

TITLE 5

LAND USE AND DEVELOPMENT

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CHAPTER 1

PURPOSE AND SCOPE OF LAND USE AND  
DEVELOPMENT PROVISIONS

SECTION:

- 5-1-1: Purpose and Scope
- 5-1-2: Definitions

5-1-1: PURPOSE AND SCOPE: This Title is adopted for the purpose of regulating land use and development activities within the City. This Title may be referred to as the *LAND USE AND DEVELOPMENT REGULATIONS* of the City. (Ord. 164, 2-2-85)

5-1-2: DEFINITIONS:

- A. Definition of Terms: Unless the context clearly requires otherwise, the following definitions shall apply to this Title:

CITY or LOCAL AGENCY: The City of Hidden Hills.

COMMISSION, PLANNING COMMISSION, PLANNING AGENCY or ADVISORY AGENCY: The Hidden Hills City Council.

COUNCIL, GOVERNING BODY or LEGISLATIVE BODY: The City Council of the City of Hidden Hills.

LOCAL PLANNING LAW: Refers to Division 1 of Title 7 (commencing with Section 65100) of the Government Code.

PERSON: Refers to any person, firm, association, organization, partnership, business trust, company or corporation and any Municipal, political or governmental corporation, district, body or agency other than the City of Hidden Hills, and shall include any group or combination of such persons or entities acting as a unit.

SUBDIVISION MAP ACT or MAP ACT: Refers to Division 2 of Title 7 (commencing with Section 66410) of the Government Code.

ZONING ACT: Refers to Division 1 of Title 7 (commencing with Section 65800) of the Government Code.

- B. Adoption of Zoning Act and Map Act Definitions: Except as otherwise provided herein, the definitions now or hereinafter set forth in the Local Planning Law, Zoning Act and the Map Act are hereby incorporated by this

reference and made a part hereof. (Ord. 164, 2-2-85;  
1994 Code)

CHAPTER 2

ZONING

ARTICLE A. GENERAL ZONING PROVISIONS; DEFINITIONS

SECTION:

- 5-2A-1: Short Title and Scope
- 5-2A-2: Factors Considered in Creation of  
Zones
- 5-2A-3: Definitions
- 5-2A-4: Interpretation and Intent of  
Provisions
- 5-2A-5: Compliance with Provisions

5-2A-1: SHORT TITLE AND SCOPE:

- A. Short Title: The provisions of this Chapter regulate zoning of land located within the City. This Chapter may be cited as the City's *ZONING REGULATIONS*.
- B. Scope of Provisions: The Zoning Act<sup>1</sup> regulates the local control of zoning and authorizes the City to enact local ordinances to adopt and administer zoning laws, ordinances, rules and regulations as well as to implement the City's General Plan. This Article incorporates by reference those provisions of the Zoning Act which are mandated by State law and adopts additional provisions governing zoning in those areas where the Zoning Act allows the City to exercise discretion. (Ord. 164, 2-2-85)

5-2A-2: FACTORS CONSIDERED IN CREATION OF ZONES: It is hereby declared that in the creation of the respective zones and other regulations by this Chapter, the City Council has given due and special consideration to the peculiar suitability of each and every such zone and regulation herein established, for the particular uses enumerated therefor, the conservation of property values, the most appropriate use of land throughout the City and the goals and policies of the City's General Plan. (Ord. 164, 2-2-85)

5-2A-3: DEFINITIONS: The following words, phrases and terms are hereby defined for the purpose of this Chapter:

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<sup>1</sup> Gov.Code §65800, et seq.

ACCESSORY BUILDING: A subordinate building or structure on the same lot or building site, the use of which is incidental to that of the main building and which is used exclusively by the occupants of the main building.

ACCESSORY USE: A use customarily incidental and accessory to the principal use of a lot or building located upon the same lot or building site.

ALLEY: A thoroughfare having a width of not less than twenty feet (20') nor more than thirty feet (30'), which affords only a secondary means of access to abutting property.

BUILDING: A structure having a partially or completely solid roof supported by columns or walls.

BUILDING HEIGHT CAP: The greatest vertical dimension of a building as measured from the lowest point where the foundation adjoins the finished exterior grade to the top of the highest portion of the finished roof (excluding chimneys).

BUILDING HEIGHT ENVELOPE: The vertical dimension of the building as measured from each point of the pre-existing grade to the directly vertical point of the finished roof (excluding chimneys).

BUILDING, MAIN: A building constructed, designed or intended for the conduct of the principal use of the lot on which it is located.

BUILDING OFFICIAL: That person charged with the responsibility of administering the Building Code for the City, namely the City Engineer or his duly appointed representative.

COMMERCIAL USE: Any activity engaged in for valuable consideration, whether or not measured in money or service or goods of value. Such activity includes, but is not limited to, hiring for profit, renting, boarding, rooming, selling, training, assembling or manufacturing within the City.

COURT: An area surrounded on three (3) or more sides by one or more structures.

DWELLING, SINGLE-FAMILY: A building containing but one kitchen designed and used to house not more than one family, including domestic employees of such family.

FINISHED GRADE: The grade of the site as improved or, if the grade is not within the parameters shown on approved plans, the grade shown on the approved plans for the site.

GARAGE, PRIVATE: An accessory building or an accessory portion of the main building, designed or intended to be used only for

the shelter or storage of vehicles owned or operated by the occupants of the main building.

KITCHEN: Any room or space within a dwelling used, intended or designed to be used for cooking or the preparation of food.

LOT or PARCEL: Either:

- A. A parcel of real property when shown as a delineated parcel of land with a number or other designation as a plot recorded in the office of the County Recorder of Los Angeles County;
- B. A parcel of land, the dimensions or boundaries of which are defined by a record of survey recorded pursuant to the provisions of the Subdivision Map Act of the State of California in the office the County Recorder of Los Angeles County; or
- C. A parcel of land, the dimensions or boundaries of which are defined by metes and bounds and held under separate ownership of record on March 4, 1985.

LOT AREA or AREA OF LOT: The total horizontal area within the boundaries of a lot or parcel; except, there shall be excluded from the computation thereof any portion or strip of said lot (commonly known as flat lot) which:

- A. Has a width of less than thirty feet (30'); and
- B. Serves as the sole means of ingress and egress from any public or private street to the main portion of said lot.

LOT LINES: The boundary line of lots as follows:

FRONT LOT LINE: The line dividing an interior lot from the street or road or from the street or road easement, whichever is applicable. On a flag lot, a corner lot, a through lot or a through corner lot, only one lot line shall be considered as a front lot line, and such front lot line shall be determined by the Planning Agency or the Building Official.

REAR LOT LINE: The line opposite the front lot line. For a triangular or cone-shaped lot, the rear lot line shall be determined by the Planning Agency or Building Official.

SIDE LOT LINE: Any lot line other than the front lot line or the rear lot line.

NATURAL GRADE: The grade of the site in its original

condition prior to commencement of any grading by any person or entity on the site.

NONCONFORMING BUILDING or STRUCTURE: A building or structure, or portion thereof, which was lawfully altered or constructed in accordance with the then existing zoning regulations of the City but which did not comply with subsequently adopted zoning regulations or which does not conform to these regulations.

NONCONFORMING USE: The utilization of any lot, building, buildings or structures, or any combination thereof, which use, when established, conformed to the then existing zoning regulations but which did not comply with subsequently adopted zoning regulations or which does not conform to these regulations.

PRE-EXISTING GRADE: The finished grade of the site on date of submittal of an application to repair, remodel, reconstruct, or construct on the site or, if there are no approved plans for the site, the natural grade.

STREET: A public or private thoroughfare which affords primary means of access to abutting property.

STRUCTURE, WALLS, FENCES: Anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground.

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

USE, CONDITIONAL: The use of land or buildings pursuant to a permit issued by the City in accordance with Article H of this Chapter.

VARIANCE: A variance from the terms of this Chapter which is authorized pursuant to Article I of this Chapter.

YARD: An open space, other than a court, on a lot, unoccupied and unobstructed at, above and below the finished grade, except as otherwise provided in this Chapter.

YARD, FRONT: A yard extending across the full width of the lot between the side lot lines and measured in depth between the front lot line and a line parallel to and separated from the front lot line or the road easement line by the minimum front yard setback but in no case less than fifty feet (50') from the road easement line.

YARD, REAR: A yard extending across the full width of the lot between the side lot lines and measured in depth

between the rear lot line and nearest rear line of the main building or the nearest line of any supporting member of any enclosed or covered porch attached thereto.

YARD, SIDE: A yard extending from the front yard to the rear yard between the side line and the nearest line of a supporting member of the main building. (Ord. 240, 4-22-91; 1994 Code; Ord. 281, 1-27-97; Ord. 283, 5-12-97; Ord. 287, 9-8-97)

5-2A-4: INTERPRETATION AND INTENT OF PROVISIONS:

- A. The interpretation and application of the provisions of this Title shall constitute the minimum requirements to insure the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by this Title to interfere with or abrogate or annul any existing easement, covenant, restriction or other agreement between parties. When this Title imposes a greater restriction upon the use of buildings or land or upon the height of buildings or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or easements, covenants or agreements, the provisions of this Title shall control.
- B. Provisions of this Title shall not bar any legal, equitable or summary remedy which the City or which any person may otherwise have to restrain or enjoin any attempted or proposed sale, contract of sale or conveyance in violation of this Title, or of any other operative ordinance, statute or contractual obligation or limitation. (Ord. 164, 2-2-85)

5-2A-5: COMPLIANCE WITH PROVISIONS: Except as hereinafter provided, land or buildings may be used and structures may be erected or altered only in accordance with the following provisions:

- A. Land Use Limitations: No building may be erected and no existing building shall be moved, altered or enlarged nor shall any land be used for any purpose or in any manner other than a use listed in this Title, or amendments hereto, as permitted in the zone in which such land, building or premises is located.
- B. Height Limitations: No building shall be erected nor shall any existing building be moved, reconstructed or structurally altered to exceed in height the limit established by this Chapter or amendments hereto for the zone in which such building is located.
- C. Development Standards: No building shall be erected nor

shall any existing building be moved, altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the development standards outlined in this Chapter, or amendments hereto, and the zone in which such building is located.

- D. Yard Requirements: No yard or open space provided adjacent to any building for the purpose of complying with the regulations of this Chapter, or amendments hereto, shall be considered as providing a yard or open space for any other building. (Ord. 229, 11-12-90)

CHAPTER 2

ZONING

ARTICLE B. ZONING DISTRICTS AND MAPS

SECTION:

- 5-2B-1: Purpose and Short Title
- 5-2B-2: Zones Established
- 5-2B-3: Zoning Map

5-2B-1: PURPOSE AND SHORT TITLE: In order to provide the economic and social advantages resulting from an orderly planned use of land resources and to conserve and promote the public interest, health, comfort and convenience of the City and its inhabitants and to preserve the public peace, safety, morale, order and general welfare of the City and its inhabitants, this Article is hereby adopted and established as the *OFFICIAL ZONING ORDINANCE* for the City. (Ord. 164, 2-2-85)

5-2B-2: ZONES ESTABLISHED: For the purposes of this Chapter, five (5) land use zones are established as follows:

RA-S Residential Agriculture Suburban  
RA-S-2 Residential Agriculture Suburban-2  
R-1 Residential  
CR Restricted Commercial  
C-U Community Uses  
(Ord. 167, 4-1-85; amd. Ord. 202, 12-21-87; 1994 Code)

5-2B-3: ZONING MAP:

- A. There is hereby re-adopted as the "Official Zoning Map" of the City the Map attached to Ordinance 164 of the City, as said map has been amended from time to time. All property within the City is hereby placed in such zones as are indicated on this Map, and no property shall be used except in accordance with the zoning designation on the Map and the provisions of this Chapter. The Map shall be maintained in the office of the City Clerk and shall be duly certified by him.
- B. All amendments to the Official Zoning Map shall be noted thereon by the City Clerk with the date of such amendment and the number of the amending ordinance.
- C. The Official Zoning Map is hereby made a part of this

Chapter and may be amended by reference thereto and to  
this Section. (1994 Code)

CHAPTER 2

ZONING

ARTICLE C. RA-S ZONE

SECTION:

- 5-2C-1: Permitted Uses
- 5-2C-2: Lot Size and Coverage
- 5-2C-3: Building Height
- 5-2C-4: Yards and Setbacks
- 5-2C-5: Other Requirements

5-2C-1: PERMITTED USES: The following uses are permitted in the RA-S Zone:

A. Permitted Buildings: A single-family residence of a permanent character, placed in a permanent location, including the following accessory uses and buildings, which main and accessory buildings may not be used commercially:

1. A private garage with a capacity of not less than two (2) automobiles.

2. A children's playhouse, lath or greenhouses, tool houses, hobby shops, fallout and bomb shelters and storage buildings.

3. Buildings and/or corral areas for the housing of domestic animals and fowl, other than pigs or hogs; provided, that buildings or corral areas are not rented or used by people other than the residents of said property, their servants or temporary guests, and further provided, that said buildings and/or corrals are not used to board or room domestic animals not owned by said residents of the property, their servants or temporary guests.

B. Accessory Uses: The following additional accessory uses are permitted if they do not alter the character of the premises as a single-family residence:

1. Detached or attached living quarters on the same premises for the use of temporary guests or servants of the occupants of the premises; provided, that there is only one kitchen facility per lot or building site, and such quarters are not rented or otherwise used as a

separate dwelling.

2. Recreational facilities such as, but not limited to, tennis, paddle tennis, handball courts, swimming pools and spas and including the equipment thereto, for use by members of a single-family residence and their guests in accordance with the provisions of this Title.

C. Agriculture and Horticulture: Nurseries, nursery stock, orchards, vineyards, the raising of field crops, tree, berry or bush crops or vegetables or flower gardening on a commercial scale. This subsection does not permit roadside stands, retail sale from the premises or advertising signs of any nature.

D. Construction Material Storage: The storage of construction material used in the construction of any permitted type of structure and for sixty (60) days after occupancy or the cessation of construction, whichever comes first.

E. Signs: No signs shall be permitted or maintained on any lot or parcel, except as follows:

1. One sign, either unlighted or lighted with one low voltage light of no more than 15 watts, with not exceeding six (6) square feet in area, and displaying only the name and address of the family residing on the particular property or the name of the particular property.

2. Neither this Section nor any other provision of this Title shall act to prohibit the erection of "For Sale" or "For Lease" signs on real property.

F. Domestic Animals: The keeping of domestic animals, other than swine, is permitted; provided, that the portion of stables or shelters used for housing such animals are located not less than thirty five feet (35') from the living area of any residence and at least twenty five feet (25') from the exterior boundaries of the property on which situated and that all corrals must be located not less than twenty five feet (25') from any window or door of the living area of any residence or dwelling used for the habitation of human beings. Corral area shall mean an area for the keeping of domestic animals, not including stables or other such shelter for housing such animals. Corrals shall be enclosed by a fence adequate to confine the animals to the corral area. This subsection does not permit the operation of any commercial activity in connection with the uses permitted hereunder.

G. Conditional Uses: The following uses; provided, that in each instance, a conditional use permit has been obtained and continues in full force and effect:

1. Public schools, parks, libraries, fire station, gate houses, post offices and civic centers.

2. Public utility uses and facilities, including water storage facilities, water pumping plants, sewage pumping plants, gas distributing lines, electric distribution lines, electric transformer stations, electric transmission lines, telephone repeater stations, telegraph cables and telephone lines.

3. State-authorized, certified or licensed family care homes, foster homes or group homes serving six (6) or fewer mentally disordered or otherwise handicapped persons or dependent and neglected children if such homes provide care on a twenty four (24) hour a day basis.

4. The stationing of a temporary guard in a mobile home or trailer for the protection of a building under construction and the materials used therefor until final inspection but not to exceed a total of six (6) continuous months. (Ord. 164, 2-2-85; 1994 Code)

5-2C-2: LOT SIZE AND COVERAGE:

A. Minimum Lot Area: The minimum required area of a lot or parcel in the RA-S Zone shall be one acre excluding:

1. That portion of the lot or parcel designated as, or included in, a road or multiple driveway easement; and

2. That portion of the lot or parcel designated as, or included in, an ingress/egress easement granted to another lot or parcel.

B. Single-Family Dwelling Lot Size: The lot area per single-family dwelling unit shall be not less than the minimum required lot area or parcel.

