decorative purposes. Fountains, streams, ponds, lakes, and swimming pools are considered water features.

Water Management Plan Plan submitted with the construction drawings as part of the landscape documentation package.

Water Schedules Schedule of irrigation times throughout a given year.

Water Conserving Landscape Design A landscape design developed to conserve water.

17.26.030 Applicability

The regulations in this chapter apply to all of the following landscape projects:

- A. New construction and rehabilitated landscapes for public agency projects and private development projects with a total project net landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or design review;
- B. New construction and rehabilitated landscapes which are developer-installed residential projects with a total project net landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or design review;
- C. New construction which are homeowner-installed residential projects with a total project net landscape area equal to or greater than 5,000 square feet requiring a building or landscape permit, plan check, or design review;

- D. Special Landscaped Areas, such as areas dedicated to edible plants, irrigated with recycled water, or dedicated to active play, shall prepare a water efficient landscape worksheet and landscape application according to the specifications for Special Landscaped Areas

17.26.040 EXEMPTIONS

The following projects are exempt from the regulations in this chapter:

- A. Registered local, state or federal historical sites;
- B. Ecological restoration projects that do not require a permanent irrigation system;
- C. Mined-land reclamation projects not requiring a permanent irrigation system; and
- D. Botanical gardens and arboretums open to the public.

17.26.050 Landscape Design and Plant Requirements

A landscape application prepared by a licensed landscape architect shall include the following landscape design criteria:

- A. Plant Selection and Grouping.
 - 1. Plants having similar water needs shall be grouped together in distinct hydro zones.
 - 2. Plants shall be selected appropriately based upon their adaptability to the climate, geologic, and topographical conditions of the site. Protection and preservation of existing native species and natural areas is encouraged. The planting of appropriate trees is encouraged.
 - 3. Minimize the use of turf. Turf areas shall be used wisely in response to functional needs and shall not exceed the MAWA. Where turf is installed the use of warm season turf is strongly encouraged.
 - 4. Fire prevention needs shall be addressed in areas that are fire-prone.
 - 5. Invasive species of plants should be avoided especially near parks, buffers, greenbelts, water bodies, and open spaces because of their potential to cause harm in sensitive areas.

6. Encourage the appropriate use of mulch within developed landscapes to retain moisture.

B. Water Features.

1. Re-circulating water systems shall be used for decorative water features.
2. Where available, recycled water shall be used as the source for water features (excluding swimming pools and spas).
3. The surface area of a water feature will be included in the Maximum Applied Water Allowance (MAWA) calculation with the evaporation rate equivalent to that of a high water use plant.

17.26.060 Irrigation Requirements

- A. All irrigation systems shall be designed to prevent run-off, over-spray, low head drainage, and other similar conditions. Soil types and infiltration rates shall be considered when designing irrigation systems. Irrigation systems shall be designed, constructed, managed, and maintained to achieve as high an overall efficiency as possible.
- B. Dedicated (separate) landscape water meters shall be installed for all projects greater than 5,000 square feet, except for single family residences. Dedicated landscape water meters are highly recommended on landscape areas less than 5,000 square feet to facilitate water management.
- C. All irrigation systems shall include:
 1. A SMART irrigation controller, or other equivalent technology which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions, shall be required. The planting areas shall be grouped and irrigated in relation to hydro zones based on similarity of water requirements (i.e. turf separate from shrub and groundcover, full sun exposure areas separate from shade areas; top of slope separate from toe of slope);
 2. Anti-drain check valves shall be installed to prevent low-head drainage in sprinkler heads;
 3. A pressure regulator when the static water pressure exceeds the maximum recommended operating pressure of the irrigation system; and,
 4. A rain sensor with an automatic rain shut-off feature shall be required.

17.26.070 Soil and Grading Requirements

- A. Soil testing shall be performed after mass grading, prior to landscape installation to ensure the selection of appropriate plant material that is suitable for the site, and reported in a soil management plan. The soil management plan shall include:
 - 1. Determination of soil texture, indicating the available water holding capacity;
 - 2. An approximate soil infiltration rate (either) measured or derived from soil texture/infiltration rate tables. A range of infiltration rates shall be noted where appropriate;
 - 3. Measure of pH and total soluble salts; and,
 - 4. Recommended amendments
- B. Grading on-site shall be designed to minimize unnecessary soil compaction, erosion, and water waste. Grading plans must satisfy the City grading ordinances and be submitted as part of the landscape application.

17.26.80 Implementation

- A. Applicants subject to the requirements of this chapter shall submit a complete landscape application to the Community Development Department. The application form shall be created by the Community Development Director, or designee, and may be updated from time to time to ensure all applicants comply with the provisions of this chapter. The Application may be submitted in two parts: A Conceptual Landscape Plan, which is submitted with a discretionary permit application or, when otherwise required by the City, Landscape Construction Plans, submitted as a ministerial application.
- B. All applications and plans shall conform to the plant, irrigation, and water budget plans shall conform to the plant, irrigation, and water budget formula requirements set forth in this chapter and the landscape application
- C. The Conceptual Landscape Plan shall include:
 - 1. Design statement, irrigation notes, planting notes and a conceptual plant palette identifying proposed hydro zones;
 - 2. MAWA calculation for the landscape project area.

- D. The Landscape Construction Plans shall include:
1. All applications subject to the requirements of this ordinance shall include landscape construction plans that comply with the design standards and specifications contained in this chapter. The construction plans shall be in compliance with the conceptual landscape plan.
 2. All landscape construction plans shall include an irrigation plan, a planting and soils plan, and a water management plan with detailed notes and legends necessary for a complete landscape plan review.
 3. If the construction plans differ significantly from the conceptual landscape plan (as determined by the Community Development Director), the Applicant must resubmit an overall water budget calculation in accordance with the landscape application.
- E. Irrigation Plan. The irrigation plan shall be a separate document from the planting and soils plan. The irrigation plan shall be prepared in accordance with the requirements of the Ordinance and include pressure calculations and the location, installation details, and specifications of control valves, irrigation heads, piping, irrigation controllers, and power supply.
- F. Planting and Soils Plan. The planting plan shall include, but not be limited to:
1. A description of any existing plant material to be retained or removed.
 2. A plan showing the planting areas and hydro zones, plant spacing; plant location and size, natural features, water features, and all paved areas.
 3. A legend listing the common and botanical plant names and total quantities by container size and species.
 4. A description of the seed mixes with application rates and relevant germination specifications.
 5. Soil management plan, including the soil test results and recommendations.
 6. The grading plan shall be submitted for reference.
- G. Water Management Plan. A Water Management Plan shall be prepared in accordance with the requirements of this chapter. The Plan shall include:
1. An introduction and statement of site conditions as described above,

or a landscape concept plan.

2. Identification of the party(ies) responsible for implementation of the Water Management Plan.
3. The anticipated water requirements in inches per year, and water budget-for the various hydro zones identified in the landscape concept plan to include calculations demonstrating an overall water budget that requires no more irrigation than the 0.7 of the ET adjustment factor.
4. A description of the water delivery systems, including the type of irrigation system to be used; water conservation methods to be applied, and precipitation rates for each hydro zone.
5. Seasonal irrigation water schedules or procedures for programming of proposed SMART controllers.
6. A maintenance plan for the ongoing operation and maintenance of the irrigation system.
7. All applications for model homes shall include the nature of public information documents and signage that will be placed at model homes describing water conservation principles used in the landscaping for the model home.

17.26.090 Compliance and Enforcement

The Community Development Director or designee shall have the duty and authority to administer and enforce this chapter.

- A. Prior to the issuance of a permit, a complete landscape application prepared by an independent licensed landscape architect shall be submitted to the Community Development Department for review and approval. The licensed landscape architect shall ensure that all components of the package adhere to the requirements of this Ordinance. Any application submitted without the signature of a licensed landscape architect shall not be accepted for review.
- B. Prior to issuance of a certificate of occupancy or final inspection for a project subject to this Ordinance, a Certificate of Completion shall be submitted to the Community Development Director certifying that the landscaping has been completed in accordance with the approved landscape construction plans for the project. The Certificate of Completion shall be signed by a licensed landscape

architect and shall indicate that:

1. The landscaping has been installed in conformance with the approved landscape construction plans;
 2. The SMART irrigation controller has been set according to the irrigation schedule;
 3. The irrigation system has been adjusted to maximize irrigation efficiency and eliminate overspray and runoff; and
 4. A copy of the irrigation schedule has been given to the property owner.
- C. Upon notice from the Applicant, the Community Development Director, or designee shall have the right to enter the project site to conduct inspections for the purpose of enforcing this Ordinance before, during and immediately after installation of the landscaping.
- D. A copy of the completed landscape application shall be filed with the City. If the property is found to be in excess of their established. MAWA, the property shall be subject to a landscape water audit.
- E. Recycled Water.
1. The installation of recycled water irrigation systems (i.e., dual distribution systems) shall be required to allow for the current and future use of recycled water, unless a written exemption has been granted by the City Engineer stating that recycled water will not be available in the foreseeable future.
 2. Irrigation systems shall make use of recycled water unless a written exemption has been granted stating that recycled water meeting all public health codes and standards is not available and will not be available in the foreseeable future.
 3. The recycled water irrigation systems shall be designed and operated in accordance with all local agency and State codes.
- F. Stormwater Management.
1. Stormwater management combines practices to minimize run-off and water waste to recharge groundwater, and to improve water quality. Implementing stormwater best management practices into the landscape, irrigation, and grading design plans to minimize run-off, and increase retention and

infiltration are highly recommended on-site.

2. Project applicants shall refer to the local agency or Regional Water Quality Control Board for information on any stormwater ordinances and stormwater management plans.