C. Lot Coverage: All buildings, including accessory buildings, shall not cover more than twenty five percent (25%) of the net area of the lot. "Net area" shall refer to the gross area of the lot less those portions of the lot designated as, or included in, a road, multiple driveway easement or ingress/egress easement granted to another lot or parcel. As used herein, "coverage" shall mean the ground floor area within the polygon formed by connecting the corner points of each

of the supporting walls and/or columns of a building in a straight line. Coverage shall not include areas beneath roof overhangs. Roof overhangs shall mean that portion of a roof which extends beyond the supporting walls or columns of the structure which it covers.

- D. Lot Width: Every lot or parcel shall have a minimum average width of not less than one hundred fifty feet (150').
- E. Existing Lots: Any lot or parcel of record on or before December 3, 1963, which has less than the area required by this Section shall not be deemed to be nonconforming solely for such reason. (Ord. 240, 4-22-91; 1994 Code)

5-2C-3: BUILDING HEIGHT: The following height restrictions apply to the RA-S Zone:

- A. Maximum Height Envelope and Cap: The building height envelope shall not exceed twenty six feet (26'). In addition, the building height cap shall not exceed thirty feet (30').
- B. Second Floor Area: The second floor area shall not exceed forty percent (40%) of the total living area. Any portion of the subterranean structure classified as cellar, basement or unused underfloor space and which is not considered a story shall be excluded from the total living area for purposes of this computation.
- C. Stable Lofts: Stables with lofts for storage of hay will be permitted; provided, that storage area is confined within the limits of the roof of the first story. (Ord. 240, 4-22-91; 1994 Code; Ord. 281, 1-27-97)

5-2C-4: YARDS AND SETBACKS:

- A. Front Yard Setback: Every lot or parcel in the RA-S Zone shall have a front yard setback of not less than fifty feet (50') measured from the road easement line to the closest supporting member of the structure. On lots that have less than fifty feet (50') width at front of lot, front yard setback is to be measured in depth from point on lot having a fifty foot (50') width at front of lot. Where a dwelling is situated further from the road easement line than the minimum setback for a front yard, as defined herein, the front yard shall be determined to be only that portion of the lot designated by this Section as the minimum setback from the road easement line. Except as set forth in this Section or Section 5-2C-5(E), no accessory buildings, recreational facilities (including but not limited to tennis and other sport courts, swimming pools and appurtenant equipment), or

any other structures are allowed in the front yard setback or anywhere in the front yard.

- B. Side Yard Setback: Every lot or parcel in the RA-S Zone shall have side yard setbacks of not less than fifteen feet (15') from the easement line or not less than twenty five feet (25') from the closest side lot line. When a side yard abuts a street (road) easement, the setback shall be twenty five feet (25') from the edge of the street (road) easement. The side lot line for corner lots shall be the road easement line. Except as set forth in this Section or Section 5-2C-5(E), no accessory buildings, recreational facilities (including but not limited to tennis and other sport courts, swimming pools and appurtenant equipment), or any other structures are allowed in the side yard setbacks.
- C. Rear Yard Setback: Every lot or parcel in the RA-S Zone shall have a rear yard of not less than fifty feet (50'). Within every rear yard there shall be a setback area of not less than twenty five feet (25') from rear lot line or fifteen feet (15') from the easement line, whichever is the greatest; or, if the rear lot line abuts a street, the setback area shall be not less than fifty feet (50') from the edge of the street easement closest to any building. Accessory buildings, recreational facilities (including but not limited to tennis and other sport courts, swimming pools and appurtenant equipment), and any other structures may be constructed within the rear yard provided that they conform to other requirements of this Title and, except as set forth in this Section or Section 5-2C-5(E), that they are not allowed in the rear yard setback.
- D. Detached Buildings: Buildings not attached to one another shall have a ten foot (10') minimum distance between roof overhangs or projections.
- E. Minor Structures: Minor structures may be allowed by the Planning Director, but in no event shall they exceed six feet (6') in height. An unobstructed pedestrianway, at least three feet (3') in width, shall be provided on the ground level around all buildings and within twenty five feet (25') of said buildings. Such pedestrianways, as well as driveways and other flatwork may be considered minor structures. Built-in barbecues, play houses, and solid fences are not minor structures, even if they are less than six feet (6') in height. The following are examples of minor structures. The list is not meant to be all-inclusive. In addition, building permits may be required for some minor structures, in order to ensure compliance with building and safety standards (e.g. bridges, surcharged retaining walls).

1. For the front setback:

(a) up to four pilasters that are each thirty inches (30") or less in width, thirty inches (30") or less in depth, and fifty four inches (54") or less in height (provided that lighting on each pilaster does not exceed two (2) footcandles measured at a distance of three feet (3') perpendicular to the light source);

(b) retaining walls that are two feet (2') or less in height (provided that multiple walls which are stepped along a slope so that they have the appearance of a single wall which is more than two feet (2') in height are not minor structures); and

(c) bridges that are thirty inches (30") or less above grade and are fifteen feet (15') or less in length (provided that the railing, if any, is open and is three feet (3') or less in height).

2. For the side yard setback:

(a) open fencing;

(b) enclosed trash yards that were built and approved prior to March 27, 1991, and that do not encroach more than four feet (4') into the side yard setback; and

(c) solid walls, including retaining walls, that are three feet (3') or less in height and are fifteen feet (15') or more from the property line (provided that multiple walls which are stepped along a slope so that they have the appearance of a single wall which is more than three feet (3') in height are not minor structures).

3. For the rear yard setback:

(a) open fencing; and

(b) solid walls, including retaining walls, that are three feet (3') or less in height and are fifteen feet (15') or more from the property line (provided that multiple walls which are stepped along a slope so that they have the appearance of a single wall which is more than three feet (3') in height are not minor structures).

F. Projections: Cornices, eaves, belt courses, sills, buttresses or other similar architectural features may

extend or project into a front, side or rear yard setback not more than four feet (4'). Air-conditioning units or mechanical equipment for a main building may encroach into a side or rear yard setback not more than four feet (4') as long as it is permanently screened with a wood or masonry fence.

- G. Porches and Decks: An uncovered porch, platform or landing place which does not extend above the level of the first floor of the building may extend or project into a front, side or rear yard setback not more than ten feet (10'), provided such structure in a setback shall not reduce to less than three feet (3') the unobstructed pedestrianway or sidewalk on ground level.
- H. Perimeter Fences: Perimeter fences may be built around the property at the boundary lines of the property provided that the fences conform to other requirements of this Title and meet all of the standards, terms and conditions necessary to be approved by the Hidden Hills Community Association and by any subcommittee thereof that is charged with the responsibility of reviewing the architectural standards of projects in the City. (Ord. 164, 2-2-85; 1994 Code; Ord. 283, 5-12-97)

5-2C-5: OTHER REQUIREMENTS:

- A. Barbed-Wire Fences: No barbed-wire fences shall be erected along bridle trails or used as a perimeter fence on any lot.
- B. Outdoor Lighting: Outdoor lighting fixtures shall not be utilized, except in accordance with the following standards:
  - 1. No freestanding lighting fixtures shall exceed twelve feet (12') in height, measured from ground level to the top of the fixture enclosure. A building-mounted fixture shall not extend above the ridgeline of the roof of the building on which it is mounted.
  - 2. Lights mounted at no more than one foot above finished grade shall not exceed an illumination level of one foot-candle, measured at a distance of one and one-half feet ( $1\frac{1}{2}'$ ), perpendicular to the light source.
  - 3. Lights mounted at more than one foot (1') above finished grade shall not exceed an illumination level of two (2) foot-candles, measured at a distance of three feet (3') feet, perpendicular to the light source.
  - 4. Passive and/or active outdoor recreation area other

than tennis courts may be illuminated by a maximum of four (4) individual light fixtures, each of which shall not exceed twelve feet (12') in height and each of which shall not exceed one hundred fifty (150) watts or two thousand (2,000) lumens average maintained illumination level (whichever is more restrictive).

5. All other types of outdoor lighting fixtures shall not exceed an illumination level of two (2) foot-candles, measured at a distance of three feet (3'), perpendicular to the light source.

6. All outdoor lighting fixtures shall be hooded and/or directed to confine the lighting within the limits of the property from which they emanate, without glaring onto adjoining properties, trails or roadways. In any case, outdoor lighting fixtures shall not result in illumination levels above one foot-candle above the ambient level, measured at any point along any property line.

7. Lighting fixtures shall not be grouped together to focus their illumination onto, e.g. recreation areas, or to create a substantial and bright ornamental arrangement which, together, result in an illumination level in excess of four (4) foot-candles, measured in the brightest area of combined illumination.

8. Exemptions to the above standards shall be permitted only for holiday and temporary emergency situations, such as a medical or veterinary emergency or intrusion by criminals and for seasonal lighting.

9. No lighting of tennis courts shall be permitted. Notwithstanding any provisions of this Title to the contrary, all tennis court lighting structures legally existing on the date of adoption of Ordinance 122 shall be deemed nonconforming, which structures and uses shall be discontinued and removed from the property upon the expiration of an amortization period established by the Planning Agency after a noticed public hearing.

10. No more than four (4) lighting fixtures mounted on fences, posts, or pilasters shall be installed in the front yard setback.

C. Boundary Fences: Boundary fences, where erected, shall not be less than three feet six inches (3'6"), nor more than six feet (6') in height and shall not be located in any easement where their erection is prohibited. Fences, where erected to enclose a tennis court, shall be no more than twelve feet (12') in height.

- D. **Garage Requirements:** There shall be a fully enclosed garage provided for each dwelling with a capacity of not less than two (2) automobiles containing a clear space of not less than twenty feet by twenty feet (20' x 20'). The garage opening shall be oriented at least ninety degrees (90°) to the secant connecting the points of intersection of the side lot lines and the curved legal frontage.
- E. **Driveway Requirements:** There shall be a paved drive from street to garage entrance with a minimum width of eight feet (8') and a maximum grade of twenty five percent (25%).
- F. **Trash Enclosures:** Each lot on which a single-family residence is located shall be provided with a minimum of one trash enclosure in accordance with the following requirements:
1. Every trash enclosure shall measure at least one hundred (100) square feet and shall be fully enclosed by a six foot (6') high solid wood fence or masonry wall. The exterior of the trash enclosure shall be of a color which is compatible with the single-family residence on the lot.
  2. Every trash enclosure shall be in a location which is convenient for trash storage and collection and inconspicuous from neighboring or public property.
  3. Every trash enclosure shall be used for the storage of trash containers. There shall be no outdoor storage of trash containers at any location other than within the trash enclosure.
  4. Existing lots which do not have a required trash enclosure may continue such nonconforming status until a building permit is issued as set forth in this subsection F. Any existing nonconforming lot for which a building permit is issued after March 27, 1991, for projects as to which the Building Official assigns a valuation greater than ten thousand dollars (\$10,000.00) for the construction of buildings or accessory structures or for remodeling of existing structures shall provide a trash enclosure in accordance with the requirements of this subsection F.
  5. Any application for a building permit submitted to the City after March 27, 1991, for projects as to which the Building Official assigns a valuation greater than ten thousand dollars (\$10,000.00) for construction of new buildings or accessory structures or remodeling of existing structures shall include plans for the required

trash enclosure.

6. No certificate of occupancy shall be issued for any structure subject to the provisions of this subsection F unless the required trash enclosure is complete. (Ord. 186, 7-7-86; Ord. 235, 2-25-91; 1994 Code; Ord. 283, 5-12-97)

CHAPTER 2

ZONING

ARTICLE D. RA-S-2 ZONE

SECTION:

- 5-2D-1: Permitted Uses
- 5-2D-2: Building Height
- 5-2D-3: Other Requirements

5-2D-1: PERMITTED USES: The following uses are permitted in the RA-S-2 Zone:

- A. Uses in RA-S Zone: Any use, including any accessory use, permitted in the RA-S Zone;
- B. Additional Accessory Uses: The following additional accessory uses are permitted if they do not alter the character of the premises as a single-family residence:

1. Servants' quarters with kitchen facilities within the servant quarters; provided, such kitchen shall either be in the main residence or in an adjacent service quarters building of not in excess of one thousand five hundred (1,500) square feet and used solely for not in excess of two (2) "domestic servants", as hereinafter defined, and in no instance for rental purposes, including, as a rental purpose, occupancy granted solely in exchange for nondomestic services to the owners of the main house. Parking of vehicles by occupants of servants' quarters shall be restricted to parking within a garage on the property or at such place in the rear of the lot as to not be visible from street frontage. Such kitchen facilities shall not be used for other than the foregoing permitted purposes. For the purposes of the foregoing, domestic servants shall include a valet, butler, full-time maid, governess, nurse, caretaker or chauffeur.

2. To permit an orderly market program for subdivisions comprising more than ten (10) parcels, one demonstration estate at any one time to be located within the subdivision; provided, such demonstration estate is maintained only for such period as the original sales of residences within the subdivision is being undertaken by one or more of the subdividers. Such use shall also permit one sign of shape, design and size, consistent

with existing City sign regulations identifying the demonstration estate. The subdivider shall be identified only by surname on such sign. No real estate firm or realtor's name (other than the property owner) may be displayed on the demonstration estate sign or on any other building or within the area of the subdivision. When the use of such residence as a demonstration estate ceases, such residence shall be used only for uses permitted under the RA-S or RA-S-2 Zone. Any use of demonstration estate other than as specified herein shall be deemed a zoning violation.

- C. Conditional Uses: The following uses; provided, that in each instance, a conditional use permit has been obtained and continues in full force and effect: uses which would be permitted in an RA-S Zone upon the issuance of a conditional use permit. (Ord. 164, 2-2-85)

5-2D-2: BUILDING HEIGHT: The following height restrictions apply to the RA-S-2 Zone:

- A. Maximum Height Envelope and Cap:

1. If the main building is six thousand (6,000) square feet or less in size and is single story, then the building height envelope shall not exceed twenty two feet (22') and the building height cap shall not exceed twenty six feet (26'). If the building is more than one story, then the building height envelope and cap shall not exceed the building height envelope and cap allowed in an RA-S Zone.

2. If the main building is more than six thousand (6,000) and less than seven thousand (7,000) square feet in size and is single story, then the building height envelope shall not exceed twenty four feet (24') and the building height cap shall not exceed twenty eight feet (28'). If the building is more than one story, then the building height envelope shall not exceed twenty eight feet (28') and the building height cap shall not exceed thirty two feet (32').

4. If the main building is seven thousand (7,000) square feet or more in size and is single story, then the building height envelope shall not exceed twenty six feet (26') and the building height cap shall not exceed thirty feet (30'). If the building is more than one story, then the building height envelope shall not exceed thirty feet (30') and the building height cap shall not exceed thirty four feet (34').

- B. Subterranean Structures: Any portion of a subterranean structure classified as a cellar, basement or unused underfloor space which is not classified as a story shall be excluded from the total living area for the purposes of this computation.
- C. Stables: Stables with lofts for storage of hay will be permitted; provided, the storage area is confined within the limits of the roof of the first story.
- D. Notwithstanding the foregoing, building heights may be restricted to the maximum heights permitted in the RA-S Zone on ridge line above Jim Bridger Road if the Planning Agency determines that heights permitted in the RA-S-2 Zone have greater than minimal visual impact upon surrounding areas if permitted to properties along that ridgeline. (Ord. 240, 4-22-91; 1994 Code; Ord. 281, 1-27-97)

5-2D-3: OTHER REQUIREMENTS: Except as provided herein, property within the RA-S-2 Zone shall meet all requirements of the RA-S Zone, including but not limited to requirements to lot area per dwelling, lot coverage, front yards, side yards, rear yards, lot widths, distance between buildings, pedestrianways, cornices and eaves, uncovered porches and platforms, barbed wire fences, lighting of tennis courts, height of fences, garages, paved driveways and outdoor lighting fixtures. (Ord. 186, 7-7-86)

CHAPTER 2

ZONING

ARTICLE E. R-1 ZONE

SECTION:

- 5-2E-1: Permitted Uses
- 5-2E-2: Lot Size and Coverage
- 5-2E-3: Building Height
- 5-2E-4: Yards and Setbacks
- 5-2E-5: Other Requirements

5-2E-1: PERMITTED USES: The following uses are permitted in the R-1 Zone:

- A. Permitted Buildings: A single-family residence of a permanent character, placed in a permanent location, including the following accessory uses and buildings, which may not be used commercially:
  - 1. A private garage with a capacity of not less than two (2) automobiles;
  - 2. A children's playhouse, lath or greenhouses, tool houses, hobby shops, fallout and bomb shelters and storage buildings; and
  - 3. Recreational facilities such as, but not limited to, tennis, paddle tennis, handball courts, swimming pools and spas and including the equipment thereto, for use by members of a single-family residence and their guests in accordance with the provisions of this Title.
- B. Agriculture and Horticulture: Nurseries, nursery stock, orchards, vineyards, the raising of field crops, tree, berry or bush crops or vegetables or flower gardening on a commercial scale. This subsection does not permit roadside stands, retail sale from the premises or advertising signs of any nature.
- C. Construction Material Storage: The storage of construction material used in the construction of any permitted type of structure and for sixty (60) days after occupancy or the cessation of construction, whichever comes first.
- D. Signs: No signs shall be permitted or maintained on any

lot or parcel, except as follows:

1. One unlighted sign not exceeding six (6) square feet in area, displaying only the name and address of the family residing on the particular property or the name of the particular property.