Development Code Update Project
Chapter 17.28
Tree Placement, Tree Removal And Landscaping

ARTICLE II DEVELOPMENT STANDARDS

CHAPTER 17.28 TREE PLACEMENT, TREE REMOVAL AND LANDSCAPING

Sections:

<u>17.28.010</u>	Intent and Purpose
<u>17.28.020</u>	Goals
<u>17.28.030</u>	Policies
<u>17.28.040</u>	Definitions
<u>17.28.050</u>	Responsibility
<u>17.28.060</u>	Urban Forestry Advisory Committee
<u>17.28.070</u>	Permit Required
<u>17.28.080</u>	Permit Procedure
<u>17.28.090</u>	Conditions Required
<u>17.28.100</u>	Fee Required
<u>17.28.110</u>	Street Trees Required
<u>17.28.120</u>	Protection of Trees During Construction
<u>17.28.130</u>	Certification Form Required
<u>17.28.140</u>	Soils Analysis Required
<u>17.28.150</u>	Responsibility
<u>17.28.160</u>	Vision Clearance Triangles
<u>17.28.170</u>	Urban Design Guidelines
<u>17.28.180</u>	Landscape Plans
<u>17.28.190</u>	Preliminary Landscape Plans
<u>17.28.200</u>	Detailed Landscape Plan Requirements
<u>17.28.210</u>	Exemptions
<u>17.28.220</u>	Interference Unlawful

17.28.010 Intent and Purpose

The intent of this chapter is to establish goals, policies, and regulations, which will ensure compliance with the City's objective to create and maintain a community urban forest to be an essential element of the City's character. The provisions of this chapter are prescribed to achieve this purpose.

17.28.020 Goals

The following goals provide the basis for formulating and evaluating the strategy of this chapter:

- A. To establish trees as a significant characteristic of the City by protecting and maintaining significant existing trees; and by planting an appropriate selection of trees on public and private lands;
- B. To provide a unifying influence for new development in the City through the selective planting of trees and land sloping according to the master street tree list and landscape urban design schemes;
- C. To ensure the health and longevity of new landscape planting by the adoption of planting and maintenance standards;
- D. To establish healthy, diverse species of trees which can provide a sustainable community urban forest;
- E. To promote conservation of landmark trees and tree resources;
- F. To establish tree species, which will provide the community with a valuable resource and will aid in the conservation of energy, the reduction of noise, air pollution, and soil erosion, and will provide a viable habitat for birds, and wildlife;
- G. To promote urban design concepts in landscape architecture to aesthetically enhance public and private property and generate community pride;
- H. To establish and suitably maintain street trees to limit hardscape damage, which will reduce personal injury and maintenance costs;
- I. To establish an urban forest advisory committee to regulate landscape design in large scale public and private developments.

17.28.030 Policies

The policies contained herein, are provided to establish guidelines to execute the provisions of this chapter. It shall be the policy of the City to:

- A. Make a concerted effort to establish and preserve significant vegetation;
- B. Provide landscape plans which complement and respond to general surroundings and existing vegetation;
- C. Require the use of licensed landscape architects in the preparation of "non-exempt" landscape architecture plans in the city;
- D. Establish a permit process whereby, planting, and maintenance of street trees and significant vegetation can be monitored;
- E. Encourage the use of xeriscape vegetation, wherever feasible, in public and private projects to promote water conservation;
- F. Investigate the feasibility of utilizing "water budget" technology, where landscapes are designed and maintained to survive with a designated amount of water per acre;
- G. Define major corridors through urban design landscape concepts.

17.28.040 Definitions

For the purpose of this chapter, the following terms shall have the meanings set forth herein:

Alter To change the appearance by trimming, grafting, removing foliage and/or branches of trees or shrubs.

Drip Line The outermost branches of a tree canopy.

Excavate The transfer of any quantity of soil, rocks or any subsurface material from one location to another.

Landmark Tree Any tree on private property which is voluntarily nominated by the property owner, or any tree on public property which is designated by the City Council to be particularly valuable due to its species, condition and/or age, or due to its cultural or historical significance.

Landscape Material Any organic plant material (shrubs, vines, turf, etc.).

Maintain To prune, trim, fertilize, irrigate, or treat for injury in a manner which will prolong the life span of the tree/landscape material.

Median The raised area within a street of varying width and length which is not used for vehicular traffic.

Non-exempt Landscape Architecture Plans A landscape plan which is required to be prepared by a licensed landscape architect, as defined by the California Business and Professions Code, Article 3, Section 5641..

Parkway That part of land lying between the curb face and the property line, or contained in a landscape or street tree easement.

Street Tree Any plant which is planted in a parkway (right-of-way) or a street tree easement.

Tree Any perennial plant having a single main stem with varying elongation, and containing a crown with a head of branches and/or foliage.

Urban Forest A collection of trees in and around the city including street and yard trees, parks trees, and future suburb trees.

Xeriscape The integration of drought-tolerant plants, trees and ground covers, with effective design, suitable soils and water management technology.

17.28.050 Responsibility

To assign responsibility and implementation authority, and to ensure cooperation and coordination between City departments, in matters pertaining to landscape resources, the following shall apply:

- A. All required landscape and irrigation plans are subject to the approval of the Community Development Department in conjunction with the Public Works Department, with the former having ultimate approval authority over plant material selection. Upon determination of the Community Development Director, the urban forest advisory committee shall be consulted for recommendations.
- B. The Community Development Department.
 - 1. Required preliminary and detailed (on-site) landscape plans are subject to approval of the Community Development Department. The Community

Development Department shall review and comment on landscape maintenance district (off-site) landscape plans. With respect to landscape maintenance district areas, the Community Development Department shall ensure that all components of the plan are integrated and harmonious with on-site landscaping and urban design plans.

2. Permits for removal, alteration, and placement of trees within public rights-of-way and easements and for removal or alteration of designated landmark trees on private property shall be reviewed by the Community Development Department.
3. Agronomic soils analyses are subject to the review and approval of the community development department.

C. The Public Works Department.

1. Required irrigation system plans and landscape plans for landscape maintenance district areas located in the public rights-of-way are subject to the approval of the Public Works Department.
2. Permits for removal, alteration, and placement of trees within public rights-of-way and easements and for removal or alteration of designated Landmark trees on private property shall be issued by the Public Works Department;
3. Planting, removal or replacement of approved street trees shall be monitored by the Public Works Department. All trees and vegetation installed in landscape maintenance districts and public rights-of-way shall be planted and maintained according to the urban forest maintenance schedule, master street tree list, specifications, and planting details incorporated herein as "**EXHIBIT A.**"
4. Agronomic soils analyses are subject to the review and approval of the Public Works Department.

17.28.060 Urban Forestry Advisory Committee

The Urban Forestry Advisory Committee may be appointed by the City Council and may make recommendations to the City Council on:

- A. The aesthetics and appropriateness of all landscape plans for public projects and for private development projects of three gross acres or more;
- B. Master street tree list;

- C. Urban design landscape guidelines (pursuant to Section 17.28.180);
- D. Removal of orange, grapefruit or other significant groves;
- E. Nomination of landmark trees for adoption by the City Council, with the property owner's consent;
- F. Removal of landmark trees, and;
- G. Address unusual or unforeseen circumstances affecting the goals and policies of this chapter, but not specifically addressed herein.

17.28.070 Permit Required

To ensure proper street tree selection and protection of the urban forest, no person shall excavate within the drip line or ten feet of a tree (whichever is greater), or install, replace, or alter any tree designated as a landmark (on private property with owner's consent) or any tree located within City parkways, (street rights-of-way), or street tree easements, without first obtaining a permit as specified in Section 17.28.080 - 17.28.100.

17.28.080 Permit Procedure

An application for a permit for tree removal or alteration of public trees (trees located within parkways, rights-of-way or street tree easements) shall be submitted to the Public Works Department on printed application forms provided by same. The permit application should provide the following minimum information:

- A. Written and graphic (plot plan) details providing the description, number, location, type and size of all trees/landscape material proposed to be removed and/or relocated or altered; property lines; dimensions of all easements affecting the removal or alteration; frontage streets; center lines; right-of-ways; utilities;
- B. Written justification for tree removal(s) (e.g., dead, dying, diseased, or extreme hardship).

17.28.090 Conditions Required

The Community Development Department and Public Works Departments may require reasonable conditions in granting a permit, including but not limited to, a requirement that a security bond be posted to ensure compliance with the provisions of this chapter.

17.28.100 Fee Required

Each applicant shall pay a permit fee in an amount to be set by resolution of the City Council to cover the costs of administration.

17.28.110 Street Trees Required

- A. Any person who constructs a new building or increases the floor area of an existing main building by fifty percent (of original size) shall provide a minimum of two twenty-four inch box trees. Applicants with lots having greater than sixty-five lineal feet frontage shall provide one tree per each thirty lineal feet. One thirty-six inch box tree shall be planted for each ten twenty-four-inch box trees required.
- B. Tree species shall be selected from the approved master street tree list. If acceptable parkway width does not exist, according to the parkway specifications set forth in master street tree list (Exhibit "A," Section 17.74.050 (c)), the applicant shall be required to dedicate additional parkway, which shall be deemed a "tree easement." The easement shall not exceed a total of ten feet in width, to facilitate the planting of said trees.

17.28.120 Protection of Trees During Construction

No person shall begin construction of any building, structure or improvement without first providing sufficient protection, such as a fence, guard or frame, equivalent to a distance in feet from the tree equal to the trunk diameter at breast height (4.5 feet), to prevent injury to any park or street tree or landscape material in connection with such construction. The protection shall be sufficient to prevent any debris from entering into the tree guard. The costs of such protection shall be borne by the person constructing said improvements.

17.28.130 Certification form Required

All trees and vegetation planted in the City, as part of a required landscape plan, shall be under the supervision of a licensed landscape architect. All landscape architects are required to sign a certification form, provided by the Community Development Department, prior to the granting of final occupancy, which verifies that all vegetation has been planted in conformity with approved plans and is consistent with adopted City specifications.

17.28.140 Soils Analysis Required

An agronomic soils analysis shall be required for new development projects, which affect City right-of-ways, and may be required as part of the approval process for private development, other than single-family residences. The applicant shall take a composite soil sampling, which is representative of the major soil types present. The analysis shall include fertility and suitability analysis and make recommendations for soil amendments and post plant fertilization maintenance. The analysis shall be submitted with the detailed landscape plan to the Community Development Department and Public Works Departments for review and approval.

17.28.150 Master Street Tree List

A master street tree list which provides a list of suitable tree species to be planted in parkways and free easements, along all City streets and street sections, shall be established by resolution of the City Council. The list shall further specify the minimum acceptable parkway widths for each tree species on the list.