2. Neither this subsection nor any other provision of this Title shall act to prohibit the erection of "For Sale" or "For Lease" signs on real property.

E. Domestic Animals: The keeping of domestic animals, other than swine, is permitted; provided, that the portion of stables or shelters used for housing such animals are located not less than thirty five feet (35') from the living area of any residence and at least twenty five feet (25') from the exterior boundaries of the property on which situated and that all corrals must be located not less than twenty five feet (25') from any window or door of the living area of any residence or dwelling used for the habitation of human beings. Corral area shall mean an area for keeping of domestic animals, not including stables or other such shelter for housing such animals. Corrals shall be enclosed by a fence adequate to confine the animals to the corral area. This subsection does not permit the operation of any commercial activity in connection with the uses permitted hereunder.

F. Conditional Uses: The following uses; provided, that in each instance, a conditional use permit has been obtained and continues in full force and effect:

1. Public schools, parks, libraries, fire station, gate houses, post offices and civic centers;

2. Public utility uses and facilities, including water storage facilities, water pumping plants, sewage pumping plants, gas distributing lines, electric distribution lines, electric transformer stations, electric transmission lines, telephone repeater stations, telegraph cables and telephone lines;

3. State-authorized, certified or licensed family care homes, foster homes or group homes serving six (6) or fewer disordered or otherwise handicapped persons or dependent and neglected children if such homes provide care on a twenty four (24) hour basis; and

4. The stationing of a temporary guard in a mobile home or trailer for the protection of a building under construction and the materials used therefor until final inspection but not to exceed a total of six (6)

continuous months. (Ord. 202, 12-21-87)

5-2E-2: LOT SIZE AND COVERAGE:

- A. Minimum Lot Area: The minimum required area of a lot or parcel in the R-1 Zone shall be twenty thousand (20,000) square feet, excluding:
  - 1. That portion of the lot or parcel designated as, or included in, a road or multiple driveway easement; and
  - 2. That portion of the lot or parcel designated as, or included in, an ingress/ egress easement granted to another lot or parcel.
- B. Single-Family Dwelling Lot Size: The lot area per single-family dwelling unit shall be not less than the minimum required lot area or parcel.
- C. Maximum Coverage: All buildings and roofed structures, including accessory buildings, shall not cover more than thirty percent (30%) of the area of the lot. The area beneath roof overhangs shall be included in the calculation of building coverage.
- D. Minimum Lot Width: Every lot or parcel shall have a minimum average width of not less than ninety five feet (95'). (Ord. 202, 12-21-87)

5-2E-3: BUILDING HEIGHT: The following height restrictions apply to the R-1 Zone:

- A. Maximum Height Envelope and Cap: The building height envelope and cap shall not exceed the building height envelope and cap allowed in an RA-S Zone.
- B. Second Floor Area: The second floor area shall not exceed forty percent (40%) of the total living area. Any portion of the subterranean structure classified as cellar, basement or unused underfloor space which is not considered a story shall be excluded from the total living area for purposes of the computation. (Ord. 240, 4-22-91; 1994 Code; Ord. 281, 1-27-97)

5-2E-4: YARDS AND SETBACKS:

- A. Front Yard Setback: Every lot or parcel in the R-1 Zone shall have a front yard setback of not less than thirty five feet (35'), measured from the road easement line to the closest supporting member of the structure. If a

parcel has no frontage along a street, the front yard setback shall be thirty five feet (35'), measured from the property line which is perpendicular to the closest supporting member of the front elevation of the dwelling unit. Where a dwelling is situated further from the road easement or property line than the minimum setback for a front yard, as defined herein, the front yard shall be determined to be only that portion of the lot designated by this Section as the minimum setback from the road easement line. Except as set forth in this Section or Section 5-2C-5(E), no accessory buildings, recreational facilities (including but not limited to tennis and other sport courts, swimming pools and appurtenant equipment), or any other structures are allowed in the front yard setback or anywhere in the front yard.

- B. Side Yard Setback: Every lot or parcel in the R-1 Zone shall have side yard setbacks of not less than twenty five feet (25') from the closest side lot line, if it abuts property zoned RA-S or not less than five feet (5') from the closest side lot line, if it abuts property zoned R-1 or designated in the General Plan for commercial uses. Except as set forth in this Section or Section 5-2C-5(E), no accessory buildings, recreational facilities (including but not limited to tennis and other sport courts, swimming pools and appurtenant equipment), or any other structures are allowed in the side yard setbacks.
- C. Rear Yard: Every lot or parcel in the R-1 Zone shall have a rear yard of not less than twenty five feet (25') from any rear lot line which abuts property zoned RA-S or not less than fifteen feet (15') from any rear lot line which abuts property zoned R-1 or not less than five feet (5') from any rear lot line which abuts property designated in the General Plan for commercial uses. Accessory buildings, recreational facilities (including but not limited to tennis and other sport courts, swimming pools and appurtenant equipment), and any other structures may be constructed in the rear yard provided that they conform to other requirements of this Title.
- D. Detached Buildings: Buildings not attached to one another shall have a ten foot (10') minimum distance between roof overhangs or projections.
- E. Minor Structures: Minor structures may be allowed by the Planning Director, but in no event shall they exceed six feet (6') in height. An unobstructed pedestrianway, at least three feet (3') in width, shall be provided on the ground level around all buildings and within twenty five feet (25') of said buildings. Such pedestrianways,

as well as driveways and other flatwork may be considered minor structures. Built-in barbecues, play houses, and solid fences are not minor structures, even if they are less than six feet (6') in height. The following are examples of minor structures. The list is not meant to be all-inclusive. In addition, building permits may be required for some minor structures, in order to ensure compliance with building and safety standards (e.g. bridges, surcharged retaining walls).

1. For the front setback:

(a) up to four pilasters that are each thirty inches (30") or less in width, thirty inches (30") or less in depth, and fifty four inches (54") or less in height (provided that lighting on each pilaster does not exceed two (2) footcandles measured at a distance of three feet (3') perpendicular to the light source);

(b) retaining walls that are two feet (2') or less in height (provided that multiple walls which are stepped along a slope so that they have the appearance of a single wall which is more than two feet (2') in height are not minor structures); and

(c) bridges that are thirty inches (30") or less above grade and are fifteen feet (15') or less in length (provided that the railing, if any, is open and is three feet (3') or less in height).

2. For the side yard setback:

(a) open fencing;

(b) enclosed trash yards that were built and approved prior to March 27, 1991, and that do not encroach more than four feet (4') into the side yard setback; and

(c) solid walls, including retaining walls, that are three feet (3') or less in height and are fifteen feet (15') or more from the property line (provided that multiple walls which are stepped along a slope so that they have the appearance of a single wall which is more than three feet (3') in height are not minor structures).

3. For the rear yard setback:

(a) open fencing; and

(b) solid walls, including retaining walls, that

are three feet (3') or less in height and are fifteen feet (15') or more from the property line (provided that multiple walls which are stepped along a slope so that they have the appearance of a single wall which is more than three feet (3') in height are not minor structures).

- F. Projections: Cornices, eaves, belt courses, sills, buttresses or other similar architectural features may extend or project into a side yard setback not more than two feet (2') and may extend or project into a front yard setback or rear yard not more than four feet (4'). Air-conditioning units or mechanical equipment for a main building may encroach into a side yard setback or rear yard not more than four feet (4'), as long as it is permanently screened with a wood or masonry fence.
- G. Porches and Decks: An uncovered porch, platform or landing place which does not extend above the level of the first floor of the building may extend or project into a front, side or rear yard setback not more than ten feet (10'), provided such structure in a setback shall not reduce to less than three feet (3') the unobstructed pedestrianway or sidewalk on ground level.
- H. Perimeter Fences: Perimeter fences may be built around the property at the boundary lines of the property provided that the fences conform to other requirements of this Title and meet all of the standards, terms and conditions necessary to be approved by the Hidden Hills Community Association and by any subcommittee thereof that is charged with the responsibility of reviewing the architectural standards of projects in the City. (Ord. 202, 12-21-87; 1994 Code; Ord. 283, 5-12-97)

5-2E-5: OTHER REQUIREMENTS: Except as provided herein, all other limitations on the use and development of land in the R-1 Zone shall be the same as those regulations applied to properties in the RA-S Zone. (Ord. 202, 12-21-87)

CHAPTER 2

ZONING

ARTICLE F. CR ZONE

SECTION:

- 5-2F-1: Permitted Uses
- 5-2F-2: Conditional Uses
- 5-2F-3: Prohibited Uses
- 5-2F-4: Hours of Operation
- 5-2F-5: Development Standards
- 5-2F-6: Architectural Style and Plan Review

5-2F-1: PERMITTED USES: The following uses are permitted, subject to development plan review and issuance of a City business license:

- A. Professional, executive, administrative and sales offices, not including medical or dental offices or clinics.
- B. Retail and service stores and businesses, not including food services or sale of alcoholic beverages. Such businesses shall not involve the manufacturing, processing, fabricating or treatment of any products, other than that which is clearly related, incidental and secondary to the primary business conducted on the premises. Any such operation shall not be objectionable or detrimental due to noise, odor, vibration, smoke, dust or similar causes and shall not generate wastes which require the issuance of an industrial waste permit, as provided in the Building Code.<sup>1</sup>
- C. Accessory buildings and structures which are necessary to a permitted use, require no additional employee or customer parking and are located on the same lot as the related primary use.
- D. Freestanding and building-mounted signs, as described herein.
- E. Nonconforming structures and other improvements, lawfully in existence prior to April 1, 1985.

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<sup>1</sup> See Section 5-5B-1 of this Title.

Expansions to such improvements shall not exceed six hundred (600) square feet gross floor area and shall be subject to review and approval by the Planning Director.

Such improvements shall not be utilized for any other nonconforming uses at any time. (Ord. 167, 4-1-85; 1994 Code)

5-2F-2: CONDITIONAL USES: The following additional uses are permitted, only upon issuance of a conditional use permit:

- A. Retail food service businesses, such as restaurants, ice cream parlors and sandwich shops.
- B. Restaurants, with or without on-premises sale of alcoholic beverages as an incidental use.
- C. Additional uses of a similar nature to the permitted uses which are not more objectionable or injurious to neighboring properties or the general public health, safety and welfare, may also be permitted, as reasonably determined by the Planning Agency. Uses found to be violative of any City-imposed restrictions or of any provisions of the City's ordinances shall be subject to immediate revocation of their business license and any other sanctions authorized by Federal, State, County or City laws and regulations. (Ord. 167, 4-1-85; 1994 Code)

5-2F-3: PROHIBITED USES: The following uses are prohibited:

- A. Adult book store which is an establishment having as a substantial or significant portion of its stock in trade consisting of books, magazines and other periodicals which are distinguished or characterized by emphasis on matter depicting, describing or relating to sexual activity or an establishment with a segment or section devoted to the sale or display of such material.
- B. Theater, auditorium or picture arcade.
- C. Cabaret which is a nightclub, theater or other establishment which features live performances.
- D. Sexual encounter center which is any business, agency or person who provides a place where three (3) or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in sexual activities.
- E. Game arcades, consisting of three (3) or more coin-operated games of skill, whether conducted as a

primary or incidental use.

F. Motorcycle sales and services.

G. Any other use not permitted herein. (Ord. 167, 4-1-85)

5-2F-4: HOURS OF OPERATION: All businesses within this Zone shall maintain regular business hours commencing no earlier than eight o'clock (8:00) A.M. and terminating the same day no later than ten o'clock (10:00) P.M. unless specifically modified by the Planning Agency pursuant to approval of a conditional use permit. (Ord. 167, 4-1-85; 1994 Code)

5-2F-5: DEVELOPMENT STANDARDS:

A. Lot Size/Dimensions, Lot Coverage: Maximum lot coverage by approved buildings shall not exceed a total floor area to buildable lot area ratio (F.A.R.) of one.

B. Building Height Envelope and Cap: The building height envelope shall not exceed thirty five feet (35'). The building height cap shall not exceed thirty nine feet (39').

C. Yards: Side or rear yards which abut residentially zoned property shall be separated from the residential property with a six foot (6') high, decorative, masonry wall. Such yards shall be a minimum of five feet (5') deep when a parking area abuts the residential property and a minimum of ten feet (10') deep when a building or structure is located next to the residential property. Further, such yards shall be fully and intensively landscaped to create an effective visual barrier between the commercial and residential properties. A walkway may be substituted as part of or included in the landscaped area. Front yards shall be a minimum of ten feet (10') deep and fully landscaped. Front and side yard landscape requirements may be modified by conditional use permit.

D. Parking and Loading:

1. Required Parking:

a. Development projects consisting of a single use or a building devoted to several similar uses shall provide parking spaces in accordance with the following minimum ratios:

Use Number of spaces required

Retail	$\frac{1}{250}$ square foot G.F.A.
Professional, Administrative, Executive or Sales Offices	$\frac{1}{300}$ square foot G.F.A.

b. Unspecified mixed-use development projects shall provide a minimum of one parking space for each two hundred fifty (250) square feet of gross floor area. Specific mixed-use projects, where specific uses are the basis for project design, shall provide parking spaces calculated as the sum of the requirements for each individual use.

2. Location of Parking Spaces: Required parking spaces shall be located on the same lot or parcel of land and within four hundred feet (400') of the main structure they serve. Such distance shall be computed from the nearest point of the structure's public access to the nearest point of the parking area.

3. Handicapped Parking:

a. All nonresidential parking lots accessible to the public, with the exception of parking lots providing one hundred percent (100%) valet parking with an approved variance, shall provide parking spaces designated for use by handicapped persons in the number indicated by the following table:

<u>Total Number of Parking Spaces</u>	<u>Number of Handicapped Parking Spaces Required</u>
1-40	1
41-80	2
81-120	3
121-160	4
161-300	5
301-400	6
401-500	7
over 500	1 addl. for each 200 addl. spaces or fraction thereof provided

b. When fewer than five (5) parking spaces are provided, one shall be fourteen feet (14') wide and lined to provide a nine foot (9') parking area and five foot (5') loading and unloading area. However, there is no requirement that the space be reserved exclusively or identified for use by the handicapped only.

4. Minimum Loading Space Requirements:

a. The following minimum number of loading spaces shall be provided for each use:

(1) Retail Uses:

<u>Gross floor area</u>	<u>Spaces required</u>
Less than 5000 sq. ft.	None
5,000 - 20,000 sq. ft.	One
Each additional 20,000 sq. ft. or fraction thereof	One additional

(2) Office Uses:

<u>Gross floor area</u>	<u>Spaces required</u>
Less than 20,000 sq. ft.	None
20,000 - 40,000 sq. ft.	One
Each additional 20,000 sq. ft. or fraction thereof	One additional

b. Required loading spaces shall be located immediately adjacent to the exterior wall of the building but shall not be within the building. Such spaces shall not be located within any required front or side yard and shall be located to avoid undue interference with public use of streets or alleys.

5. Alternating Use of Parking Facilities: The alternating use of parking facilities may be approved as part of a planned development or conditional use permit in cases where parties wish to cooperatively establish and operate parking facilities and where these uses generate parking demands primarily during hours when the remaining uses are not in operation (for example, if one use operates during evenings or weekdays only). The burden of proof for a reduction in the total number of required parking spaces, however, shall remain with the applicant, and documentation shall be submitted substantiating the reasons for the requested parking reduction. An alternating use agreement shall be approved only under the following circumstances:

a. That a sufficient number of spaces shall be provided to meet the greater parking demand of the alternating uses;

b. That satisfactory statements have been submitted

by the parties operating such facilities, describing the nature of the uses and times when such uses operate so as to indicate the lack of conflict between them; and

c. That additional documents or agreements as may be deemed necessary in each particular case to assure provision for and the maintenance of the required parking spaces have been provided.

6. Parking Requirements for Secondary Use: Parking requirements for a secondary use within the same building as the primary use (for example, a restaurant in an office building or a shop within a sport facility) may be reduced by up to one-half ( $\frac{1}{2}$ ) upon the determination by the Planning Agency that such a reduction is justified.

7. Parking Area Design Standards: Parking area design standards concerning parking space dimensions and markings, access, driveway widths and locations, lighting, etc., shall be established by the Planning Director from time to time and approved by the Planning Agency.

8. Construction Requirements: Construction requirements affecting parking and loading areas, such as surfacing, slope, drainage, etc., shall be established by the City Engineer.

9. Landscaping: Landscaping of parking areas shall be provided and maintained according to the following:

a. A minimum of five percent (5%) of any parking and driveway areas shall be landscaped. Such landscaped areas shall be distributed through the entire parking area as evenly as possible and as required pursuant to plan review. All such required landscaped areas shall be computed on the basis of the total amount of parking and driveway areas provided (except spaces provided for display purposes or for enclosed bicycle storage areas); however, the Planning Director may allow any landscaped area which would be within an open service or work area and not viewable from any perimeter street to be relocated to a more functional location within the other open parking areas on such property, provided such relocation does not decrease the total percentage of required interior landscaping.

b. Landscaped areas shall be distributed throughout the entire parking area. A minimum of one tree of at least fifteen (15) gallons in size shall be provided for every ten (10) parking spaces and located so as to visually disrupt long rows of parked vehicles (trees may

be clustered).

c. A minimum five foot (5') wide landscaped planter shall be provided adjacent to any public or private street wherever parking or circulation is generally located adjacent to such rights of way.

d. Landscaping shall be provided between a building and a contiguous parking area to the satisfaction of the Planning Director.

10. Underground Parking: Underground parking shall be permitted.

E. Roofing: All roofing material shall have a Class A fire rating, as defined in the Building Code.<sup>2</sup>

F. Signs:

1. Freestanding:

a. There shall be no more than one freeway-oriented, freestanding sign within a Commercial District. The sign shall not exceed a height of twenty four feet (24'), shall be no larger than thirty two (32) square feet in total area, shall not rotate or flash but may be internally lit. The specifications for this sign shall be authorized, in writing, by all property owners within this Zone, prior to installation.

b. One freestanding, monument-style building identification sign shall be permitted for each main building. Such signs may be located within required front yards but not in side or rear yards unless such yard is adjacent to a public street. In addition, such signs shall not exceed six feet (6') in height and twenty (20) square feet in area. The materials, style and identifying symbols of such signs shall be similar and complementary to the architectural characteristics of the main buildings to which they refer.

c. The specific location, height, size, material and illumination of all freestanding signs shall be approved by the Planning Director or, upon appeal, by the Planning Agency.

2. Building-Mounted:

a. Location: The occupants of a building shall be permitted to attach a sign or signs to the exterior face

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<sup>2</sup> See Section 5-5B-1 of this Title.

of the building which faces the primary street entrance, as well as any other side of the building which provides a primary pedestrian access.

b. Size: Each occupant shall be permitted a maximum of two (2) square feet of total sign area, per lineal foot of building or suite frontage retained by that occupant. The total area shall be calculated as the rectangular area within which the sign frame, background and message are contained.

c. Style and Material: All building-mounted signs on one building, or in a group of buildings within the same site, shall be of identical style, material and general color scheme. Frame and background material shall be wood of a species and color which best complement the main building. Sign messages shall be permanently affixed to the sign frame, through routing, sandblasting or fastening. Wood frame material, letter styles and colors, sign styles and location shall all be approved by the Planning Director or, upon appeal, by the Planning Agency. (Ord. 167, 4-1-85; 1994 Code; Ord. 281, 1-27-97)

5-2F-6: ARCHITECTURAL STYLE AND PLAN REVIEW:

A. Architectural Style:

1. The general architectural style for this Commercial Zone shall reflect and complement the residential architecture in the City. The style will feature the extensive use of masonry building materials, such as brick, stone and stone veneers; also wood or simulated wood (e.g., board and batten), aluminum, vinyl and steel siding. Exterior-plaster ("stucco") finishes may be utilized if approved by the Planning Agency.

2. Siding materials, such as concrete, whether textured or untextured, exterior plywood, mirror or nonreflective glass shall not be utilized.

3. Roofs shall be steeply pitched (minimum 4:12), with prominent eaves. Materials shall have a Class A rating, as defined in the Uniform Building Code<sup>1</sup>, and shall simulate the appearance of natural wood shakes.

4. Windows shall be designed and located to prevent any views from buildings within the Commercial Zone to the rear yard or interior living space of any neighboring residential property.

B. Plan Review:

1. No grading or building permits will be issued for any project within a Commercial Zone, except for minor modifications to existing nonconforming structures, unless the Planning Director has approved precise development plans, in accordance with the following guidelines. These guidelines are intended to ensure that future commercial development is properly planned to achieve attractive, well designed structures, circulation systems, parking and landscaping, etc., which are harmonious with adjacent properties.

2. Although encouraging the broadest possible range of individual and creative design and in accordance with the adopted guidelines and standards, the precise plan of design shall be reviewed to consider and weigh:

a. The nature of the use and structure in relation to the specific zone and surrounding area.

b. The site dimensions of the parcel and their relationship to the utility of the structures proposed.

c. The relationship of the subject parcel and proposed improvements to the surrounding developments.

d. The relationship of topography, grade and finish grade elevation of the site being improved to neighboring sites.

e. The conformity and harmony of the exterior design, colors, materials (based upon samples) and architectural features with the intent and guidelines of this Title.

C. Procedure:

1. Application: A complete application for precise plan review shall be submitted to the Planning Department in accordance with a check list for plot plan and elevation drawings. All such applications shall be accompanied by the current fee established pursuant to Council resolution.

2. Administration:

a. Copies of Plans Distributed: Following receipt of a complete application, as determined, in writing, by the Planning Director, copies of the plans shall be transmitted to the City's Engineer and Building Official, Los Angeles County Fire Department, local utility purveyors and any other outside agency, which, in the opinion of the Planning Director, may have

necessary or useful comments concerning the proposed development plan.

b. Public Meeting: Prior to making a final determination concerning a proposed precise development plan, the Planning Director shall conduct a public meeting to solicit comments from interested local residents and property owners. Notice of such meeting shall be given at least ten (10) days prior to the meeting, through posting of notices at the places specified in Section 1-9-1 of this Code.

c. Findings; Approval of Plan: In approving or conditionally approving a development plan pursuant to the requirements of this Title, the Planning Director shall find, that as modified by any imposed conditions: 1) the development of the site is in accordance with the development intended; 2) the total development is so arranged as to avoid traffic congestion, insure the public health, safety and general welfare, prevent adverse effects on neighboring property; and 3) the development is in general accord with all elements of the General Plan, this Title and other ordinances and regulations of the City.

d. Disapproval of Plan: Where such findings are not made, the development plan shall be disapproved. The action of the Planning Director may be appealed to the Planning Agency.

e. Commencement of Construction: Construction of the improvements permitted by any approved development plan shall commence within one year from the date of approval, or the approval will expire. Following expiration, previously approved development plans may be submitted again within two (2) years for precise plan review. The applicant, in this case, shall pay to the City only the actual costs incurred in determining if the plans are substantially the same as the previously approved plans.

f. Expiration of Plan Approval: If City staff should determine that the plans are significantly different than the originally approved plans, or if the plans are submitted more than two (2) years following expiration of the original plan approval, the applicant shall pay the standard fee for precise plan review, and the plans shall be considered as an entirely new application. (Ord. 167, 4-1-85; 1994 Code)

CHAPTER 2

ZONING

ARTICLE G. C-U ZONE

SECTION:

- 5-2G-1: General Requirements
- 5-2G-2: Conditional Use Permits

5-2G-1: GENERAL REQUIREMENTS:

- A. Property Owned by City: Any property owned by the City within a Community Use Zone may be used for any public purpose; provided, the Planning Agency has reviewed and approved the proposed use after a public hearing.
- B. Property Owned by a California Nonprofit Corporation: Any property owned by a California nonprofit corporation within a Community Use Zone may be used for any public purpose or any other purpose for which the corporation was formed; provided, the Planning Agency has reviewed and approved the proposed use after a public hearing.
- C. Property Owned by Other Public Agency: Any property owned by any public agency, other than the City and not including a California nonprofit corporation, within a Community Use Zone may be used for any public purpose upon the granting of a conditional use permit. (Ord. 166, 4-1-85; 1994 Code; Ord. 292, 4-27-98)

5-2G-2: CONDITIONAL USE PERMITS:

- A. Except as set forth in paragraph B, below, no conditional use permit shall be granted pursuant to this section unless, after a public hearing, the Planning Agency finds:
  - 1. That the proposed development is designed and will be developed to preserve to the greatest extent practicable the natural features of the land, including the existing topography and landscaping;
  - 2. That the proposed development is designed and will be developed in a manner which will be reasonably com-

patible with the existing neighborhood character in terms of scale of development in relation to surrounding residences and other structures;

3. That the proposed development is designed and will be developed in a manner which will preserve to the greatest extent practicable the privacy of persons residing on adjacent properties; and

4. That the proposed development is designed and will be developed in a manner to the extent reasonably practicable so that it does not unreasonably interfere with neighbors' existing views.

5. That the proposed development is compatible with the General Plan, the Zoning Ordinance and surrounding uses;

6. That the proposed development follows natural contours of the site to minimize grading;

7. That the proposed development preserves surrounding native vegetation and supplements it with landscaping that is compatible with and enhances the rural character of the community;

8. That the proposed development conforms with the requirements of the California Environmental Quality Act; and

9. That the proposed use is not objectionable or injurious to neighboring properties or the general public health, safety and welfare.

B. A conditional use permit shall not be required if:

1. The proposed development consists of an increase in square footage to an existing structure;

2. The proposed development is not more than five hundred (500) square feet;

3. The proposed development does not include the construction of a new second or higher story or an addition to an existing second or higher story; and

4. The total square footage, including garage, of any new or remodeled structure will not exceed one thousand feet (1,000').

C. Notice of the public hearing shall be mailed at least ten days prior to owners of property within five hundred feet (500') of the proposed development, at the

addresses shown on the last equalized assessment roll.

- D. A conditional use permit shall become automatically null and void, unless extended upon application filed before the date of expiration, if any of the following occurs:
  - 1. Unused Permit: Within one year from the Agency's action, construction has not yet commenced, or if commenced, such work has been suspended or abandoned at any time after commencement for a period of one hundred eighty (180) days or more.
  - 2. Time Limit as a Condition of Permit: Circumstances which terminate the permit pursuant to any termination provision included as a condition of the permit.
- E. Extensions shall not be granted for more than a total of one year unless a public hearing is held and approval granted in the same manner and based upon the same criteria as for the issuance of a new permit.
- F. The City Council may, by resolution, establish a fee for processing a conditional use permit. (Ord. 292, 4-27-98)

## CHAPTER 2

### ZONING

#### ARTICLE H. SITE PLAN REVIEW

##### SECTION:

- 5-2H-1: Purpose and Intent
- 5-2H-2: Compatibility of Structure
- 5-2H-3: Objectives
- 5-2H-4: Site Plan Review Requirements
- 5-2H-5: Notice of Decision
- 5-2H-6: Effective Date and Appeal
- 5-2H-7: Subsequent Modification
- 5-2H-8: Expiration of Approval
- 5-2H-9: Compliance Required

5-2H-1: PURPOSE AND INTENT: The purpose of this Article is to preserve the natural scenic character of the City by establishing minimum standards relating to the siting and massing of either a new structure or a remodeled structure in an existing neighborhood to assure to the greatest extent practicable that the resulting structures are compatible with the neighborhoods within which they are located and consistent with applicable laws and regulations. The intent of this Article is to regulate the development or redevelopment of each building site with respect to adjacent land, public or private, and existing structures so as to maximize visually pleasant relationships, assure a bright, open neighborhood with a maximum of light and air, and avoid the unpleasant appearance of crowding one structure against another, or of one structure towering over another, insofar as is reasonable and practical. It is not the intent to dictate to an individual property owner the type of structure or addition he may wish to place or modify on his property. It is the intent, however, to assure that the new or modified structure does not unreasonably impact on adjacent property owners and the compatibility of structures in the neighborhood. The regulations in this Article are in addition to the requirements of other regulations or ordinances of the City, and, where in conflict, the more restrictive regulation shall apply. (Ord. 262, 2-8-93)

5-2H-2: COMPATIBILITY OF STRUCTURE: No person shall construct, make additions to or modify any structure on any property in any residential zone in the City unless the resulting structure is found to be compatible with the neighborhood within which it is located. The following design

criteria and review procedures as set forth in this Article are established to protect and maintain the established character of all residential neighborhoods within the City. (Ord. 262, 2-8-93)

5-2H-3: OBJECTIVES: To maintain neighborhood compatibility, residential proposals shall address the following objectives:

A. Natural Amenities: Improvements to residential property shall respect and preserve to the greatest extent practicable the natural features of the land, including the existing topography.

B. Neighborhood Character: Proposals shall be reasonably compatible with the existing neighborhood character in terms of the scale of development of surrounding residences, particularly those within five hundred feet (500') of the proposed development parcel boundaries. While many elements can contribute to the scale of a residential structure, designs shall minimize the appearance of over or excessive building substantially in excess of existing structures in the neighborhood. The square footage of the structure and the total lot coverage shall reflect the uncrowded character of the City and the respective neighborhood. The height of the structures shall maintain, to the extent reasonably practicable, some consistency with the height of structures on neighboring properties.

C. Privacy: Design proposals shall respect the existing privacy of adjacent properties by maintaining an adequate amount of separation between the proposed structure and adjacent properties, and the design of balconies, decks and windows shall respect the existing privacy of adjacent properties.

D. Views: Designs shall consider to the extent reasonably practicable neighbors' existing views. (Ord. 262, 2-8-93)

5-2H-4: SITE PLAN REVIEW REQUIREMENTS: Except as set forth in subsection E below, no building or structure shall be constructed and no expansion, addition, alteration or repair to existing buildings or structures shall be made in any residential zone of the City without first receiving site plan review and approval as required by this Article.

A. Application: Except as set forth in subsection E below, a development plan shall be submitted for site plan review and approval according to the following procedures before a grading permit, electrical permit,

plumbing permit or building permit is issued for the construction of any building or structure or the expansion, modification, alteration or repair of any existing building or structure. The site plan review process is intended to assist in the orderly development of property in conformance with the objectives of the General Plan, and to ensure neighborhood compatibility.

The development plan shall be submitted to the Planning Director on forms furnished by him and accompanied by plans showing the effect of the proposed work upon visual relationships with other lots, existing structures, or land adjacent to or within five hundred feet (500') of the proposed work. The plan shall be accompanied by a fee, as established by resolution of the City Council.

B. Findings: No application for site plan review shall be approved unless the Planning Agency finds:

1. That the proposed development is designed and will be developed to preserve to the greatest extent practicable the natural features of the land, including the existing topography and landscaping;

2. That the proposed development is designed and will be developed in a manner which will be reasonably compatible with the existing neighborhood character in terms of scale of development in relation to surrounding residences and other structures;

3. That the proposed development is designed and will be developed in a manner which will preserve to the greatest extent practicable the privacy of persons residing on adjacent properties; and

4. That the proposed development is designed and will be developed in a manner to the extent reasonably practicable so that it does not unreasonably interfere with neighbors' existing views.