17.28.160 Vision Clearance Triangles

All tree and landscape material (hedges, shrubs, etc.) abutting intersecting public or private streets, or occurring along irregularly shaped lots, shall conform to the provisions set forth in this Code. In addition, trees planted in parkways, or street tree easements shall be placed according to the following minimum setbacks:

- A. Ten feet from street lamps;
- B. Eight feet from fire hydrants;
- C. Five feet from sidewalks (An alternative to this setback is to place street trees one foot from the property line, where sidewalks abut the curb; and where the curb is separated from the sidewalk by a parkway, in the center of the parkway.);
- D. Eight feet from sewer and water mains;
- E. Twenty-five feet from stop signs.

17.28.170 Urban Design Guidelines

Urban design guidelines (master tree and landscape plans) which address focal points, entry ways, corridors, street themes, back drops, and other landscape design concepts recommended by the urban forestry committee shall be adopted by resolution by the city council for specific areas in the City. These guidelines shall be used to implement provisions in this chapter.

17.28.180 Landscape Plans

Landscape plans shall be prepared and submitted to the community development department, as part of applications for the precise plans of design, subdivisions, and small projects, except for a single-family residence on a single-family lot. Landscape maintenance district landscape plans shall be prepared for designated districts, or urban design guideline areas, as part of the above applications. All landscape plans shall be prepared consistent with Section 17.28.190 and 17.28. 200.

17.28.190 Preliminary Landscape Plans

All preliminary landscape plans which are "non-exempt" shall be prepared by a licensed landscape architect registered in the state of California, and shall be wet stamped and signed. The requirements for preliminary landscape plans shall be as follows:

17.28.200 Detailed landscape Plan Requirements

All "non-exempt" detailed landscape plans shall contain all provisions specified in Section 17.28.190 in addition to the following:

- A. Mylar sheets, 24"x 36" with City title block;
- B. Location of existing or proposed street furniture, (benches, trash enclosures, etc.) ornamentation and lighting.
- C. Details and specifications which show all work to be performed, including staking, planting, soil preparation and grading;
- D. Detailed irrigation plan showing the following:
 - 1. Location and size of all water meters and points of connection,
 - 2. Pipe size, class, and/or schedule for irrigation system,
 - 3. Pressure loss calculations for longest and shortest irrigation circuit,
 - 4. Location, manufacturer, model number of backflow prevention devices,

automatic controller, sprinkle heads, quick couplers, hose bibs, gate valves, and remote control valves;

5. Notes indicating the following:
 - a. Irrigation system shall be designed to operate automatically,
 - b. Irrigation system shall be vandal-resistant,
 - c. Irrigation system shall provide one hundred percent coverage,
 - d. Detailed maintenance and soil amendment program,
 - e. Penal landscape maintenance agreement, pursuant to subsection (E)(4) above (landscape maintenance district areas shall be maintained by the developer for a period of one year);
 - f. Detailed landscape plan for landscape maintenance district areas shall provide tree species which are consistent with the City's approved master street tree list;
 - g. Additional statements necessary to convey design rationale;
 - h. Soils analysis as **specked in Section 17.XXX**
 - i. Minimum specifications for height and caliper of trees;

- E. Landscaping, screening and maintenance plan shall be required for:
 1. Parking lots associated with new development;
 2. Parking lots serving buildings for which additions, remodels and/or floor area expansions are being proposed;
 3. Parking lots serving buildings for which a change of use that creates an increase demand for parking is being proposed; and
 4. Change of occupancy which is subject to a precise plan of design.

- F. Parking lot landscape, screening and maintenance plans shall conform to the following standards:
 1. One tree per every five parking spaces,
 2. Ten percent landscaping for parking lots with less than eighty-five spaces, and
 3. Eight percent landscaping for parking lots with eighty-five or more parking spaces.

- G. Parking lot landscape, screening and maintenance plans shall be judged according to guidelines adopted and amended from time to time by the planning commission.

17.28.205 Exemptions

To preserve public safety and reliability in the construction, operation, and maintenance of overhead, underground electric lines and facilities, the public utility companies shall be exempt from all provisions, requirements and restrictions of this chapter.

17.28.210 Interference Unlawful

No person, entity, or corporation shall interfere with any City official acting under their capacity while engaged in planting, removing, replacing, or maintaining any tree or vegetation in any street, park or public place within the City.

Development Code Update Project
Chapter 17.30
Historic Preservation

ARTICLE II DEVELOPMENT STANDARDS

CHAPTER 17.30 HISTORIC PRESERVATION

Sections:

<u>17.30.10</u>	Title
<u>17.30.20</u>	Purpose
<u>17.30.30</u>	Intent
<u>17.30.40</u>	Area of Application
<u>17.30.50</u>	Definitions
<u>17.30.60</u>	Historic Preservation Commission
<u>17.30.70</u>	Powers and Duties
<u>17.30.80</u>	Cultural Resource Designation Criteria.
<u>17.30.90</u>	Cultural Resource Designation Procedures
<u>17.30.100</u>	Certificate of Appropriateness-Permits.
<u>17.30.110</u>	Historic Building Code
<u>17.30.120</u>	Preservation Easements
<u>17.30.130</u>	Certificate of Economic Hardship
<u>17.30.140</u>	City Council Approval Required
<u>17.30.150</u>	Duty to Keep in Good Repair
<u>17.30.160</u>	Ordinary Maintenance Repair
<u>17.30.170</u>	Enforcement

17.30.010 Title

This chapter shall be known as the Historic Preservation Ordinance of the City.

17.30.020 Purpose

Whereas, the City Council has determined:

- A. That the character and history of the City are reflected in its cultural, historical, and architectural heritage;

- B. That theme historical and cultural foundations should be preserved as living parts of community life and development to build an understanding of the City's past so that future generations may have a genuine opportunity to appreciate, enjoy, and understand the rich heritage of the City;
- C. That in the face of ever-increasing pressures of modernization and urbanization, City landmarks, neighborhoods, and other areas of historical and cultural interest are threatened with demolition;
- D. That pursuant to the provisions of the National Historic Preservation Act of 1965, as amended, the city joins with private concerns, the state of California, and the United States Congress to develop preservation programs and activities to give maximum encouragement to agencies and individuals undertaking preservation of the City's unique architectural, historical, aesthetic, and cultural heritage;
- E. Therefore, the purpose of this chapter is to promote the public health, safety, and general welfare; and:
 - 1. To safeguard the City's unique cultural heritage as embodied and reflected in the City's architectural history and patterns of cultural development;
 - 2. To encourage and facilitate public knowledge, understanding, and appreciation of the City's historic past and unique sense of place;
 - 3. To foster civic and neighborhood pride and a sense of cultural resources appropriate for the education and recreation of the people of the City;
 - 4. To preserve diverse architectural styles, patterns of development, and design preferences reflecting phases of the City's history and to encourage complementary contemporary design and construction and inspire a more livable urban environment;
 - 5. To enhance property values and to increase economic and financial benefits to the City and its inhabitants through the exploration of creative financial incentives for preservation;
 - 6. To protect and enhance the City's attraction to tourists and visitors thereby stimulating business and industry;
 - 7. To identify as early as possible and resolve conflicts between the

- preservation of cultural resources and alternative land uses;
8. To integrate the preservation of cultural resources into public and private land use management and development processes;
 9. To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment;
 10. To stabilize neighborhoods through the preservation of cultural resources and establishment of historic districts and conservation zones;
 11. To promote public awareness of the benefits of preservation;
 12. To increase the economic benefits of preservation of cultural resources to the city and its inhabitants;
 13. To encourage public participation in identifying and preserving historical and architectural resources, thereby increasing community pride in the City's cultural heritage.

17.30.30 Intent

Loma Linda has a number of structures, features and other cultural resources that warrant adaptive re-use and/or preservation (or rehabilitation or recreation, when appropriate) so that they are not "lost" as the community continues to grow. Examples of such elements include the large residences (currently or formerly) associated with the citrus groves and buildings from the early years of the University. Other long-time features within the community that have taken on the character of local landmarks include the rows of palm trees along Citrus Avenue and the many remaining citrus groves.

According to the General Plan Community Design Element (Guiding Policy 3.2.1), it is the City's policy to employ adaptive re-use of structures that have local historic value because of their scientific, aesthetic, educational, cultural, architectural, or historical significance in order to incorporate them into any new adjacent development and prevent their demolition. General Plan implementing policies for adaptive reuse and preservation with new development are listed below.

- A. Retain the historic and architectural integrity when pursuing adaptive re-use of buildings, while aiming to meet the design policies set forth within the applicable category of the intended new use (i.e. auto-oriented commercial) to the greatest extent feasible.
- B. Sensitively site and design new adjacent buildings in order to preserve historic

buildings, allow for viable access to them, and create a cohesive architectural character that reflects, and is compatible with, the historic building.

- C. Preserve the character of the existing citrus groves by preserving and incorporating strategically located existing trees or rows of existing trees into new development (i.e. in the form of landscaped setbacks and/or landscape treatments). Having accomplished this, the remaining grove may be removed.
- D. Include new citrus trees of a hearty variety and/or other species that are similar to or resemble citrus trees within appropriate new or landscaped City rights-of-way.
- E. Encourage private development to use new citrus trees as landscape materials on any private property when feasible.
- F. Preserve the rows of palm trees located along Citrus Avenue east of California Street and incorporate the trees into future development of the area.

17.30.040 Area of Application

This chapter shall apply to all cultural resources within the city.

17.30.050 Definitions

The following definitions are utilized in this as defined below:

- A. **Alteration** Any change or modification, through public or private action, to the character-defining or significant physical feature of properties affected by this chapter. Such changes may be changes to or modification of structure, architectural details, or visual characteristics, grading, surface paving, the addition of new structures, cutting or removal of trees, landscaping and other natural features, disturbance of archeological sites or areas, and the placement or removal of any significant objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings, and landscape accessories affecting the significant visual and/or historical qualities of the property.
- B. **Certificate of Appropriateness** A certificate issued by the Historical Commission approving such plans, specifications, statements of work, and any other information which are reasonably required by the Commission to make a decision, on any proposed alteration, restoration, rehabilitation, construction, removal, relocation, or demolition, in whole or in part, of or to designated resource, resource site, or to a building or structure within an historic district.