5. That the proposed development is compatible with the General Plan, the Zoning Ordinance<sup>1</sup> and surrounding uses;

6. That the proposed development follows natural contours of the site to minimize grading;

7. That the proposed development preserves surrounding native vegetation and supplements it with landscaping that is compatible with and enhances the rural character of the community; and

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<sup>1</sup> See Chapter 2 of this Title.

8. That the proposed development conforms with the requirements of the California Environmental Quality Act.

C. Initial Review: For initial review, applicants are encouraged to submit preliminary design proposals covering the entire lot development, both present and future, to permit the Building Official to analyze neighborhood compatibility and the applicability of the provisions of this Section prior to incurring the expense for detailed design drawings.

D. Planning Director Action: Following the submittal of a formal application, the Planning Director shall determine compliance with all City ordinances and other laws, and shall prepare a site plan checklist to determine the need for approval under this Article.

E. Exemption: The Planning Director shall issue a written statement that the development is exempt from subsections A through D and F through G of this Section if, based on information submitted for a project (such as lot area and building coverage data) and an inspection of the site, he finds either:

1. a. The proposed increase in square footage to an existing structure is not more than five hundred (500) square feet; and

b. The project does not include the construction of a new second or higher story or an addition to an existing second or higher story; and

c. The total square footage, including garage, of any new or remodeled structure will not exceed one thousand feet (1,000'); and

d. There has not been a previous application under this Section concerning the same property within twenty four (24) months preceding the date of the current application which would have required site plan review if figures regarding floor area and/or proposal reflects the objectives of this Article;

or:

2. The project has received a certification in writing from the Hidden Hills Community Association that the project meets all of the standards, terms and conditions necessary to be approved by the Hidden Hills Community Association and by any subcommittee thereof that is charged with the responsibility of reviewing the architectural standards of projects in the City, and the Planning Director has determined, based on a summary

review, that the project is consistent with such standards, terms and conditions, and is consistent with the City's laws and the General Plan. Such summary review is not intended to include evaluation of policy decisions on discretionary aspects of such standards, terms or conditions, but rather to confirm consistency with objective criteria.

F. Notice: If the project is not exempt under subsection E, the Planning Director shall forward the matter to the Planning Agency for its recommendation. The Planning Director shall require the applicant to notify owners of property within five hundred feet (500') of the proposed development by mail at least ten (10) days prior to the Planning Agency meeting at which the application will be considered.

G. Planning Agency Action: After receiving an application for site plan review, the Planning Agency shall hold a public hearing at which it shall hear and review all information and testimony regarding the findings and objectives of this Article. If the proposed development complies with all applicable requirements and standards of this Article and other laws and regulations, and the Agency finds that the criteria of subsection B of this Section are adequately met, or can be met if specified conditions are observed, the application shall be approved, subject to such specified conditions. If the Agency finds that the proposal cannot meet and cannot be modified to meet the requirements of this Article and the above criteria, the application shall be disapproved. In all cases, findings shall be made concerning the grounds for approval or disapproval. (Ord. 262, 2-8-93; 1994 Code)

5-2H-5: NOTICE OF DECISION: Written notice of the decision shall be given by first class mail to the applicant within ten (10) calendar days following rendering of the decision. (Ord. 262, 2-8-93)

5-2H-6: EFFECTIVE DATE AND APPEAL: The decision of the Agency shall become effective twenty (20) days after the date of decision. (Ord. 262, 2-8-93; 1994 Code)

5-2H-7: SUBSEQUENT MODIFICATION: After a site plan review application has been approved, modification of the approved plans and/or any conditions imposed, including additions or deletions, may be considered upon filing of an application by the owner of the subject property or his authorized representative. A public hearing on a proposed modification of the plans and/or conditions need not be held unless the

Planning Director concludes that the proposed modification extends beyond the intent of the original approval. The decision and any appeal in connection with modification of plans and/or conditions shall be in the same manner as set forth above in this Article. (Ord. 262, 2-8-93)

5-2H-8: EXPIRATION OF APPROVAL:

A. Expiration: A site plan review approval shall become automatically null and void, unless extended as provided in subsection B of this Section, if any of the following occurs:

1. Unused Permit: Within one year from the Agency's action, construction has not yet commenced, or if commenced, such work has been suspended or abandoned at any time after commencement for a period of one hundred eighty (180) days or more.

2. Time Limit as a Condition of Permit: Circumstances which terminate the permit pursuant to any termination provision included as a condition of the permit.

B. Extension: Upon application by the property owner filed on or before the date of expiration of the approval, an approval which would otherwise expire may be extended by the Agency if the Agency finds that the expiration would constitute an undue hardship upon the property owner and that the continuation of the approval would not be materially detrimental to the health, safety and general welfare of the public. Extensions shall not be granted for more than a total of one year unless a public hearing is held and approval granted in the same manner and based upon the same criteria as for the issuance of a new permit. (Ord. 262, 2-8-93; 1994 Code)

5-2H-9: COMPLIANCE REQUIRED:

A. Certificate of Occupancy, Utility Connection: No certificate of occupancy shall be issued, nor any authorization to connect utilities, until a final inspection has determined that 1) the construction complies with the approved plans and 2) in the case of plans which qualify for an exemption as set forth in Section 5-2H-4, that the construction complies with all conditions of such qualification.

B. Work, Construction, Building Permit: No work or construction shall take place unless it is in compliance with the approved plans and, if applicable, the conditions of qualification for exemption. No building permit shall be issued unless the application is in

compliance with the approved plans and, if applicable, the conditions of qualification for exemption.

- C. Revocation, Rescission, Amendment: In the event that there is substantial variation from the approved plans or, if applicable, the conditions of qualification for exemption, the Planning Director may revoke, rescind or amend any permits, certificates or authorizations previously granted. (Ord. 262, 2-8-93)

CHAPTER 2

ZONING

ARTICLE I. CHANGES AND EXCEPTIONS

SECTION:

- 5-2I-1: Nonconforming Buildings and Uses
- 5-2I-2: Exceptions
- 5-2I-3: Zoning Amendments
- 5-2I-4: Variances and Conditional Use  
Permits
- 5-2I-5: Notice of Changes
- 5-2I-6: Fees

5-2I-1: NONCONFORMING BUILDINGS AND USES:

A. Definitions: The following words, phrases and terms are hereby defined for the purpose of this Chapter:

1. "Conforming alterations" shall mean structural alterations which conform to all the provisions of this Title.
2. "Nonconforming building" shall be as defined in Section 5-2A-3 of this Code.
3. "Nonconforming alterations" shall mean structural alterations which do not conform to one or more of the provisions of this Title.
4. "Non-aggravating nonconforming alterations" shall mean nonconforming alterations to a nonconforming building where both the alteration and the building conform to all the provisions of this Title except to the extent the building encroaches into the front, rear, or side yard setback area and the alteration encroaches into the same setback area but no further than the existing encroachment.
5. "Nonconforming uses" shall be as defined in Section 5-2A-3 of this Code.

B. Conforming Alterations to a Nonconforming Building: Except as set forth in subsections D and F, conforming alterations may be made to a nonconforming building.

C. Nonconforming Alterations to a Nonconforming Building:

Nonconforming alterations may not be made to a nonconforming building without a variance. However, except as set forth in subsections D and F, non-aggravating nonconforming alterations may be made to a nonconforming building if, after compliance with all the procedures set forth in Section 5-2I-4(C) of this Code, the Planning Agency finds that:

1. The alteration will not be materially detrimental to the public welfare or injurious to the adjacent property; and
2. The alteration will not adversely affect the General Plan nor the purpose and intent of the provisions of this Title.

Non-aggravating nonconforming alterations may be subject to such conditions as will assure that the foregoing findings can be made.

- D. Major Remodelling or Reconstruction: Where fifty percent (50%) or more of the square footage of a nonconforming building is being remodelled or reconstructed, or where destruction of fifty percent (50%) or more of the reasonable replacement value of the building at the time of destruction has occurred, no structural alterations shall be made unless the building is brought into conformity with all provisions of this Title or pursuant to a variance.
- E. Nonconforming Use of Conforming Building: The nonconforming use of a conforming building existing on the effective date of Ordinance 122 may be continued; provided, that such nonconforming use shall not be expanded or extended into any other portion of the building nor shall any structural alterations, except those required by law, be made. If such nonconforming use is discontinued or changed for a period of ninety (90) calendar days, any future use of such building shall conform to the provisions of this Title. In addition, whenever a violation of this subsection or any other applicable law is found by the Planning Agency to have occurred, the nonconforming use shall forthwith be terminated.
- F. Nonconforming Use of Nonconforming Building: The nonconforming use of a nonconforming building may be continued and may be expanded or extended throughout such building; provided, no structural alterations, except those required by law, are made therein. Such nonconforming use shall be discontinued after one year from the effective date hereof and the building brought to conformity with this Title unless a variance has been

granted for the building, or the Planning Agency has determined, upon application by the operator of the use that a longer period is required to amortize the applicant's investment in the use.

- G. Applicability: The provisions of this Chapter shall apply to nonconforming buildings and uses, including those buildings and uses which hereafter become nonconforming due to any reclassification of zones under this Title. (Ord. 164, 2-2-85; 1994 Code; Ord. 277U, 4-8-96; Ord. 277, 4-22-96; Ord. 281, 1-27-97)

5-2I-2: EXCEPTIONS:

- A. Reduction of Lot Area: No lot or parcel area shall be so reduced or diminished so that the lot area, average width, yards or other open spaces shall be smaller than prescribed by this Title, except where a lot or parcel having the area and average width required by this Title is reduced as a result of condemnation proceedings by any governmental body, such lot or parcel shall be considered as having the required area and/or average width; provided, that the diminished lot or parcel is not less than seventy five percent (75%) of the required area and/or average width hereinabove established.
- B. Expansion of Public Utility Buildings: Nothing contained in this Title shall be construed or applied to prevent the expansion, enlargement, modernization or replacement of public service and utility buildings, structures and uses; provided, there is no change in land use or increase in the area of property so used, and provided, further, that a conditional use permit for said use has been granted and remains in full force and effect. (Ord. 164, 2-2-85)

5-2I-3: ZONING AMENDMENTS:

- A. Reason for Amendment: These zoning regulations may be amended whenever the public interest, convenience and necessity require.
- B. Compliance with State Law: Zoning amendment shall be initiated, considered and acted upon as set forth in State law. (Ord. 180, 9-19-88; 1994 Code)
- C. Consistency with Hazardous Waste Management Plan: Zone change decisions shall be consistent with the portions of the County of Los Angeles Hazardous Waste Management Plan (App. November 30, 1989) relating to siting and siting criteria for hazardous waste facilities. (Ord.

225, 6-4-90)

5-2I-4: VARIANCES AND CONDITIONAL USE PERMITS:

A. Criteria for Variances:

1. When practical difficulties, unnecessary hardships or results inconsistent with the general intent and purpose of this Title occur by reason of the strict and literal interpretation of any of its provisions, a zone variance may be granted in the manner hereinafter set forth in this subsection. A variance will not be granted to permit a use not otherwise permitted in the zone within which the property is located.

2. Before any zone variance shall be granted, the applicant must show, to the satisfaction of the Commission or Council, all of the following facts:

a. There are exceptional or extraordinary circumstances or conditions applicable to the property involved, including size, shape, topography, location or surroundings, which do not generally apply to the surrounding properties in the same zone; and

b. Because of such circumstances or conditions, such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property similarly situated but which is denied to the property in question; and

c. The granting of the variance will not be materially detrimental to the public welfare or injurious to the adjacent property; and

d. The granting of the variance will not adversely affect the General Plan nor the purpose and intent of the provisions of this Title. (Ord. 164, 2-2-85)

e. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and zone in which such property is situated. (1994 Code)

3. Consistency with Hazardous Waste Management Plan: Variance decisions shall be consistent with the portions of the County of Los Angeles Hazardous Waste Management Plan (App. November 30, 1989) relating to siting and siting criteria for hazardous waste facilities. (Ord. 225, 6-4-90)

B. Criteria for Conditional Use Permits:

1. The purpose of any conditional use permit shall be to insure that the use for which the same is required will be rendered compatible with other existing and permitted uses located in the general area of the same. The following uses, each of which possesses characteristics of such unique and special form as to render impractical their operation without specific approval, shall be permitted in the zones, as herein set forth; provided, that a conditional use permit is first obtained pursuant to the provisions hereof unless such use is designated as a permitted use in a particular zone:

a. Public parks and playgrounds, golf courses and other Municipal recreation areas;

b. Public libraries and museums;

c. Police and fire stations and any other public buildings as are determined to be for the health, safety and general welfare of the community.

d. Public schools, gate houses, post offices and civic centers.

2. Before any conditional use permit is granted, the application shall show, to the reasonable satisfaction of the body hearing such matter, the existence of the following facts:

a. The site is adequate in size, shape and topography for the proposed use; and

b. The site has sufficient access to streets which are adequate, in width and pavement type, to carry the quantity and quality of traffic reasonably expected to be generated by the proposed use; and

c. The proposed use will not unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties; and

d. There is demonstrated need for the use requested; and

e. The use, if permitted, will, as to location and operation, be consistent with the objectives of the General Plan; and

f. The public interest, convenience and necessity require that the use be permitted at the location requested.

3. Notwithstanding the provisions of this Article, if any use is designated as a permitted principal use in any zone, the conditional use permit requirement shall not apply to that use in that zone.

4. None of the uses enumerated, for which a conditional use permit is required, shall be deemed nonconforming due to the absence of such a permit if:

a. The uses complied with the zoning regulations in existence on the effective date hereof; and

b. The uses would not have acquired a nonconforming status by reason of any provision of this Chapter other than the provisions which impose the conditional use permit requirement.

5. Where a conditional use permit is granted for one or more uses on a lot, no other use, building or structure shall be located or maintained upon such lot unless allowed pursuant to the provisions of the conditions of approval imposed upon the issuance of such permit. (Ord. 164, 2-2-85; 1994 Code)

6. Conditional use permit decisions shall be consistent with the portions of the County of Los Angeles Hazardous Waste Management Plan (App. November 30, 1989) relating to siting and siting criteria for hazardous waste facilities. (Ord. 225, 6-4-90)

C. Procedures:

1. Application:

a. Applications for a zone variance or conditional use permit shall be filed by the owner of the property affected, his agent or by a public utility which has filed an eminent domain action with regard to such property, with the City Clerk, on forms furnished by the City Clerk, which shall set forth, fully, the nature of the proposed use and the facts deemed sufficient to justify the granting of the variance or conditional use permit, in accordance with the provisions hereof.

b. The applicant shall furnish to the City Clerk, at the time of application, a map of a scale not less than one inch equals twenty five feet (1" = 25') which shows the exact boundaries of the property and the location of all existing and proposed structures in relation thereto. At least ten (10) days prior to the public hearing on said application, the applicant shall, by staking, or other approved demarcation, visibly

delineate the exact boundaries of the subject property, which markings shall remain in place until such time as the decision on the application becomes final.

c. The applicant shall also furnish to the City Clerk an accurate list of the names and addresses of all property owners to whom notice must be given as provided in subsection C4 hereof, together with a copy of a map at a scale of not less than one inch equals one hundred feet (1" = 100'), which sets forth the boundaries of all properties located at any point within five hundred feet (500') of the external boundaries of the property to which the application is related, together with the names of the owners of record of all such properties shown thereon.

2. Filing Fee: Each such original application or modification shall be accompanied by a filing and processing fee in an amount as set by the City Council.<sup>1</sup> Any applicant may withdraw his application by filing a written request to do so at any time prior to final action thereon; provided, that there shall be no refund of fees.

3. Public Hearing: Every application for a zone variance or conditional use permit shall be set for a public hearing before the Planning Agency, except as otherwise provided herein. Hearings may be continued, from time to time as the Council may deem necessary.

4. Notice of Hearing:

a. Notice of the time and place of the hearing before the Planning Agency shall be given at least ten (10) days prior to the hearing by mail or delivery to: the owner of the affected property unless more than one thousand (1,000) persons would be required to receive such notice, in which event, display advertising is permitted; each local agency providing water, sewage, streets, roads, schools or other essential facilities or services to the affected property whose ability to provide those facilities and services may be significantly affected and to all owners of real property shown on the latest equalized assessment roll within five hundred feet (500') of the subject property, and such notice shall be either published once in a newspaper of general circulation ten (10) days prior to the hearing or posted at least ten (10) days prior to the hearing in the places specified in Section 1-9-1 of

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<sup>1</sup> See Title 2, Chapter 1 of this Code for collection procedures.

this Code as well as one public place in the area directly affected by the proceeding.

b. Such notices shall describe the subject property and contain a brief description of the proposed use and the date, time and place of hearing.