- C. **Certificate of Economic Hardship** A certificate authorizing work described in the accompanying certificate of appropriateness granted by the Commission because of extreme financial privation or adversity and in accordance with the procedures and findings of this chapter.
- D. **Conservation Zone** An area of the City, whether commercial or residential, a majority of whose building are fifty years old or older, which the City wishes to maintain and revitalize so as to emphasize their importance to the past, present, and future of the City.
- E. **Cultural Resource** Improvements, buildings, structures, signs, features, sites, scenic areas, views and vistas, places, areas, landscapes, trees, or other objects of scientific, aesthetic, educational, cultural, architectural, or historical significance to the citizens of the City and the State of California, the Southern California region, or the nation which may be eligible for designation or designated and determined to be appropriate for historic preservation by the Historical Commission, and the City Council, pursuant to the provisions of this chapter.
- F. **Demolition** Any act or process that destroys in part or in whole an individual cultural resource or a cultural resource or other structure within the historic district.
- G. **Design Guidelines** The principles contained in a document which illustrate appropriate and inappropriate methods of rehabilitation and construction. The purpose of using design guidelines is to aid design and decision-making with regard to retaining the integrity of scale, design intent, materials, feeling, patterns of development, and historical character resource or historic district.
- H. **Designated Cultural Resource** Any improvement or natural feature that has special historical, cultural, aesthetic, or architectural character, interest, or value as part of the development, heritage, or history of the City, the State of California, or the Nation and that has been nominated and designated pursuant to this chapter or nominated to the National Register of Historic Places. The designation shall specify the significant exterior and interior architectural elements and natural features which are expressly found by the Commission to meet one or more of the criteria in Section 17.
- I. **Designated Site** A parcel or part thereof which a cultural resource is or has been situated, and any abutting parcel or part thereof constituting part of the premises on which the cultural resource is situated, and which has been designated a cultural resource pursuant to this chapter.
- J. **Historic District** Any area containing a concentration of improvements which

have a special character, historical interest, or aesthetic value, which possess integrity of location, design, setting, materials, workmanship, feeling, and association, or which represent one or more architectural periods or styles typical to the history of the city, and that has been designated an historic district pursuant to this chapter or nominated to the National Register of Historic Places.

- K. **Improvement** Any building, structure, place, fence, gate, landscaping, tree, wall, parking facility, work of art, or other object constituting a physical feature of real property, or any part of such feature.
- L. **Natural Feature** Any tree, plant life, geographical or geological site or feature subject to the provisions of this chapter.
- M. **Object** A material thing of functional, aesthetic, cultural, symbolic, or scientific value.
- N. **Ordinary Maintenance and Repair** Any work, for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration of or damage to a structure or any part thereof and to restore the same, to its condition prior to the occurrence of such deterioration or damage.
- O. **Potential Cultural Resource** An improvement or natural feature which may be nominated for consideration by the Commission and may be designated under the condition that either: 1) more research becomes available regarding its eligibility; 2) the resource is restored to its original condition; or 3) the resource is one of the few remaining examples in the City of its type.
- P. **Preservation** The identification, study, protection, restoration, rehabilitation, or acquisition of cultural resources.
- Q. **Secretary of the Interior Standards for Rehabilitation** The guidelines prepared by the National Park Service for Rehabilitating Historic Buildings and the Standards for Historic Preservation Projects prepared by the National Park Service with Guidelines for Applying the Standards.
- R. **Significant Feature** The natural or man-made elements embodying style or type of cultural resource, design, or general arrangement and components of an improvement, including but not limited to, the kind, color, and texture of the building materials, and the type and style of all windows, doors, lights, signs, and other fixtures appurtenant to such improvement.

17.30.060 Historical Commission

- A. There is established in the City a Historical Commission, hereinafter referred to as the "Commission," consisting of nine unpaid members appointed by the City Council.
- B. As many Commissioners as possible shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, or other historic preservation-related disciplines, such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology, to the extent that such professionals are available in the community. The remainder of Commissioners shall be lay members who have demonstrated interest, competence, experience, or knowledge in historic preservation, American studies, cultural anthropology, cultural geography, or other historic preservation-related discipline.
- C. A quorum of the Commission shall be defined as five voting members for purposes of administering this chapter.
- D. The Commission shall develop and adopt its own operating rules and bylaws, thereafter having the power and authority to perform all of the duties hereinafter enumerated and provided.
- E. Any vacancy in the office of any member of the Commission shall be filled in like manner for the unexpired term of such office. As the term of any member of the commission expires, his successor shall be appointed in a like manner as such member.

17.30.070 Powers and Duties

The commission may engage in the following activities with respect to this chapter:

- A. Adapt procedural rules for the conduct of its business in accordance with the provisions of this chapter. In the absence of specific procedural rules the Commission will use Roberts Rules of Order;
- B. Establishment criteria and conduct or cause to be conducted surveys (using as a guideline state survey standards) and guidelines of cultural heritage resources within the boundaries of the City, and publicize and periodically update the survey results;
- C. Recommend in accordance with the criteria set forth in Section 7 the designation of cultural heritage resources including individual properties, districts, landmark

- sites, conservation zones, and historic districts;
- D. Maintain a local register of cultural heritage resources using as a guideline the National Register of Historic Places criteria including historic districts, landmark sites, and landmarks within the City including all information required for each designation;
 - E. Review and comment upon the conduct of land use, housing and redevelopment, municipal improvement, and other types of planning and programs undertaken by any agency of the city, the county, or state, as they relate to the survey results and cultural heritage resources of the community;
 - F. Adopt standards and/or guidelines to be used by the commission in reviewing applications for permits to construct, change, alter, modify, remodel, remove, or significantly affect any cultural resource;
 - G. Make recommendations to the City Council regarding the purchase by the City of fee or less-than-fee interests in property, transfer of development rights, easements, or other mechanisms for purposes of cultural heritage resources prevention;
 - H. Investigate and make recommendations to the city council on the use of various federal, state, local, or private funding sources and mechanisms available to promote cultural resource preservation in the City;
 - I. Approve or disapprove, in whole or on part, or approve with conditions, applications for permits pursuant to Section 17.30.090;
 - J. Review all applications for permits, environmental assessments, environmental impact reports, environmental impact statements, and other similar documents as set forth in this chapter, pertaining to designated and potential cultural resources. The Community Development Department shall forward all such documents to the commission for review and comment prior to review and approval by the City Council and if applicable the Planning Commission as appropriate;
 - K. Consider whether denial of certificates of appropriateness (permits) affecting cultural resources results in economic hardship to the property owner according to the procedures outlined in Section 17.80.100;
 - L. Cooperate with Local, County, State, and Federal governments in the pursuit of the objectives of cultural resource preservation;

- M. Keep minutes and records of all meetings and proceedings, including voting records, attendance, resolutions, findings, determination, and decisions. All such material shall be public record;
- N. Provide opportunity for direct public participation in all responsibilities delegated to the certified local government including the survey and National Register nomination process. Commission meetings shall be open to the public with published agenda and minutes in accordance with the California Open Meeting Act. The published agenda shall be mailed in advance of meetings to individuals and citizens organizations interested in the Commission's activities;
- O. Encourage and render advice and guidance to property owners or occupants on procedures for inclusion of a cultural resource on the National Register of Historic Places;
- P. Participate in, promote, and conduct public information, educational, and interpretive programs pertaining to cultural resources preservation;
- Q. Confer recognition upon the owners of landmarks or property or structures within historic districts by means of certificates, plaques, or markers, and from time to time issue commendations to owners of cultural resources who have rehabilitated their property in an exemplary manner;
- R. Undertake any other action or activity necessary or appropriate to the implementation of its powers or duties to fulfill the objectives of cultural resource preservation.

17.30.080 Cultural Resource Designation Criteria

For the purpose of this chapter, an improvement, natural feature, or site may be designated a cultural resource by the historic commission and any area within the City may be designated a historic district by the commission pursuant to subsection B of this section if it meets the criteria for listing on the National Register of Historic Places or any one of the following:

- A. It exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, architectural, or natural history;
- B. It is identified with persons or events significant in Local, State, or National history;
- C. It embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or

craftsmanship;

- D. It is representative of the work of a notable builder, designer, or architect;
- E. It contributes to the significance of an historic area, being a geographically definable area possessing a concentration of historic or scenic properties or thematically related grouping of properties which contribute to each other and are unified aesthetically by plan or physical development;
- F. It has a unique location or singular physical characteristics or is a view or vista representing an established and familiar visual feature of a neighborhood, community, or the City;
- G. It embodies elements of architectural design, detail, materials, or craftsmanship that represent a significant structural or architectural achievement or innovation;
- H. It is similar to other distinctive properties, sites, areas, or objects based on a historic, cultural, or architectural motif;
- I. It reflects significant geographical patterns, including those associated with different areas of settlement and growth, particular transportation modes, or distinctive examples of park or community planning;
- J. It is one of the few remaining examples in the City, Region, State, or Nation possessing distinguishing characteristics of an architectural or historical type or specimen.

17.30.090 Cultural Resource Designation Procedures

Cultural resources and historic districts shall be established by the City Council in the following manner:

- A. Any person or group may request the designation of an improvement as a cultural heritage resource or the designation of a historical district by submitting an application for such designation to the Commission. The nomination application shall contain supplemental information indicating how the nominated resource meets the criteria for designation as indicated in this chapter. The Commission or City Council may also initiate such proceedings on their own motion. Notification of the nomination shall be sent to the property owner(s) and occupant(s) of the property within thirty days of the receipt or initiation of a nomination.

- B. The Commission shall make a preliminary determination on nominations based on the documentation required as to whether the nomination application is appropriate for consideration. If the Commission determines that the application merits consideration, but only if it so determines, it shall schedule a public hearing as soon as practically possible.
- C. The Commission's decision to schedule or not to schedule a public hearing shall be in writing and shall be filed with the Director of the Community Development Department (City Planning) and the City Clerk. Notice of a decision not to schedule a public hearing shall be given by mail to the applicant by the Community Development Department.
- D. No building, alteration, demolition, or removal permits for any improvement, building, or structure within 17.80.080 the proposed historic district or relative to a nominated cultural resource shall be issued while the public hearing or any appeal related thereto is pending.
- E. In the case of a proposed cultural resource, cultural resource site, or historic district, the matter may be set for a public hearing pursuant to Government Code §65090, et seq.
- F. At the conclusion of the public hearing, but in no event more than thirty days from the date set for the initial public hearing, the Planning Commission shall recommend approval in whole or in part, or disapproval in whole or in part, of the application in writing. The Commission's recommendation shall include findings of fact relating to the criteria for designation in Section 17.80.070, that constitutes the basis for its decision and shall transmit its recommendation to the City Council, the property owner, and the applicant.
- G. The City Council shall consider the recommendation of the Commission as soon as practically possible. The City Council has the authority for approval in whole or in part conditional approval, or disapproval in whole or in part. The City Council may ratify the recommendation of the Historical Commission without setting the matter for public hearing. The City Council may, at its discretion, set the matter for public hearing before rendering its decision.
- H. Failure to send any notice by mail to any property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Commission and City Council may also give such other notice as they may deem desirable and practicable.