5. Conditions: The Planning Agency may impose such conditions as it determines are necessary and reasonable to protect the best interests of the surrounding property or neighborhood consistent with the public peace, safety, general welfare and provisions of this Title.

6. Public Hearing: The Planning Agency shall conduct a public hearing upon said matter and, thereafter, shall determine whether the application shall be approved, conditionally approved or denied. In making its determination, the Planning Agency shall observe the standards as set forth in subsection A or B of this Section, whichever is applicable.

D. Revocation, Modification, Expiration:

1. Public Hearing: The Planning Agency may, upon its own motion, conduct a noticed public hearing to determine whether such variance or conditional use permit should be revoked. If the Planning Agency finds any one of the following facts to be present, it shall revoke the variance or conditional use permit:

a. That the variance or permit was obtained by fraud; or

b. That the use for which such approval was granted has ceased to exist by reason of a voluntary abandonment; or

c. That the permit or variance granted is being or has been exercised contrary to any conditions of approval imposed upon such permit or variance or in violation of any law; or

d. That the use for which the approval was granted is being exercised so as to be detrimental to the public health or safety or so as to constitute a public nuisance.

2. Any zone variance or conditional use permit shall be null and void if the use granted thereby is not commenced within the time allowed by the terms of that approval, and if no time is so specified, if commencement does not occur within one year from the

date said zone variance or permit is granted. The Planning Agency, upon good cause shown by the applicant, may extend the time limitations imposed pursuant to this subsection for additional periods of time not to exceed one year each; provided, however, that if litigation is filed prior to the exercise of such rights, attacking the validity of such variance or permit, the time for exercising such rights shall be automatically extended pending a final determination of such litigation.

3. Any condition imposed upon the granting of a variance or conditional use permit, including any variance or permit granted prior to the adoption of these regulations, may be modified or eliminated or new conditions may be added; provided, that the Planning Agency shall first conduct a public hearing thereon, in the same manner as is required for the granting of the same. No such modification shall be made unless the Planning Agency finds that such modification is necessary to protect the public peace, health and safety, or in case of deletion of such a condition, that such action is necessary to permit reasonable operation under the variance or conditional use permit as granted.

(Ord. 164, 2-2-85; 1994 Code)

5-2I-5: NOTICE OF CHANGES: When ever the zoning covering a property is changed from one zone to another or a zoning variance or conditional use permit is granted with respect to any property, the City Clerk shall, within seven (7) days after adoption of final resolution, mail a copy of the resolution to applicant, and any other person requesting same and shall, within thirty (30) days, notify the County Assessor of such action. (Ord. 164, 2-2-85; 1994 Code)

5-2I-6: FEES: The City Council shall establish fees for the processing of zone amendments, variance and conditional use permits, from time to time, by resolution. (Ord. 164, 2-2-85)

CHAPTER 2

ZONING

ARTICLE J. ZONING ENFORCEMENT

SECTION:

- 5-2J-1: Violation and Penalties
- 5-2J-2: Civil Remedies
- 5-2J-3: Other Remedies

5-2J-1: VIOLATION AND PENALTIES: It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Chapter. Any person violating any provision of this Chapter or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and punishable as set forth in Section 1-5-1 of this Code. Each such person shall be deemed guilty of a separate offense for each day during any portion of which any violation of any of the provisions of this Chapter is committed, continued or permitted by such person. (Ord. 164, 2-2-85; 1994 Code)

5-2J-2: CIVIL REMEDIES:

- A. Any use of property contrary to the provisions of this Chapter shall be, and the same is hereby declared to be unlawful and a public nuisance, and the Council may authorize the City Attorney to commence actions and proceedings for the abatement thereof, in the manner provided by law and to apply to any court as may have jurisdiction to grant such relief as will abate or remove such use and restrain and enjoin any person from using any property contrary to the provisions of this Chapter.
- B. This Chapter may also be enforced by injunction issued by the Superior Court upon the suit of the City or the owner or occupant of any real property affected by such violation or prospective violation. (Ord. 164, 2-2-85; 1994 Code)

5-2J-3: OTHER REMEDIES: The remedies set forth in this Article are not exclusive. The City may pursue any other available remedy in order to enforce this Chapter. (Ord. 164, 2-2-85)

CHAPTER 3

LAND DIVISIONS

ARTICLE A. GENERAL LAND DIVISION PROVISIONS;  
DEFINITIONS

SECTION:

- 5-3A-1: Scope and Short Title
- 5-3A-2: Purpose
- 5-3A-3: Definitions
- 5-3A-4: Subdivision Map Requirements
- 5-3A-5: Reference to Other Laws
- 5-3A-6: Falsifications
- 5-3A-7: Violation, Penalties and Remedies

5-3A-1: SCOPE AND SHORT TITLE:

- A. Short Title: The provisions of this Chapter regulate the division of land and the merger and reversion to acreage of lands located within the City. This Chapter may be cited as the City's *LAND DIVISION REGULATIONS*.
- B. Subdivision Map Act: The Subdivision Map Act<sup>1</sup> regulates the local control of the design and improvement of subdivision and authorizes the City to enact local ordinances for the control of the design and improvement of land divisions which do not constitute subdivisions. This Chapter incorporates, by reference, those provisions of the Subdivision Map Act which are mandated by State law and adopts additional provisions governing land divisions in those areas where the Subdivision Map Act allows the City to exercise discretion. (Ord. 195, 7-6-87)

5-3A-2: PURPOSE: It is the purpose of this Chapter to supplement the provisions of the Subdivision Map Act concerning the design, improvement and survey data of subdivisions, the form and content of tract maps and parcel maps and the procedure to be followed in securing the official approval of the City regarding such maps. To accomplish this purpose, the regulations outlined in this Chapter are determined to be necessary for the preservation of the public health, safety and general welfare. (Ord. 195, 7-6-87)

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<sup>1</sup> Gov.Code §66410, et seq.

5-3A-3: DEFINITIONS: As used in this Title, the following words and terms shall have the meanings ascribed to them in this Section:

ALLEY: Private way, other than a major, secondary or local street, which provides a secondary means of vehicular access to abutting property.

DEDICATION: The grant of real property for public use or rights to the City or other public entity.

DESIGN: The minimum area, width, grading and general layout of lots and the alignment, grades and widths of the alleys, streets, highways, easements and rights of way for drainage facilities, water mains, sanitary sewers and other public purposes.

DIVISION OF LAND: Refers to any parcel or contiguous parcels of land, improved or unimproved, which are divided for the purpose of sale, lease or financing, whether immediate or future, into two (2) or more parcels.

DRAINAGE FACILITY: Any drainage device or structure which may be used to control or direct the flow of water and/or alleviate flood hazard, including but not limited to berms, channels, culverts, curbs, ditches, gutters, pavement and pipes.

FIRE CHIEF: The Forester and Fire Warden of the County of Los Angeles and shall include all deputies of said Forester and Fire Warden when acting within the scope of their authority in respect to matters pertaining to this Title.

FLOOD HAZARD: A potential danger to life, land or improvements due to inundation or storm water runoff having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings or erode the banks of watercourses.

FRONTAGE: The portion of a lot or parcel which abuts a public or private street to which the lot or parcel has the right of access. The frontage of a lot with abutting streets on two (2) or more sides shall be on the street having the smallest number of feet abutting such lot. The abutting footage shall be measured along the road easement line but, in the case of a corner lot, shall not include any footage within the side road easement.

FUTURE STREET: Any real property which the owner thereof has offered for dedication for street purposes which offer has not yet been accepted by the Council.

GENERAL PLAN: "General Plan" or "any element thereof" refers to the General Plan adopted by the City pursuant to the provisions of the Planning Law, Article 6, Chapter 3, Title 7, Government Code, State of California.

GEOLOGICAL HAZARD: A hazard, inherent in the earth or artificially created, which is dangerous or potentially dangerous to life, property or improvements due to the movement, failure or shifting of earth.

HEALTH OFFICER: The Health Officer of the County of Los Angeles and shall include all deputies of said Health Officer when acting within the scope of their authority in respect to matters pertaining to this Chapter.

IMPROVEMENTS: Such structures or facilities to be installed or agreed to be installed by a subdivider on land to be used for private alleys, streets or other easements as a condition precedent to the approval and/or acceptance of a tract map or parcel map, including but not limited to street surfacing with inverted shoulders, street signs, sanitary sewers, water mains and drainage facilities.

LOT: A unit of land identified on a tract map or parcel map, filed in the office of the County Recorder, with a separate or distinct number.

MINOR LAND DIVISION: Refers to a subdivision for which a final parcel map or a final tract map is not required by the Subdivision Map Act or by this Chapter.

PARCEL MAP: Refers to a final map showing the division of land into less than five (5) parcels, prepared in accordance with the provisions of this Chapter and of the Map Act, which is prepared in a manner to be filed in the office of the County Recorder as a parcel map.

SUBDIVISION COMMITTEE: Shall include the Planning Director, who shall act as chairperson, the Building Official, the City Building Official and, as determined by the Director, all other affected public agencies and interested parties with respect to the subdivision and use of land in the City of Hidden Hills. The Subdivision Committee shall review all proposed divisions of land and prepare a report thereon, including all conditions of approval or reasons for denial, which report shall be submitted to the Planning Agency.

SUPERINTENDENT OF STREETS: The Building Official or his or her designee.

TRACT MAP: A final map showing the division of land into five (5) or more parcels prepared in accordance with the provisions of this Title and applicable provisions of the Subdivision Map Act and designed to be filed in the office of the County

Recorder as a tract map.

ZONING ORDINANCE: Chapter 2 of this Title as it now exists or shall hereafter be amended. (Ord. 195, 7-6-87; 1994 Code)

5-3A-4: SUBDIVISION MAP REQUIREMENTS:

- A. Map Required: No person shall sell, place a mortgage, deed of trust or other lien upon, transfer title to, lease any subdivision or any part thereof, or offer to do so, or contract to do so, or commence construction of any building for sale, lease or financing thereon, or allow occupancy thereof, until a map, in full compliance with the provisions of this Chapter, has been duly recorded or filed in the office of the Recorder of this County.
- B. Exemptions from Requirements: Subsection A of this Section does not apply to any parcel of a subdivision offered for sale, lien or lease, contract for sale, lien or lease, or sold, mortgaged, liened or leased in compliance with or exempt from any law regulating the design or improvement of subdivisions or minor land divisions in effect at the time the parcel was created. (Ord. 195, 7-6-87; 1994 Code)

5-3A-5: REFERENCES TO OTHER LAWS: Whenever reference is made to an ordinance of this City or to a statute of the State, such reference applies to the requirements of the ordinance or statute applicable on the date of final action on a tentative map and to the provisions of variances and permits granted pursuant to such ordinances or statutes. (Ord. 195, 7-6-87)

5-3A-6: FALSIFICATIONS: Fraudulent misrepresentation of pertinent information shall be sufficient reason to invalidate an approval obtained pursuant to this Chapter. (Ord. 195, 7-6-87)

5-3A-7: VIOLATIONS, PENALTIES AND REMEDIES:

- A. Violation and Penalties: Violation of this Chapter which is not also prohibited by the Subdivision Map Act or by any other State statute is a misdemeanor, punishable as provided in Section 1-5-1 of this Code. (Ord. 195, 7-6-87; 1994 Code)
- B. Transaction Voidable: Any deed of conveyance, mortgage, deed of trust or other lien or lease or sale or contract to sell, mortgage, lien or lease made contrary to the

provisions of this Chapter is voidable at the sole option of the grantee, buyer, tenant, mortgagee, beneficiary or person contracting to purchase or to accept a lien or mortgage or to lease as a tenant, his heirs, personal representatives or trustee in insolvency or bankruptcy within one year after the date of the execution of the deed of conveyance, mortgage, deed of trust, other lien, lease or sale or contract agreeing thereto, but such deed or conveyance, sale, mortgage, deed of trust, lien, lease or contract is binding upon any assignee or transferee or the grantee, mortgagee, beneficiary, tenant, buyer or person contracting therefor, other than those above enumerated, and upon the grantor, vendor, mortgagor, trustor, landlord or person so contracting, his assignee, heir or devisee.

- C. Other Remedies: The provisions of this Chapter are not intended to prohibit any legal, equitable or summary remedy to which the City or other political subdivision or any person may otherwise be entitled, and the City or other political subdivision or person may file suit in a court of competent jurisdiction to restrain or enjoin any attempted or proposed division of land in violation of the Subdivision Map Act or of this Chapter. (Ord. 195, 7-6-87)

CHAPTER 3

LAND DIVISIONS

ARTICLE B. MAPS

SECTION:

- 5-3B-1: Scope
- 5-3B-2: Tentative and Final Subdivision  
Maps
- 5-3B-3: Parcel Maps

5-3B-1: SCOPE: The necessity for tentative and final subdivision maps and parcel maps shall be governed by the provisions of the Map Act and this Article. (Ord. 195, 7-6-87)

5-3B-2: TENTATIVE AND FINAL SUBDIVISION MAPS:

- A. A tentative and final map shall be required for all subdivisions in conformance with the provisions of the Map Act.
- B. Tentative and final subdivision maps shall contain the information and be in the form specified by the Map Act and this Chapter. (Ord. 195, 7-6-87)

5-3B-3: PARCEL MAPS:

- A. Filing of Parcel Maps: A parcel map shall be filed, unless waived as hereinafter set forth, for each division of land which does not constitute a subdivision. A tentative parcel map shall be filed where a parcel map is required.
- B. Contents: Parcel maps shall contain the information and be in the form specified by the Map Act and this Chapter.
- C. Certificates and Acknowledgments: The Planning Agency may require that the certificates and acknowledgments required for parcel maps be recorded concurrently with the parcel map being filed for record. (Ord. 195, 7-6-87; 1994 Code)

CHAPTER 3

LAND DIVISIONS

ARTICLE C. PROCEDURE FOR TENTATIVE MAPS

SECTION:

- 5-3C- 1: Scope
- 5-3C- 2: Map Numbers
- 5-3C- 3: Map Preparation
- 5-3C- 4: Identity of Subdivider
- 5-3C- 5: Map Contents
- 5-3C- 6: Consistency with Hazardous Waste Management Plan
- 5-3C- 7: Written Statements
- 5-3C- 8: Preliminary Processing
- 5-3C- 9: Subdivision Committee Review
- 5-3C-10: Planning Director's Report
- 5-3C-11: Advisory Agency Action; Public Hearing
- 5-3C-12: Processing and Approval
- 5-3C-13: Modifications and Revisions

5-3C-1: SCOPE: Tentative maps shall be prepared and processed in accordance with the provisions of the Subdivision Map Act<sup>1</sup> and with the provisions of this Chapter. (Ord. 195, 7-6-87)

5-3C-2: MAP NUMBERS: The subdivider or his agent shall apply for a map number prior to submission of a tentative map. Map numbers shall be assigned by the Building Official. (Ord. 195, 7-6-87)

5-3C-3: MAP PREPARATION: Each tentative map shall be prepared in accordance with the following requirements:

- A. Preparer: Tentative maps shall be prepared by or under the direction of a registered civil engineer or a licensed land surveyor. This requirement may be waived by the Building Official for minor land divisions creating four (4) parcels or less.
- B. Details: Each tentative map shall clearly show the details of the plan thereon. Whenever practicable, map

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<sup>1</sup> Gov.Code §66452, et seq.

sheets should be no smaller than eighteen by twenty six inches (18" x 26"). In no case shall the scale be less than one inch to forty feet (1" = 40').