- I. The Commission shall not recommend that a resource be removed from the City's list of designated cultural resources unless it is discovered that the information relied on by the Commission and the City Council in making the original decision was erroneous or false, or that circumstances wholly beyond the owner's control have rendered the resource ineligible for designation based on the criteria listed in §17.300.070, and it would be infeasible to restore the resource, or for other good cause.
- J. Designations must be recorded with the San Bernardino County Clerk's office.

17.30.0100 Certificate of Appropriateness-Permits

- A. All permits for alteration, restoration, rehabilitation, remodeling, addition, change of use, demolition removal or relocation for designated cultural resources and properties located in historic districts shall require a certificate of appropriateness from the Historical Commission and the City Council.
- B. All permits for work on a designated cultural resource shall follow the procedures listed below in processing applications for obtaining certificates of appropriateness and approval of work covered by this chapter.
- C. No permits for work on a nominated cultural source shall be awarded until eligibility for designation has been initiated in accordance with this section and a certificate of appropriateness, if applicable, has been secured.
- D. All applications for certificates of appropriateness shall be submitted to the Commission for approval. The Community Development Department (Planning Department) shall report any application for a permit to work on a designated cultural resource to the Commission. The applicant is encouraged to confer with Commission staff prior to submitting an application.
- E. The City shall prepare and publish such standards or criteria as a necessary supplement to the provisions of this chapter to inform property owners and the general public of those standards of review by which applications for certificates of appropriateness are to be judged.
- F. In evaluating applications for certificates of appropriateness, the Commission and the City Council shall consider the existing and proposed architectural style, design, arrangement, texture, materials, and any other factors with regard to the original distinguishing architectural characteristics of the designated resource. Using the Secretary of the Interior's Standards for Historic Preservation Projects as a guide, the Commission and City Council shall approve the issuance of a

certificate of appropriateness for any proposed work if and only if it makes any one of the following findings:

1. With regard to a designated resource, the proposed work will neither adversely affect the significant architectural features of the designated resource nor adversely affect the character of historical, architectural, or aesthetic interest or value of the designated resource and its site;
 2. With regard to any property located within a historic district, the proposed work conforms to the prescriptive standards and design guidelines for the district adopted by the Commission, and does not adversely affect the character of the district;
 3. In the case of construction of a new improvement, addition, building, or structure upon a designated cultural resource site, the use and exterior of such improvements will not adversely affect and will be compatible with the use and exterior of existing designated cultural resources, improvements, buildings, natural features, and structures on the site;
 4. That strict application of standards does not create an economic hardship based on testimony and evidence supplied by the applicant whereby it is judged by the Commission and City Council that strict application of the guidelines would deprive the owner of the property of all reasonable use of or economic return on, the property.
- G. Application for certificates of appropriateness shall be filed with the City's Community Development Department (Planning Department) for processing. Applications shall include plans and specifications showing the proposed exterior appearance and texture of materials and the proposed architectural design of the exterior of the structure. Where required by the Commission, applications shall also include information pertaining to scale, massing, relationship to site and streetscape, landscaping, and signage. The application shall be accompanied by any other information that the commission determines is required for them to make an informed judgment of the proposed work according to the standards of review in this section.
- H. The Commission shall establish guidelines for determining which types of applications for certificates of appropriateness should be set for public hearing. The Community Development Department Director (Planning Director) or the Commission may set a public hearing if they are of the opinion that a hearing is in the public interest.

1. In the case of certificates of appropriateness, the matter may be set for a public hearing pursuant to Government Code §65090, et seq.
 2. Failure to send any notice by mail to any property owner or resident where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with an application for a certificate of appropriateness.
 3. It shall be the applicant's responsibility to supply a certified notification list of adjacent property owners.
 4. Public testimony shall be taken on any application for a certificate of appropriateness for due commission consideration.
- I. After the permit has been issued, the Director of Community Development or his/her designee shall regularly inspect the work approved by the commission in order to assure compliance. If the work is not being performed in accordance with the certificate of appropriateness, a stop work order shall be issued and all work shall cease.
- J. A certificate of appropriateness shall become void unless a building permit is obtained or for applications not requiring a permit work is commenced within twelve months of the date of issuance. Certificates of appropriateness may be renewed for an additional twelve-month period at the discretion of the Historical Commission. If the building permit obtained pursuant to a certificate of appropriateness expires, a new certificate of appropriateness is required.
- K. If no building or other permit is required to pursue work on a designated resource, whoever is responsible for the work, whether it is the tenant, resident, or property owners, shall apply for a certificate of appropriateness to the Commission staff directly.
- L. For any designated cultural resource, the Commission may give a certificate of appropriateness on approval of the City Council for a change of use of a property not otherwise permitted by zoning provided the following findings can be made:
1. The change of use is required for an adaptive re-use of the resource and is compatible with the neighborhood in which it is located;
 2. The adaptive re-use of the resource will result in substantial

restoration of the significant architectural features, facade, or structure of the resource in conformance with the Secretary of the Interior's Standards for Preservation Projects;

3. The change of use will not impair the architectural, aesthetic, historical, or natural integrity of the resource;
4. The change of use will occupy only the original square footage of the resource or any portion thereof. In the case of a single structure, if the structure contains more than five residential units, one unit must be retained in whole as a residential unit;
5. The applicant has made reasonable efforts to secure the facade or other features of the resource in perpetuity;
6. The change of use is to a use of the following types:
 - a. Small-scale office uses with limited employment and visitation needs, including but not limited to offices for an architect, landscape architect, interior designer, graphic artist, real estate broker, consulting firm, attorney, and artist studios; or
 - b. Retail sale of items related to local history and historic preservation, including but not limited to antiques, books, art, and handicrafts; provided that such use is clearly incidental to all other principles uses on the site and does not exceed seven hundred square feet in floor area;
 - c. The Commission may incorporate in any certificate of appropriateness such condition or conditions, if any, as the commission may find necessary or desirable to effect the purpose of this chapter and may specify that certain of such conditions shall be covenants running with the land. When the Commission has approved a plan for the preservation of a cultural resource, historic district, or neighborhood conservation area which sets forth particular development standards, an application to the Commission to do work consistent with the approved plan development standards may be approved by the staff person designated by the commission. If such staff person does not approve the application, it shall be processed as set forth in this chapter and considered by the Commission.

17.30.110 Historic Building Code

The California State Historic Building Code provides alternative building regulations for the rehabilitation, preservation, restoration, or relocation of structures designated as cultural resources. The California State Historic Building Code shall be used for any designated cultural resource in the City's building permit procedure.

17.30.120 Preservation Easements

Preservation easements on the facades of buildings designated as a cultural resource may be acquired by the City or non-profit group through purchase, donation, or condemnation pursuant to California Civil Code §815.

17.30.130 Certificate of Economic Hardship

- A. Application of a certificate of economic hardship shall be made on a form prepared by the Historic Preservation Commission. The Commission may hold a public hearing pursuant to Government Code §65090, et seq.
- B. The Commission shall review all the evidence and information required of an applicant for a certificate of economic hardship and make a determination within a timely manner of receipt of the application whether the denial of a certificate of appropriateness has deprived, or will deprive, the owner of the property of all reasonable use of, or economic return on, the property. Written notice of the determination shall be provided in the same manner as required by §17.300.080.
- C. If the applicant presents facts and clear evidence demonstrating to the Commission that failure to approve the application for a certificate of appropriateness will cause an immediate extreme hardship because of conditions peculiar to the particular structure or other feature involved, and the damage to the owner of the property is unreasonable in comparison to the benefit conferred to the community, the Commission may approve or conditionally approve such certificate even though it does not meet the standards set forth herein. The Planning Commission shall hold a public hearing in order to determine whether a certificate of appropriateness will be approved or denied. A certificate of economic hardship shall be accompanied by a written determination, based on the following findings:
 - 1. Denial of the application will diminish the value of the subject property so as to leave substantially no value;
 - 2. Sale or rental of the property is impractical, when compared to the cost of

holding such property for uses permitted in this zone;

3. An adaptive re-use study has been conducted and found that utilization of the property for lawful purposes is prohibited or impractical;
 4. Rental at a reasonable rate of return is not feasible;
 5. Denial of the certificate of appropriateness would damage the owner of the property unreasonably in comparison to the benefit conferred on the community.
- D. The Commission shall be authorized to request the applicant to furnish material evidence supporting his request for a certificate of economic hardship or shall furnish evidence or testimony to complete the application for certificate of economic hardship including any or all of the following:
1. Cost estimates of the proposed construction, alteration, demolition, or removal, and an estimate of the additional cost(s) that would be incurred to comply with the recommendations of the Commission for issuance of a certificate of appropriateness;
 2. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
 3. Estimated market value of the property in its current condition; estimated market value after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the Commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use;
 4. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property for continued use;
 5. For income-producing properties, information on annual gross income, operating and maintenance expenses, depreciation deductions and annual cash flow after debt service, current property value appraisals, assessed property valuations, real estate taxes, and any other information considered necessary by the Commission to determine whether substantial evidence of economic hardship exists;

6. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years.

17.30.140 City Council Approval Required

- A. All decisions of the Historical Commission shall be forwarded to the City Council for ratification. If the City Council fails to ratify a decision of the historic commission the item shall be set for a City Council public hearing on the next available City Council agenda.
- B. The public hearing procedures at the City Council shall be the same as that for the Historical Commission. The City Council shall use the same guidelines in rendering a decision and may consider findings of the Commission and testimony offered to the commission as part of the official record of the Planning Commission hearing.

17.30.150 Duty to Keep in Good Repair

- A. The owner, occupant, or other person in actual charge of a cultural resource or an improvement, building, or structure in a historic district shall keep in good repair all of the exterior portions of such improvement, building, or structure, all of the interior portions thereof when subject to control as specified in the designating ordinance or permit, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior architectural feature.
- B. It shall be the duty of the code enforcement officer to enforce this section.

17.30.160 Ordinary Maintenance Repair

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this chapter that does not involve a change in design, material, or external appearance thereof, nor does this chapter prevent the construction, reconstruction, alteration, restoration, demolition, or removal of any such architectural feature when the Community Development Director (Planning) demonstrates to the Planning Commission that such action is required for the public safety due to an unsafe or dangerous condition which cannot be rectified through the use of the California State Historic Building Code and when such architectural feature can be replaced according to the Secretary of the Interior's standards.

17.80.170 Enforcement

Any person who constructs, alters, removes, or demolishes a cultural resource in violation of this chapter shall be required to restore the building object, site, or structure to its appearance or setting prior to the violation. Any action to enforce these provisions may be brought by the City. This civil remedy shall be in addition to and not in lieu of, any criminal prosecution and penalty and other remedy provided by law.

Development Code Update Project
Chapter 17.32
Historic Mission Overlay District

ARTICLE II DEVELOPMENT STANDARDS

CHAPTER 17.32 HISTORIC MISSION OVERLAY DISTRICT

Sections:

<u>17.32.010</u>	Background
<u>17.32.020</u>	Intent
<u>17.32.030</u>	Definitions
<u>17.32.040</u>	Scope and District Boundaries
<u>17.32.050</u>	Primary Historical Themes
<u>17.32.060</u>	Inventory and the Need for Further Study
<u>17.32.070</u>	Project and Environmental Review
<u>17.32.080</u>	Historic Resource Evaluation Report and Cultural Resources Study
<u>17.32.090</u>	Design Criteria and Development Standards for New Development
<u>17.32.100</u>	Standards and Guidelines for Rehabilitation
<u>17.32.110</u>	Demolition of Historical Buildings and Structures
<u>17.32.120</u>	Certificates of Appropriateness and Economic Hardship
<u>17.32.130</u>	Sample Tools and Treatments
<u>17.32.140</u>	Penalties

17.32.010 Background

The Historical Commission, area residents and other stakeholders have long been concerned about the historic preservation of the Mission Road area and the potential effects of future development. There were also concerns about the impacts of a historic preservation ordinance on existing uses and properties.

The Mission Road Historic District Final Report (Report), (The Dangermond Group, May 22, 2002) is a synthesis of several historical and archaeological studies of the area and the efforts of the City's elected officials, historic and planning commissions, area residents and stakeholders to balance the competing interests for historic preservations, continued use of existing properties and development of vacant properties in the

Mission Road area.

This Report shall be used as the primary reference document for the implementation of the ordinance codified in this chapter. This chapter shall be consistent with the recommendations of the Report unless otherwise waived by the City Council. It is also intended that this chapter be consistent with and a companion document for Chapter 17.30, Historic Preservation and any other applicable chapters of Title 17.

17.32.020 Intent

The intent of the Historic Mission Overlay District is to provide a basic framework for future development that will provide the following:

- A. Preserve and enhance the Mission Road area and associated historical and cultural resources;
- B. Preserve and enhance the rural atmosphere of the area;
- C. Facilitate the continued use and enjoyment of existing properties by focusing on new development projects and/or rehabilitation, restoration and adaptive reuse of historical and/or cultural resources; and
- D. Allow for consistent, compatible and complimentary development of the vacant properties within the Mission Road area. Encourage pedestrian friendly new development in the area through the incorporation of livable/walkable community concepts.

17.32.030 Definitions

This section provides definitions of terms and phrases used in this chapter that are technical or specialized and that may not reflect common usage. The definitions of historic preservation terminologies that are contained in Chapter 17.30 shall also apply to this chapter.

If any of the definitions in this chapter conflict with definition 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.

Flow of History The primary theme of the Historic Mission Overlay District that refers to the Zanja, which had major impact on irrigation and agriculture, and influenced the landscape, land use and development patterns in the area.

Guachama, (wah-cha-ma) The Native American village that was once located in the vicinity of Mission Road and the Edison Easement.

Guachama Rancheria An adobe mission storehouse/majordomo residence that was built in 1819 as part of the establishment of the San Bernardino Rancho, an outpost of the Mission San Gabriel.

Rural Atmosphere The pervading or surrounding influence, reminiscent of the farming and citrus period of history that lends a feeling of openness and space.

Zanja (zahn-hah) A water ditch that was constructed by the Guachama Indians under the direction of Pedro Alvarez to bring water for irrigation from its intake on Mill Creek near what is now Mentone to the San Bernardino Rancho buildings at Guachama. The Zanja serves as the most unifying element of the Historic Mission Overlay District.

17.32.040 Scope and District Boundaries

The requirements of this chapter shall apply to all cultural resources that are more than fifty years old, new development projects, and adaptive reuse, rehabilitation, restoration, and demolition of existing structures and landscape materials and features within the Historic Mission Overlay District (as defined, below).

The district boundaries are Redlands Boulevard on the north, San Timoteo Creek on the south, California Street on the east, and Mountain View Avenue on the west. The western boundary extends further west to include the Van Leuven Mansion. The boundary is also extended east of California Street to include a future study area that is roughly bounded by Orange Avenue on the north, City limits on the south, New Jersey Street on the east (and a small extension east of New Jersey Street fronting on Barton Road), and California Street on the west.

The area located approximately five hundred feet south of Redlands Boulevard, east and adjacent to Mountain View Avenue, west and adjacent to the Edison Easement, and north and adjacent to Mission Road, and commonly known as the Petersen Tract, is excluded from the district boundaries, but included as a future study area.

17.32.050 Primary Historical Themes

- A. Flow of History. Previous studies, including the report, have identified the most important unifying element in the Historic Mission Overlay District area as the Zanja. The Zanja was built by Native Americans under the direction of the Spanish mission authorities and had a major impact on irrigation and agriculture. It influenced the landscape and land use development patterns in the area and represents the "Flow of History" over time and claims title to the significance of the Historic Overlay District. The primary historical theme for the historic mission overlay district shall be the "Flow of History." Future development projects shall be required to submit cultural resource studies for use in the California Environmental Quality Act (CEQA) review of each project, and to further the public knowledge of local history.

- B. Other Historical Themes. The existence of the Zanja is responsible for the underlying themes of mission influence, education, settlements, citrus heritage, and economic and industrial enterprises. The underlying themes shall also be considered in any required cultural resource study and evaluated as part of the project and environmental process for future development projects.

17.32.060 Inventory and the Need for Further Study

An inventory of known cultural resources that includes historic sites, buildings, structures, landscape features, rural agricultural landscape features, and linear features such as transportation routes, and the irrigation canal (Zanja) is contained in the report as Table 1, "Known Historical Resources in the Historic Mission Overlay District." The inventory shall be updated based on information provided by cultural resource studies required for development projects located within the overlay district boundaries, as needed. The respective project applicant and/or developer shall be responsible for the preparation of any required cultural resource study.

Due to the many questions that remain about the history of the Mission Road area, further study is needed to determine the boundaries of the Guachama Rancheria; precise alignment of the Zanja; the locations of possible archaeological sites of former buildings, settlements, and other cultural features and artifacts; the ages, origins, and ownership histories of specific resources; architectural styles (with evaluations) of individual buildings; and, the documentation of oral history. These topics shall be addressed as part of the cultural resource study(s) required for each future development project located within the overlay district boundaries. The respective project applicant and/or developer shall be responsible for the preparation of any required cultural resource study.

17.32.070 Project and Environmental Review

Development projects, including general plan amendments, zone changes, specific plans, development code amendments, tentative tract and parcel maps, conditional use permits, precise plan of design applications, small project applications, and modifications, revisions, and/or amendments to approved projects and plans for projects and properties within the overlay district boundaries shall be reviewed by the historical commission and other review authorities, as applicable. All projects shall meet the requirements of the Loma Linda Municipal Code and zoning

17.32.080 Historic Resource Evaluation Report and Cultural Resources Study

- A. Historic Resource Evaluation Report (Report). A report shall be required as a submittal for new development, rehabilitation, restoration, adaptive reuse, and demolition projects when buildings and structures that are more than fifty years old may be affected, if found to be significant. As a general guideline, a report shall contain the following elements:
1. Purpose and scope;
 2. Methods of evaluation: field and archival;
 3. Location and setting;
 4. Architectural description of the resource;
 5. Historical background;
 6. Discussion of eligibility for listing on the National Register of Historic Resources, California Register of Historic Resources, or Local Cultural Resource Designation;
 7. Statement of significance;
 8. Conclusions;
 9. Recommendations (at a minimum this element shall include recommendations for eligibility; rehabilitation, restoration, adaptive reuse, demolition; proposed mitigation measures; and, if demolition is proposed, recommendations for salvage of historical and/or architectural features and

artifacts shall be included);

10. Archival documentation;

11. Appendices.

- B. The statement of significance element (subsection 7 of this section) shall be made using the criteria listed in Section 17.80.070, Cultural resource designation criteria and shall include a discussion of relative contextual themes.
- C. The archival documentation of a resource (subsection 10) shall include a completed Department of Parks and Recreation (DPR) 523 Form and archival quality photo documentation. This information shall be included as an appendix to the report.
- D. Preparation and submittal of the report shall be the responsibility of the applicant. All reports shall be prepared by consultants who meet the professional qualification standards for the field of historic preservation as described in the Federal Register.
- E. Cultural Resources Study (Study). Studies prepared to evaluate archaeological and paleontological resources shall follow the format outlined for historical resources evaluation reports, and other criteria as required by the Society of Professional Archaeologists (SOPA).

17.32.090 Design Criteria and Development Standards for New Development

- A. General Plan Land Use Designation and Zoning. The General Plan Land use designation for the Historic Mission Overlay District shall be mixed use and the zoning shall be Planned Community (PC). Prior to adoption of the new general plan in 2004, proposed development projects shall be required to amend the general plan and zoning maps to the mixed use designation and PC zoning, respectively. A specific plan or master development plan shall be required for development proposals within the overlay district.
- B. Permitted Uses. Uses permitted in the overlay district shall be consistent with the mixed use General Plan land use designation and planned community (PC) zoning. The Planning Commission may also permit other non-listed uses, which support the purposes of the district as conditional uses through a public hearing process. In general, the mixed use designation and PC zoning permit a mix of residential

uses (of varying density), community facilities, commercial retail, office, and service uses, business park, and open space and recreational uses. With the exception of land uses and properties that legally existed prior to the effective date of the ordinance codified in this chapter, all new development projects and/or new uses of existing properties shall be subject to the PC zoning as part of a specific plan or master development plan.