- C. Copies: The Planning Director shall determine the number of copies of a tentative map which a subdivider shall submit. One copy shall be a reproducible print of a type approved by the Building Official.
- D. Environmental Assessment: The Planning Director, prior to accepting an application for any tentative map approval, shall first review the proposal and cause to be completed an environmental assessment, pursuant to the City's rules to implement the California Environmental Quality Act. (Ord. 195, 7-6-87; 1994 Code)

5-3C-4: IDENTITY OF SUBDIVIDER: When a tentative map is submitted, the subdivider shall submit evidence to establish that he is the owner of the property shown on the map as proposed for subdivision or that he has an option or contract to purchase the property or that portion of which he is not the owner or that he is the authorized agent of one who can comply with these requirements. (Ord. 195, 7-6-87)

5-3C-5: MAP CONTENTS: Each tentative map shall show and contain the following information:

- A. The assigned map number.
- B. The date of preparation, north point and scale.
- C. The boundary of the division of land shown to scale and tied to a known point.
- D. A key map, indicating the location of the proposed division of land in relation to the surrounding area.
- E. The approximate existing contours at five foot (5') vertical intervals and the approximate contours to result from grading to be done by the subdivider. A separate sheet shall be submitted for the purpose of public display and shall be marked as follows: green to show existing contours; red to show proposed grading; brown to show proposed fill.
- F. The approximate location of all areas subject to inundation or storm water overflow or geological hazard, which areas shall be marked "subject to flooding" or "subject to geological hazard", the location, width and direction of flow of each watercourse and the method of delivery of storm water to natural drainage channel or storm drain.

- G. The approximate location, type and size of all trees standing within the boundaries of the division of land and an indication as to which are to be removed. A statement describing the existing ground cover shall also be submitted.
- H. The location, width, approximate grade and center line radius of existing and proposed streets, alleys, highways and ways which are within or adjacent to the proposed division of land.
- I. The existing street improvements, including drainage structures.
- J. Actual names for existing streets and an identifying letter for proposed streets.
- K. The location and width of existing and proposed easements other than streets, including easements for drainage, bridle trails, sanitary sewers, storm drains, public utilities and ingress and egress.
- L. The approximate layout of lots, including approximate dimensions and lot numbers and, where pads are proposed for building sites, the approximate finish grade.
- M. If required by the Building Official or Planning Director for a full understanding of the proposal, a generalized plan of proposed development adjacent to the division of land showing the compatibility of the development with existing and future development in the neighborhood.
- N. The approximate location and size of all existing water mains and fire hydrants within the division of land, the location and size of all proposed water mains and the distance from the proposed building site or sites by paved road or driveway of each water main shall be shown.
- O. The name and address of the subdivider.
- P. The name, address and license or registration number of the person who prepared the tentative map or who directed the preparation of the tentative map. (Ord. 195, 7-6-87; 1994 Code)

5-3C-6: CONSISTENCY WITH HAZARDOUS WASTE MANAGEMENT PLAN: Tentative tract map, parcel map and other subdivision approvals under this Chapter shall be consistent with the portions of the County of Los Angeles Hazardous Waste Management Plan (App. November 30, 1989) relating to siting

and siting criteria for hazardous waste facilities. (Ord. 225, 6-4-90)

5-3C-7: WRITTEN STATEMENTS:

A. Each tentative map shall be submitted with written statements containing the following information and acknowledgments:

1. The name and address of the subdivider.
2. The name, address and license or registration number of the person who prepared the tentative map or who directed the preparation of the tentative map.
3. The proposed use of parcels shown on the tentative map, together with the present and proposed zoning.
4. The legal description of the land in the proposed division of land with all road easements documented.
5. Statements by Las Virgenes Municipal Water District, the Pacific Telephone and Telegraph Company, Southern California Gas Company, Southern California Edison Company, Hidden Hills Cable T.V., Inc., and any other provider of utilities or public services that they will furnish service to the subdivision and the conditions, if any, of such service.
6. A copy of conditions, covenants and restrictions proposed by the subdivider, if any.
7. A statement detailing the arrangements which the subdivider proposed to make for the operation and maintenance of common parcels and easements, if any.
8. The source of water supply, if any, and the proposed method of sewage disposal.
9. Evidence of vesting of title to the land and restrictions on that title shall be submitted with all tentative maps. It shall be in the form of a preliminary title report issued by a title company authorized by the laws of the State to write the same, showing the names of all persons having any record title interest in the land to be subdivided, together with the nature of their respective interests therein and setting forth, in full, all conditions, covenants and restrictions of record affecting said property.
10. A geological and/or soils report, if required by the Building Official, prepared by a registered civil engineer and/or licensed geologist stating the effect of

geological or soil conditions on the proposed development.

11. An environmental assessment statement and/or input for a draft environmental impact report, as determined by the Planning Director.

12. A list, certified to be correct by affidavit or by a statement made under penalty of perjury pursuant to section 2015.5 of the Code of Civil Procedure, of the names and addresses of all persons who are shown on the latest assessment rolls of the Counties of Los Angeles and Ventura as owners of property within a distance of five hundred feet (500') from the exterior boundaries of the area of the proposed land division, together with a map indicating where such ownerships are located.

- B. Any of the information required by subsections A1, A2, A3 and A8 of this Section may be shown on the tentative map. The written statements required by this Section shall become part of the application for approval of the tentative map upon submission to the Planning Director.  
(Ord. 195, 7-6-87; 1994 Code)

5-3C-8: PRELIMINARY PROCESSING: Tentative maps and required written statements shall be submitted to the Planning Director. The Planning Director shall distribute copies of tentative maps and, where appropriate, required written statements to each member of the Subdivision Committee, a city requesting extraterritorial review of tentative maps pursuant to the Subdivision Map Act, and to other agencies as necessary. (Ord. 195, 7-6-87)

5-3C-9: SUBDIVISION COMMITTEE REVIEW: The Subdivision Committee shall make recommendations on tentative maps within thirty (30) days subsequent to the submission thereof. (Ord. 195, 7-6-87)

5-3C-10: PLANNING DIRECTOR'S REPORT:

- A. The Planning Director shall prepare a written report, setting forth the recommendations of the Subdivision Committee and the contents of the departmental reports submitted to the Planning Director by City officers or departments or other interested agencies. The Planning Director shall transmit his report, together with a copy of the tentative map, to the Planning Agency.
- B. The City Clerk shall provide the subdivider with a copy of the Planning Director's report prior to action on the tentative map by the Planning Agency. If the subdivider

or his authorized representative does not receive the report in person, this provision shall be deemed accomplished when the Planning Director's report is placed in the mail, bearing the proper postage and directed to the subdivider at his designated address. (Ord. 195, 7-6-87; 1994 Code)

5-3C-11: ADVISORY AGENCY ACTION; PUBLIC HEARING: The Planning Agency shall approve, conditionally approve or disapprove a tentative map within the time required by law. Notice of the public hearing shall be given in the form and manner required by subsection 5-2H-4C of this Title. (Ord. 195, 7-6-87; 1994 Code)

5-3C-12: PROCESSING AND APPROVAL: The tentative map shall be processed and approved by the Planning Agency in accordance with the terms and provisions and limitations of the Subdivision Map Act and this Title. (Ord. 195, 7-6-87; 1994 Code)

5-3C-13: MODIFICATIONS AND REVISIONS:

A. Minor Modifications:

1. No final map shall be filed for approval unless the final map conforms with the tentative map and any conditions imposed in respect thereto by the Planning Agency; provided, however, that minor modifications of a tentative map may be approved by the Planning Agency prior to the approval of the final map if the same does not constitute, in effect, a new subdivision.

2. The subdivider shall file an application for a minor modification in accordance with the requirements of the Planning Director, accompanied by the fee established by resolution of the City Council.<sup>2</sup> The Planning Director shall obtain the comments of the Subdivision Committee and shall transmit this report, along with the subdivider's application, for consideration of the Planning Agency.

B. Revised Maps: Proposed major modifications to an approved tentative map, which, in effect, constitute a new subdivision, shall be processed in accordance with the provisions for a tentative map as specified in this Chapter. (Ord. 195, 7-6-87; 1994 Code)

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<sup>2</sup> See Title 2, Chapter 1 of this Code for collection procedures.

CHAPTER 3

LAND DIVISIONS

ARTICLE D. LOT LINE ADJUSTMENTS

SECTION:

- 5-3D-1: Definitions
- 5-3D-2: Minor Lot Line Adjustments
- 5-3D-3: Major Lot Line Adjustments

5-3D-1: DEFINITIONS: As used in this Chapter, the following words and terms shall have the following meanings ascribed to them:

MAJOR LOT LINE ADJUSTMENT: A lot line adjustment pursuant to section 66412(d) of the Subdivision Map Act that exceeds the limitation for minor lot line adjustments as herein defined.

MINOR LOT LINE ADJUSTMENT: A lot line adjustment pursuant to section 66412(d) of the Subdivision Map Act where the land, in total, taken from one parcel and added to an adjacent parcel, does not exceed twenty percent (20%) of the gross area of the parcel from which it is taken. (Ord. 195, 7-6-87; 1994 Code)

5-3D-2: MINOR LOT LINE ADJUSTMENTS:

A. Approval Criteria: Notwithstanding any other provisions of this Chapter, the Planning Director may approve minor lot line adjustments as herein defined; provided, that:

1. Each parcel involved in the adjustment is one of the following:

a. A parcel improved with a primary structure; or

b. A parcel approved under the procedures of this Chapter or any former ordinance regulating the design and improvement of subdivisions;

c. All or any portion of a former utility or public right of way.

2. The Planning Director finds:

a. That, because no significant change in access, lot configuration or orientation of structures or utilities to lot lines is proposed, the adjustment will not result in any burden on public services or

materially affect the property rights of any adjacent owners;

b. That the parcels to be adjusted are eligible for unconditional certificates of compliance under the provisions of the Subdivision Map Act and this Chapter; and

c. That the adjusted parcel configurations are in accord with established neighborhood lot design patterns and not violative of any statute, ordinance, regulation or good planning practice.

3. If any of the parcels to be adjusted are improved with a primary structure, the applicant shall provide evidence to the satisfaction of the Planning Director that the changes in parcel lines will not violate any ordinances or regulations controlling such structures.

B. Documentation: The applicant for a minor lot line adjustment shall supply to the Planning Director such completed forms and documentation as the Planning Director deems necessary to review and act upon the request. If the adjustment is approved, the applicant shall cause to be filed for record a certificate of compliance containing the descriptions of the parcels as they will exist after adjustment pursuant to the applicable provision of this Chapter, the Subdivision Map Act and to the satisfaction of the Building Official.

C. Appeal: The applicant or any affected party may appeal the decision of the Planning Director on minor lot line adjustments to the Planning Agency. All appeals shall be submitted and acted upon as follows:

1. The decision of the Planning Director may be appealed to the Planning Agency, in writing, within twenty (20) days after the Planning Director makes the decision. Such an appeal shall be filed with the City Clerk and accompanied by an appeal fee in the amount established by the City Council.

2. The filing of a timely appeal shall stay the effective date of the Planning Director's decision, pending action by the Planning Agency.

3. Upon the filing of an appeal, the Planning Director shall forward to the City Clerk his files with regard to the minor lot line adjustment. Upon receipt of the files, the City Clerk shall set the matter for a public hearing before the Planning Agency. Notice shall be given as provided in subsection 5-2H-4C4.

4. The Planning Agency shall consider the matter de novo following the public hearing upon the appeal.

- D. Fees: The fees for processing a minor lot line adjustment shall be established by resolution of the City Council. (Ord. 195, 7-6-87; 1994 Code)

5-3D-3: MAJOR LOT LINE ADJUSTMENTS:

- A. Approval Criteria: Notwithstanding any other provisions of this Title, the Planning Agency may approve major lot line adjustments as herein defined; provided, that:

1. Each parcel involved in the adjustment is a parcel approved under the procedures of this Title or any former ordinance regulating the design and improvement of subdivisions.

2. The Planning Agency finds:

a. That, because no significant change in access, lot configuration or orientation of structures or utilities to lot lines is proposed, the adjustment will not result in any significant burden on public services or materially affect the property rights of any adjacent owners;

b. That the parcels to be adjusted are eligible for unconditional certificates of compliance under the provisions of the Subdivision Map Act and this Title; and

c. That the adjusted parcel configurations are in accord with established neighborhood lot design patterns and not violative of any statute, ordinance, regulation or good planning practice.

3. If any of the parcels to be adjusted are improved with a primary structure, the applicant shall provide evidence to the satisfaction of the Planning Agency that the changes in parcel lines will not violate any ordinances or regulations controlling such structures.

- B. Documentation: The applicant for a major lot line adjustment shall supply to the Planning Director such completed forms and documentation as the Planning Director deems necessary to review and act on the request. If the adjustment is approved, the applicant shall cause to be filed for record certificates of compliance, containing the descriptions of the parcels as they will exist after adjustment pursuant to the applicable provision of this Title, the Subdivision Map Act and to the satisfaction of the Building Official.

- C. Fees: The fees for a major lot line adjustment shall be established by resolution of the City Council. (Ord. 195, 7-6-87; 1994 Code)

CHAPTER 3

LAND DIVISIONS

ARTICLE E. REVERSION TO ACREAGE AND MERGER

SECTION:

- 5-3E-1: Authority
- 5-3E-2: Initiation of Proceedings
- 5-3E-3: Submittal of Petition
- 5-3E-4: Approval by Planning Agency
- 5-3E-5: Filing With County Recorder
- 5-3E-6: Merging and Resubdividing Without Reversion
- 5-3E-7: Vesting Tentative Map

5-3E-1: AUTHORITY: Subdivided property may be reverted to acreage pursuant to provisions of this Chapter and Chapter 6, Article 1 of the Subdivision Map Act. (Ord. 195, 7-6-87)

5-3E-2: INITIATION OF PROCEEDINGS:

- A. Proceedings for reversion to acreage may be initiated by the Planning Agency on its own motion or by petition of all of the owners of record of the real property within the subdivision.
- B. Petition Contents: The petition shall contain, but not be limited to, the following:
  - 1. Adequate evidence of title to the real property within the subdivision.
  - 2. Sufficient data to enable the Planning Agency to make all of the determinations and findings required by this Chapter and the Subdivision Map Act.
  - 3. A final or parcel map which delineates dedications which will not be vacated and those streets or easements which are to be vacated or abandoned along with dedications which are a condition to reversion.
  - 4. Such other pertinent information as deemed necessary by the Building Official and Planning Director.
  - 5. A deposit toward processing and plan checking costs, in accordance with the City Council resolution establishing fees and charges. (Ord. 195, 7-6-87; 1994

Code)

5-3E-3: SUBMITTAL OF PETITION:

- A. Submittal to Planning Director: The final map or parcel map for the reversion, together with all other data as required by this Chapter, shall be submitted to the Planning Director for his review.
- B. Submittal to Planning Agency: Upon finding that the petition meets with all the requirements of this Chapter and the Subdivision Map Act, the Planning Director shall submit the final map or parcel map, together with his report and recommendations of approval or conditional approval of the reversion to acreage, to the Planning Agency for its consideration. (Ord. 195, 7-6-87; 1994 Code)

5-3E-4: APPROVAL BY PLANNING AGENCY:

- A. Public Hearing: A public hearing shall be held by the Planning Agency on all petitions for initiation for reversions to acreage. Notice of the public hearing shall be given as provided in subsection 5-2H-4C of this Title. The Planning Director may give such other notice that he deems necessary or advisable.
- B. Satisfaction of Provisions; Approval: The Planning Agency may approve a reversion to acreage only if it finds and records, by resolution, that the provisions of Section 66499.16 of the Subdivision Map Act have been satisfied.
- C. Conditions of Reversion: The Planning Agency shall require those conditions of reversion specified in Section 66499.16 of the Subdivision Map Act. (Ord. 195, 7-6-87; 1994 Code)

5-3E-5: FILING WITH COUNTY RECORDER: Following approval of a reversion to acreage by the Planning Agency, the petitioner shall be responsible for submitting the final or parcel map, prepared in accordance with Article F herein, to the Los Angeles County Recorder for recordation. (Ord. 195, 7-6-87; 1994 Code)

5-3E-6: MERGING AND RESUBDIVIDING WITHOUT REVERSION:

- A. Subdivided Lands:
  - 1. Pursuant to Section 66499.20<sup>1</sup>/<sub>2</sub> of the Subdivision Map Act, subdivided lands may be merged and resubdivided

without reverting to acreage. Such merging and resubdividing may be accomplished upon completion of all standard requirements for approval of tentative and final maps or parcel maps, as stated herein.