C. Standards for New Development. New development, adaptive reuse, rehabilitation, and restoration projects shall conform to the following standards:

1. Architectural and Site Design. The density/intensity, lot size, lot width, lot coverage, setbacks, building separations, building height, and uniform sign programs for new developments in the overlay district shall be established through the specific plan or master development plan processes. Development standards shall vary based on the proximity of a proposed development project to a historical and/or cultural resource(s) or the presence of a historical and/or cultural resource(s) within a project site.

Mission Road, Redlands Boulevard, and California Street are important corridors to the overlay district and the City in terms of preservation and economic viability. Of the three corridors, Mission Road is the most important in terms of historic preservation due to the high concentration of historic and cultural resources, particularly on the north side of the road. Mission Road is the focal point and heart of the overlay district. New development along the Mission Road frontage shall conform to the historic architectural styles and site design parameters listed below. New development along the California Street and Redlands Boulevard frontages shall be sensitive to the historic nature of the area while encouraging the use of interpretive historic architectural styles and site designs.

The Planning Commission shall consider the design characteristics of each development project through the context of a specific plan or master development plan. The Historical Commission shall provide recommendations regarding the appropriateness of proposed deviations based on the potential impacts to historic resources located in or adjacent to the project site.

2. Architectural Styles. All new development shall be designed using historical architectural styles from the following list:

- a. Residential development:

Bungalow
Colonial Revival
Craftsman
Italianate
Mediterranean Revival
Mission
Monterey
Prairie
Queen Anne
Stick
Tudor Revival
Victorian

- b. Commercial development-Adaptations of the architectural styles in subsection (C)(2)(a):
Art Deco
Art/Streamline Moderne
Commercial
Googie/50s
 - c. Business and technology park development - may de-sign using adaptations of the architectural styles outlined in subsection (C)(2)(a) and (C)(2)(b) of this section, or the Usonian architectural style.
3. Landscape Design. Landscaping shall be approved conceptually through the entitlement process and a state licensed landscape architect shall prepare landscape/irrigation plans. The landscape plan, in terms of layout, plant materials and color pallet, shall be consistent with and reflective of appropriate historical architectural styles and preservation practices and techniques (i.e., establishment of protective dry zones adjacent to adobe buildings and structures), and shall enhance the adjacent and surrounding properties.
4. Buffer Zones. Historical resources shall be protected from adjacent uses and enhanced by a minimum of fifty-foot-buffer zones. The planning commission may require a larger or smaller buffer zone based on the nature of the affected resource(s) and how well the resource(s) has been integrated into the proposed development project. The historical commission may provide recommendations to the planning commission as appropriate.

5. Trails and Pedestrian Paths. All new development in the overlay district shall provide trails and pedestrian paths, and linkages to local and regional trails. Whenever possible, feasible, and appropriate, trails shall provide interpretive signage relating to adjacent historic resources, local history, and other pertinent historical facts and information about the area to educate the community and visitors to the area. A district emphasis shall be the preservation of the zanja and the creation of a continuous trail along its path that shall include interpretive signage of historical events, locations, and resources.
6. Parking. Parking shall be provided as required by Chapter 17.XXX for residential development.
7. Lighting and Street Furniture. Light standards, street furniture, and other permanent fixtures (i.e., drinking fountains, bus stops and shelters) shall be compatible with the historical architectural styles on the development site and in the surrounding area.
8. Sign Programs. Each development within the district shall have a uniform sign program that characterizes the historical significance of the area. Sign programs may be customized per development but shall include an element or component (such as a district logo, sign shape, materials, or colors) that unifies all of the sign programs within the district. Neither billboards nor advertising signs shall be permitted along the Mission Road frontage.
9. Mission Historical Overlay District Identification Monument Signs. Two identical monument signs identifying the overlay district shall be placed in the Mission Road median, as follows:
 - a. At the east end near the intersection of California Street; and
 - b. At the west end, just west of the Edison Easement.
 - c. The Historical Commission, Planning Commission, and City Council shall approve the design of the signs.
10. Mission Road Street Standards. All new development and adaptive reuse projects along Mission Road shall construct the right-of-way in accordance with the approved street design standards prepared by the city's public works department. The street design shall include a landscape median in the road, and landscape easement behind the sidewalk on both sides of the street. No median shall be installed in front of an existing residential use. This requirement may be waived if written authorization from the

owner of an affected, existing property is obtained and submitted to the Community Development and Public Works departments during the entitlement process.

17.32.100 Standards and Guidelines for Rehabilitating Historic Buildings

All rehabilitation projects shall follow The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1990). Rehabilitation, restoration, and adaptive reuse, in the order listed, shall be the preferred methods of treatment for historic buildings and structures. Demolition shall be considered only as a last resort.

- A. Standards for Rehabilitation. The following standards are applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.
1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not *be* undertaken.
 4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
 6. Deteriorated historic features shall be repaired rather than replaced. Where severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of

missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sand-blasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be under-taken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired. *As stated in the definition*, the treatment "rehabilitation" assumes that at least some repair or alteration of the historic building will be needed in order to provide for an efficient contemporary use; however, these repairs and alteration must not damage or destroy materials, features or finishes that are important in defining the building's historic character. For example, certain treatments-if improperly applied-may cause or accelerate physical deterioration of historic building. This can include using improper reappointing or exterior masonry cleaning techniques, or introducing insulation that damages historic fabric. In almost all of these situations, use of these materials and treatments will result in a project that does not meet the standards. Similarly, exterior additions that duplicate the form, material, and detailing of the structure to the extent that they compromise the historic character of the structure will fail to meet the standards.

- B. Guidelines for Rehabilitating Historic Buildings. All rehabilitation projects shall also follow the guidelines contained in the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1990). Copies of this document shall be available from the community development department.

17.82.110 Demolition of historical buildings and structures

Rehabilitation, restoration, and adaptive reuse, in the order listed, shall be the preferred methods of treatment for historic buildings and structures. Demolition shall be considered only as a last resort:

- A. Demolition Prohibited. No building or structure more than fifty years old shall be demolished unless the building division pursuant to this chapter has issued a valid demolition permit.
- B. Dangerous Buildings and Structures. Buildings or structures that are more than fifty years old may be demolished if findings have been made by the building official pursuant to other provisions of the Municipal Code declaring that the building or structure is either a public nuisance or a dangerous building. Prior to issuance of a demolition permit, the Community Development Department Director (or designee) shall confer with the Historical Commission Chair and building official to determine the potential for alternative, non-demolition remedies and/or the salvage and reuse of historical architectural features and artifacts. In addition, photo documentation and recordation may be required if the resource is historically significant to the City. Photo documentation and recordation would be conducted in accordance with the standards and guidelines of the Historic American Building Survey and Historic American Engineering Record (HABS/HAER). If no alternative, non-demolition remedies are available; the demolition permit may be issued in accordance with all other city ordinances and requirements.
- C. Evaluation Thresholds and Review Requirements. Buildings and structures more than fifty years old that are proposed for demolition shall be evaluated to determine historical significance. A historic resource evaluation report shall be required, as follows:
 - 1. A report shall be required for any resource listed in Table I, known Historical Resources (Mission Road Historic District, Final Report, The Dangermond Group and Statistical Research, Inc., May 22, 2002);
 - 2. A report shall be required for any age qualified resource that is not listed in Table I (referenced) and not exempt from these requirements as a dangerous building or structure.

All historic resource evaluation reports shall be prepared as outlined in this chapter.

- D. Salvage and Reuse of Historical and Architectural Features and Artifacts. When feasible, historic and/or architectural features and artifacts shall be salvaged or recycled for reuse onsite or within the mission historic overlay district. (Ord. 623 § 12, 2004)

17.82.120 Certificates of appropriateness and economic hardship

All rehabilitation, restoration, adaptive reuse, and demolition projects shall comply with Chapter 17.80, Historic Preservation, as applicable.

- A. Certificate of Appropriateness. A certificate shall be required pursuant to Section 17.80.090.
- B. Certificate of Economic Hardship. A certificate shall be granted pursuant to Section 17.80.120. (Ord. 623 § 13, 2004)

17.82.130 Sample tools and treatments

The report states that the significant historic features (uses, buildings, street, agriculture, industry, and land use patterns) define the historic character of the area. The sample tools and treatments outlined below are intended to preserve the historic character and architectural integrity of the area by strengthening such patterns and setting development standards and guidelines for rehabilitation, preservation, and new construction.

A. Sample Tools. The following list of approaches to preservation shall be considered to strengthen and preserve the historic feeling of the Mission Road Overlay District. Selection of the appropriate preservation tool(s) shall be determined through cultural resources studies on a project-by-project basis:

1. Preserve and Protect. Identify historically significant sites and features for purposes of preservation, restoration, rehabilitation, and protection.
2. Preserve and Do Nothing. Identify historically significant sites and features for purposes of preservation, but do not restore, rehabilitate or protect.
3. Preserve and Restore with Parks and Groves. Identify historically significant sites and features for purposes of preservation, and protect and restore/rehabilitate in nodes. Develop parks and groves that enhance the sites that can be open to the public.
4. Adaptive Uses. Preserve, restore, rehabilitate, and protect historically significant sites and buildings. Develop adaptive uses such as gardens, food

service, specialty shops, indoor and outdoor public spaces, and private uses and buildings that are thematically related to the Mission Road Historic Overlay District.

- B. Sample Treatments. The purpose of various possible treatments is to preserve the historic character and architectural integrity of the overlay district, and to pro-mote and encourage the use of architectural styles that are consistent with the period of historic significance of the district. Treatments should define neighborhood character and strengthen the edges of the district through the use of signed entry points, integration of historic properties as "anchors" for the surrounding properties and "linkages" between historic resources to provide a sense of continuity throughout the overlay district.
1. Incentives and Restrictions. The following incentives and restrictions shall be used, if possible, and as appropriate, to gain the cooperation of major developers, property owners with the City and public interest to achieve the goals of the overlay district:
 - a. Promote land exchanges used for historic preservation goals;
 - b. Allow parks containing historical resources to count toward park and open space requirements;
 - c. Cooperative planning of park edges to maximize added value to developments;
 - d. City to seek state and federal funds to assist in historic preservation projects such as restoration, path-ways, parks, etc.;
 - e. Allow density transfers and clustering to provide buffers around historic resources;
 - f. Use parks fees for development of historic parks and Zanja trail;
 - g. Explore use of redevelopment funds for historic preservation;
 - h. Employ a tiered approach to restrictions, with strict requirements in the immediate vicinity of historic resources and more flexible requirements that evoke the feeling of the historic themes in other areas more distant to historic resources.
 2. Development Standards. See above.

3. Design Guidelines. See above.
(Ord. 623 § 14, 2004)

17.82.140 Penalties.

If any person violates any of the provisions of this chapter, or fail to comply with any of the mandatory requirements of this chapter, he or she shall be guilty of an infraction. Any person convicted of an infraction under the provisions of a City Ordinance shall be punishable by (1) a fine of not more than one hundred dollars for a first violation; (2) a fine not exceeding two hundred dollars for a second violation of the same ordinance within one year and (3) a fine not exceeding five hundred dollars for each additional violation of the same ordinance within one year. Each such person shall be deemed guilty of a separate offense for every day during such portion of which any violation of this chapter is committed, continued or permitted by such person, and shall be punishable therefore as provided by this chapter. (Ord. 623 § 15, 2004)

Development Code Update Project
Chapter 17.34
Adult Oriented Businesses

ARTICLE II DEVELOPMENT STANDARDS

CHAPTER 17.34 ADULT-ORIENTED BUSINESSES

Sections

<u>17.34.010</u>	Title
<u>17.34.020</u>	Purpose
<u>17.34.030</u>	Definitions
<u>17.34.040</u>	Minimum Proximity Requirements
<u>17.34.050</u>	Amortization of Nonconforming Adult-Oriented Businesses
<u>17.34.060</u>	Extension of Time for Termination of Nonconforming Use

17.34.010 Title

This chapter shall be known as the adult-oriented business ordinance of the City of Loma Linda.

17.34.020 Purpose

It is the intent of this chapter to prevent community-wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods which can be brought about by the concentration of adult-oriented businesses in close proximity to each other or proximity to other incompatible uses such as parks, schools, houses of worship, residential uses, and residential zones. The City Council finds that it has been demonstrated in various communities that the concentration of adult-oriented businesses causes an increase in the number of transients in the area, and an increase in crime and, in addition to the effects described above, can cause other businesses and residents to move elsewhere. It is, therefore, the purpose of this chapter to establish reasonable and uniform regulations to prevent the concentration of adult-oriented businesses or their close proximity to incompatible uses, while permitting the location of adult-oriented businesses in certain areas.

17.34.030 Definitions

As used in this chapter "establishment of an adult-oriented business" means and includes any of the following:

- A. The opening or commencement of any adult-oriented business as a new business;
- B. The conversion of an existing business, whether or not an adult-oriented business, to any adult-oriented business defined herein;
- C. The addition of any of the adult-oriented businesses defined herein to any other existing adult-oriented businesses; or
- D. The relocation of any such adult-oriented business.
- E. "Specified anatomical areas" means and includes any of the following:
 - 1. Less than completely and opaquely covered human (i) genitals or pubic region; (ii) buttocks; and (iii) female breast(s) below a point immediately above the top of the areola;
 - 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered;
 - 3. Any device, costume or covering that simulates any of the body parts included in subsections (B)(1) or (2) of this section.
- F. "Specified sexual activities" means, and includes any of the following, whether performed directly or indirectly through clothing or other covering:
 - 1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;
 - 2. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
 - 3. Masturbation, actual or simulated;
 - 4. Excretory functions as part of or in connection with any of the other activities described in subsections (C)(1) through (3) of this section.

G. Adult-oriented businesses means any one of the following:

1. Adult Arcade. An establishment where, for any form of consideration, one or more still or motion picture projectors, or similar machines, for viewing by five or fewer persons each, are used to show films, computer generated images, motion pictures, video cassettes, slides or other photographic reproductions thirty percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
2. Adult Bookstore. An establishment that has thirty percent or more of its stock in books, magazines, periodicals or other printed matter, or of photographs, films, motion pictures, video cassettes, slides, tapes, records or other form of visual or audio representations which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities and or specified anatomical areas.
3. Adult Cabaret. A nightclub, restaurant, or similar business establishment which: (1) regularly features live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities; and/or (2) which regularly features persons who appear semi-nude; and/or (3) shows films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions thirty percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
4. Adult Hotel/Motel. A hotel or motel or similar business establishment offering public accommodations for any form of consideration which, (1) provides patrons with closed-circuit television transmissions, films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions thirty percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; and (2) rents, leases, or lets any room for less than a six hour period, or rents, leases, or lets any single room more than twice in a twenty-four-hour period.
5. Adult Motion Picture Theater. A business establishment where, for any form of consideration, films, computer-generated images, motion pictures, video cassettes, slides or similar photographic reproductions are shown,

and thirty percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

6. Adult Theater. A theater, concert hall, auditorium, or similar establishment which, for any form of consideration regularly features live performances which are distinguished or characterized by an emphasis on the display of specified anatomical areas or specified sexual activities.
 7. Modeling Studio. A business which provides for monetary compensation or other consideration, hire or reward, figure models who, for the purposes of sexual stimulation of patrons, display "specified anatomical areas" to be observed, sketched, photographed, painted, sculpted or otherwise depicted by persons paying such consideration. "Modeling Studio" does not include a studio or similar facility owned, operated, or maintained by an individual artist, or group of artist, and which does not provide, permit or make available "specified sexual activities."
- H. Houses of Worship. A structure which is used primarily for religious worship and related religious activities, such as churches, synagogues, mosques, or temples.
- I. Distinguished or Characterized by an Emphasis Upon. Refers to the dominant or essential theme of the object described by such phrase. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon" the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those dominant or predominant character and theme are the depiction of enumerated sexual activities or anatomical areas/ See *Frinale v. City of Covina*, 115 Cal.App3 151 (1981).

- J. Regularly Features. With respect to an adult theater or adult cabaret, means a regular and substantial course of conduct. The fact that live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities occurs on two or more occasions within a thirty day period; three or more occasions within a sixty day period; or four or more occasions within a one hundred eighty day period, shall to the extent permitted by law be deemed to be a regular and substantial course of conduct.

- K. School. Means any child or day care facility, or an institution of learning *for* minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university.

- L. Semi-Nude. means a state of dress in which clothing covers no more than the genitals, pubic region, buttocks, areola of the female breast, as well as portions of the body covered by supporting straps or devices.

17.34.040 Minimum Proximity Requirements

No adult-oriented business shall be established or located in any zone in the City other than the industrial commercial (IC) or within certain distances of certain specified land uses or zones as set forth below:

- A. No such business shall be established or located within five hundred feet of any other adult-oriented business.

- B. No such business shall be established or located within five hundred feet from any parks, schools, houses of worship, or residential zones.

- C. The distances set forth above shall be measured distance of travel along a public street or a private street approved by the city to provide street frontage in lieu of a public street from the closest property line of the adult-oriented business to the property lines of *the* property so zoned or used without regard to intervening structures.

17.34.050 Amortization of Nonconforming Adult-Oriented Businesses

Any use of real property existing as of the effective date of the ordinance codified in this chapter which does not conform to the provisions of Section 17.32.040 of this chapter, but which was constructed, operated, and maintained in compliance with all previous regulations, shall be regarded as a nonconforming use which may be continued for a maximum period of two years. On or before such date, all such nonconforming uses shall be terminated unless an extension of time has been approved by the City Council in accordance with the provisions of Section 17.32.060 of this chapter.

- A. Abandonment. Notwithstanding the above, any discontinuance or abandonment of the use of any lot or structure as an adult-oriented business shall result in a loss of legal nonconforming status of such use.
- B. Amortization – Annexed Property. Any adult-oriented business which was a legal use at the time of annexation of the property and which is located in the city, but which does not conform to the provisions of Section 17.90.040 of this chapter shall be terminated within one year of the date of annexation unless an extension of time has been approved by in accordance with the provisions of Section 17.90.060 of this chapter.

17.340.060 Extension of Time for Termination of Nonconforming Use

The owner or operator of a non-conforming use as described in Section 17.90.050 of this chapter may apply under the provisions of this section to the City Council for an extension of time within which to terminate the non-conforming use.

- A. Time and Manner of Application. An application for an extension of time within which to terminate a use made nonconforming by the provisions of Section 17.90.040 of this chapter may be filed by the owner of the real property upon which such use is operated, or by the operator of the use. Such an application must be filed with the City Clerk at least ninety days but no more than one hundred eighty days prior to the time established in Section 17.90.050 of this chapter for termination of such use.
- B. Content of Application – Fees. The application shall state the grounds for requesting an extension of time. The filing fee for such application shall be the same as that for a zoning variance as is set forth in the schedule of fees established by resolution from time to time by the City Council.

- C. Hearing Procedure. The City Manager shall set the matter for hearing before the City Council within forty-five days of receipt of the application. All parties involved shall have the right to offer testimonial, documentary and tangible evidence bearing on the issues; may be represented by counsel; and shall have the right to confront and cross-examine witnesses. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to relying on in the conduct of serious affairs. Any hearing under this section may be continued for a reasonable time for the convenience of a party or a witness. The decision of the hearing officer shall be final and subject to judicial review pursuant to Code of Civil Procedure Section 1094.6.
- D. Approval of Extension – Findings. An extension under the provisions of this section shall be for a maximum period of time commensurate with the investment involved, but shall not exceed a total of five years, and shall be approved only if the City Council makes all of the following findings or such other findings as are required by law:
1. The applicant has made a substantial investment (including but not limited to lease obligations) in the property or structure on or in which the nonconforming use is conducted; such property or structure cannot be readily converted to another use; and such investment was made prior to the effective date of the ordinance codified in this chapter;
 2. The applicant will be unable to recoup said investment as of the date established for termination of the use; and
 3. The applicant has made good faith efforts to recoup the investment and to relocate the use to a location in conformance with Section 17.90.040 of this chapter.