2. Any unused fees or deposits previously made pursuant to a request for merger and resubdivision pertaining to the property shall be credited pro rata towards any requirements for the same purposes which are applicable at the time of filing a new request. (Ord. 195, 7-6-87)

B. Contiguous Parcels:

1. Owner's Petition: Pursuant to Section 66499.20<sup>3/4</sup> of the Subdivision Map Act, the owner of contiguous parcels may request a merger of the parcels, without reverting to acreage and recorded by a document approved by the Building Official as to form and content properly describing the merged parcels.

2. Application: Applications for requests as defined above must be submitted to the Building Official and shall include the following:

a. Adequate evidence of title to the real property involved.

b. A statement of the reasons for the proposed merger.

c. A description of any easements, dedications or rights of way to be abandoned, vacated or retained.

d. Any other pertinent information deemed necessary by the Building Official.

e. The appropriate filing fee, as established by City Council resolution.

3. Review by Planning Agency: Requests for merger by document, as defined above, shall be reviewed by the Planning Agency in the same manner as prescribed for a reversion to acreage.

4. Filing of Record Document: Following approval, the owner or his authorized representative shall file record documents approved by the Building Official as to form and content, evidencing the merger with the Los Angeles County Recorder. (Ord. 195, 7-6-87; 1994 Code)

5-3E-7: VESTING TENTATIVE MAP: Pursuant to Chapter 4.5 of the Subdivision Map Act, a subdivider may file an application for a vesting tentative map whenever the provisions of the Map

Act and this Chapter require that a tentative map be filed.

- A. **Application and Processing:** Application and processing requirements for a vesting tentative map shall be the same as for any other tentative map<sup>1</sup>; except, that additional details concerning the type, location and design of proposed improvements and uses shall also be specified, to the satisfaction of the Planning Director and Building Official.
- B. **Time Limits:** Time limits for processing and approval of a vesting tentative map shall be as specified by this Chapter for other tentative maps.
- C. **Expiration:** Expiration of an approved vesting tentative map shall be the same as specified in this Chapter for other tentative maps.<sup>1</sup>
- D. **Time Effect:**

1. The rights conferred by a vesting tentative map, as provided by Chapter 4.5 of the Subdivision Map Act, shall remain in effect for no more than one year following recordation of the final map. Where multiple final maps are recorded on various phases of a single vesting tentative map, this one year period shall begin for each phase when the final map for that phase is recorded. The initial time period shall be automatically extended by any time used by the City for processing a complete application for a grading permit or for design or architectural review if the time to process the application exceeds thirty (30) days, from the date that a complete application is filed. Any time prior to the expiration of the initial time period provided by this subsection, the subdivider may apply to the Planning Agency for a one year extension.

2. If the subdivider submits a complete application for a building permit during the periods of time specified in subsection D1 above, the rights conferred by Chapter 4.5 of the Subdivision Map Act shall continue until the expiration of that permit or any extension of that permit granted by the Planning Agency. (Ord. 195, 7-6-87; 1994 Code)

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<sup>1</sup> See Article C of this Chapter.

CHAPTER 3

LAND DIVISIONS

ARTICLE F. FINAL MAPS, PARCEL MAPS AND  
CERTIFICATE OF COMPLIANCE

SECTION:

- 5-3F- 1: Requirements for Final Maps and Parcel Maps
- 5-3F- 2: Preparation and Evidence of Title
- 5-3F- 3: Action on Tract and Parcel Maps
- 5-3F- 4: Multiple Final Maps
- 5-3F- 5: Expiration and Extensions of Maps
- 5-3F- 6: Conformity to the Tentative Map
- 5-3F- 7: Distribution of Maps
- 5-3F- 8: Reports
- 5-3F- 9: Private Roads and Driveways
- 5-3F-10: Amending Final Maps and Parcel Maps
- 5-3F-11: Approval of Final Maps
- 5-3F-12: Waiver of Parcel Map
- 5-3F-13: Certificate of Compliance

5-3F-1: REQUIREMENTS FOR FINAL MAPS AND PARCEL MAPS:

- A. Preparation of Maps: Final maps and parcel maps shall be prepared in accordance with the requirements of the Subdivision Map Act and of this Title and shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor.
- B. Separated Parcels to be on Separate Maps: The division of parcels which are not abutting shall be shown on separate maps unless such parcels are separated because of the interposition of a street, alley, public utility or flood control right of way.
- C. Title Sheets:
  - 1. Title: The title sheet of each map shall contain a title, consisting of the words "Tract No.", and the map number on a tract map or the words "Parcel Map No." and the map number on a parcel map. The title shall also contain the words "In the City of Hidden Hills" or "Partly in the City of Hidden Hills and partly in (here insert the name of the political division involved)."

2. Description of Property: The title sheet shall also contain a subtitle consisting of a description of all of the property being divided by reference to maps previously filed or recorded in the office of the County Recorder or previously filed with the County Clerk pursuant to a final judgment in any action in participation or by reference to the plat of a United States survey. Upon the title sheet of each map filed for the purpose of reverting subdivided land to acreage, the subtitle shall consist of the words "Being a Reversion to the Acreage of...(insert a legal description of the land being reverted)". Each reference in these subtitles must be spelled out and worded identically to the original record thereof. A complete reference to the book and page of the cited record must be included.

3. Certificate of Engineer or Surveyor: The title sheet for a parcel map shall contain the certificate of the surveyor or engineer referred to in Section 66449 of the Subdivision Map Act. The title sheet for a tract map shall contain the certificate of the surveyor or engineer referred to in Section 66441 of the Subdivision Map Act. The title sheet or at least one map sheet shall contain a basis of bearings, making reference to a field tract map, County surveyor's map or other record acceptable to the Building Official, when the map is based on a field survey.

4. Ink: Required certificates, affidavits and acknowledgments may be legibly stamped or printed on the title sheet of a tract or parcel map with black opaque ink. All required signatures shall be written with black opaque ink. All such entries shall be readily reproducible by any normal method of reproduction.

D. Format of Map Sheets: On each map sheet of a tract or parcel map, the lettering thereon shall be oriented so that, with the north point directed away from the reader, the map may be read most conveniently from the lower right-hand corner of the sheet. Each map sheet shall bear the main title of the map, the scale, north point and sheet number and designation of the relation, if any, between the sheet and each other sheet comprising the tract or parcel map.

E. Lot Numbers and Area Designation:

1. All lots shall be numbered. Lot numbers shall begin with the numeral "1" and continue consecutively without omission or duplication throughout the entire map. No prefix or suffix or combination of letter and number shall be used. Each lot shall be shown entirely on one sheet.

2. Upon each lot containing an area of one acre or more, the acreage of the lot to the nearest one one-hundredth (.01) of an acre shall be designated.

F. Lot, Block and Boundary Lines:

1. The bearing and length of each lot, block and boundary line shall be shown on a tract map or parcel map; except, that when bearings and lengths of lot lines in a series of lots are the same, the bearings or lengths may be omitted from each interior, parallel lot line of the series. Each required bearing or length shall be shown in full, and no ditto mark or other designation of repetition shall be used.

2. The length, radius and total central angle or bearings of terminal radii of each curve and the bearing of each radial line to each lot corner on each curve or the central angle of each segment within each lot shall be shown.

G. Widths and Center Lines of Streets, Alleys and Other Ways:

1. Each tract map or parcel map shall show the center line, the total width and the width on each side of the center line of each street, alley or other way appearing on the map. The bearing and length of each tangent and the radius, central angle and length of each curve shall be shown on each center line.

2. Final maps shall also show the width of right of way to be dedicated on the map when only a portion of a street, alley or way is within the map boundary.

H. Private and Future Streets:

1. Tract maps and parcel maps shall show sufficient mathematical data to clearly indicate the portion of each lot which is within private or future streets, in addition to the width and center line detail required by subsection F of this Section.

2. Right-of-way lines for private and future streets shall be dashed.

3. Each private or future street shall be clearly identified as such.

I. Street Names:

1. Tract maps and parcel maps shall show the name of each highway or street, other than a future street,

appearing on the map. Street and highway names shall be shown in or arrowed to the right of way.

2. If only a portion of a street is to be dedicated on a map, the street name shall be shown or arrowed into both the portion to be dedicated and the existing portion of the street.

3. Street names shall be subject to the approval of the City Council.

4. The "road" or "lane" designation shall be spelled out in full.

J. Transmission Line and Flood Control Rights of Way: Tract maps and parcel maps shall show the width and location of each transmission line right of way, flood control channel or other similar rights of way appearing on the map. Rights of way which appear on a map as a lot or series of lots shall be shown as provided in subsections E and F of this Section.

K. Easements:

1. Easements Required to be Shown: Tract maps and parcel maps shall show all easements or restrictions which are a burden upon lots in the division or reversion or which are required as a condition precedent to filing the map.

2. How Shown: Easements appearing on a tract map or a parcel map shall conform to the following requirements:

a. The center lines or side lines of each easement shall be shown. Widths, center line or side line data and ties shall be shown as necessary, to definitely locate each easement.

b. Easement side lines shall be shown as fine dashed lines.

c. Distances and bearings on the side lines of lots which are cut by easements shall be arrowed or otherwise shown so as to clearly indicate the actual length of each lot line.

d. Each easement shall be clearly labeled and identified and, if of record, the record reference shall be shown thereon. If an easement is to be granted by separate instrument, the record reference shall be shown on the map prior to the time of filing.

e. Notes or figures pertaining to easements shall be subordinated in form and appearance to other notes or

figures on the map. If an easement cannot be definitely located, a statement showing the existence of each easement shall be placed on the map.

- L. City Boundary Lines: Tract maps and parcel maps shall show each City boundary line crossing or adjoining a division or reversion. Each such line shall be clearly designated and tied.
- M. Lots Subject to Flood Hazard, Inundation or Geological Hazard: If any portion of a lot shown on a tract map or parcel map is subject to flood hazard, inundation or geological hazard, and the hazard is not to be removed as a condition precedent to filing the map, the hazard area and a prominent note identifying the hazard shall be shown on the map. (Ord. 195, 7-6-87)
- N. Natural Watercourse Designation: The Council may require that a tract map or parcel map show the location of any natural watercourse, stream, channel, swale or creek which traverses the map. (Ord. 195, 7-6-87; 1994 Code)
- O. Parcel Maps Compiled From Record Data: If a parcel map is compiled from record data, the source of information used shall be contained in a note on one sheet of the map.
- P. Evidence Determining Boundary: Each tract map and parcel map for which a survey is required shall show evidence found on the ground of sufficient corners of prior surveys or such other evidence as may be suitable to precisely locate the boundaries of the division or reversion shown on the map. Each stake, monument or other object found shall be fully described and referenced. The method used to establish each point or line shall be clearly shown and explained on the map.
- Q. Survey Procedure and Practice: The procedure and practice for all survey work done for preparation of a tract map or parcel map shall conform to the standards and details set forth in Chapter 15, Division 3, of the Business and Professional Code, the Land Surveyor's Act. The allowable error of closure on any portion of a tract map or parcel map shall be 1/10,000.
- R. Monuments:
  - 1. Each tract map and each parcel map for which a survey is required shall show durable monuments found or set at or near each boundary corner and at intermediate points, approximately one thousand feet (1,000') apart, or at such lesser distances as may be made necessary by topography to insure accuracy in the reestablishment of

any point or line without unreasonable difficulty. The precise position and the character of each such monument shall be shown on the map. Such durable monument shall be not less substantial than an iron pipe of a two inch (2") outside diameter, not less than two and one-half feet (2<sup>1</sup>/<sub>2</sub>') in length, with plug and tack, and set at least two feet (2') into the ground in a concrete collar approximately four feet by four feet by three feet (4' x 4' x 3'). In areas subject to leaking, pipes shall be set not less than six inches (6") deep. The approximate elevation of the top of each such monument with respect to the surface of the ground shall be shown on said map.

2. Whenever necessary, in the opinion of the Building Official, center line monuments shall be set to mark intersections of streets or intersections of streets with the map boundary or to mark either the beginning and end of curves or the points of intersection of tangents thereof or other intermediate points.

a. Each monument shall be not less durable and substantial than:

(1) In asphaltic concrete or pavements, a six inch (6") monument spike, marked washer and tin.

(2) In unsurfaced graveled or oiled surfaces, a two inch (2") pipe not less than thirty inches (30") in length with concrete plug set not less than six inches (6") below the surface. If the tag is not secured by the concrete, a brass tack shall secure the tag.

(3) In concrete pavements, a brass tack and tag set in lead.

b. For each center line monument set, the engineer or surveyor under whose supervision the survey has been made shall furnish to the Building Official a set of notes, clearly showing the ties between the monument and a sufficient number (normally 4) of durable, distinctive reference points or monuments.

c. Such reference points or monuments may be leads and tacks in sidewalks, or two inch by two inch (2" x 2") stakes set back of the pavement and below the surface of the ground or a substitute therefor which appears to be not likely to be disturbed.

d. Each set of notes submitted shall conform in all respects to the standardized office records of the Building Official. All such notes shall be indexed and filed by the Building Official as part of the permanent public records of his office.

3. All monuments found or set as required herein shall be permanently and visibly marked or tagged with the registration or license number of the engineer or surveyor under whose supervision the survey was made.

4. All boundary monuments shall be set prior to filing the tract map or parcel map. Interior street center line monuments may be set subsequent to filing of the tract map or parcel map. The tract map or parcel map shall show which monuments are in place and which are to be set. Prior to certification of the tract map or parcel map by the Building Official, the subdivider shall submit a written agreement in which he agrees that monuments deferred will be set within a specified time and that the notes required in subsection R2 hereof will be furnished within a specified time.

5. All monuments shall be subject to inspection and approval of the Building Official.

S. Evidence of Title: The evidence of title required for tract maps and parcel maps where signatures appear on the final map by the provisions of Section 66465 of the Subdivision Map Act shall be a certificate of title or a guarantee of title issued by a title insurance company authorized by the laws of the State to write the same showing the names of all persons having any record title interest in the land to be subdivided, together with the nature of their respective interests therein. In the event that land in the City is to be dedicated, the certificate of title or guarantee of title shall be issued for the benefit and protection of the City. The certificate or guarantee shall be dated and delivered upon request of the Building Official when the map is ready for filing.

T. Waiver of Signatures: If the owner of an easement in a right of way offered for public use on a tract map or parcel map where dedications are made by certificate on the parcel map, who has no other interest whatever in any part of the lands included within the division or reversion, refuses to make his easement subject to the right of way offered to the public but the map, in all other respects complies with this Title, with the Subdivision Map Act and with other applicable statutes and ordinances, and the Planning Agency finds that the subdivider has, in good faith, attempted to obtain the necessary signature from the owner and has been unable to do so and that a refusal to accept the map for filing would work an undue hardship on the subdivider, then by a majority vote of all its members, the Planning Agency may accept the tract map or parcel map for filing.

- U. Easement Certificate: Tract maps or parcel maps on which easements are offered for public use shall have written thereon, in addition to or as a part of any other certificate required, a certificate signed by all persons claiming an interest in the lands included within the division or reversion shown on the map, other than an interest which cannot ripen into a fee, in substantially the following form:

*"We hereby certify that, except as shown on a copy of this map on file in the office of the City Clerk, we know of no easement or structure existing within the easements hereby offered for dedication to the public, other than publicly owned water lines, sewers, or storm drains; that we will grant no right or interest within the boundaries of said easements offered to the public except where such right or interest is expressly made subject to the said easements."*

- V. Record Title Interests on Parcel Maps: The signatures of all parties having any record title interest in the real property being subdivided shall not be required on any final parcel map unless dedications or offers of dedication are made by certificate on the parcel map. (Ord. 195, 7-6-87)

5-3F-2: PREPARATION AND EVIDENCE OF TITLE:

- A. Separate Instruments: Separate instruments shall be prepared by the Building Official. When dedicating by separate instrument, the subdivider shall submit a title report, prepared in favor of the City, which indicates who is required to sign the separate instrument to pass clear title to the City. This title report shall be kept up to date.
- B. Evidence of Title: Evidence of title shall be submitted with all final parcel maps. If no signatures of record title interests appear on the final parcel map, the evidence of title may be a preliminary title report/guarantee. This shall show all fee interest holders, all interest holders whose interest could ripen into a fee, all trust deeds, together with the name of the trustee, and all easement holders. (Ord. 195, 7-6-87)

5-3F-3: ACTION ON TRACT AND PARCEL MAPS:

- A. Map Filing: A tract, parcel map or reversion to acreage conforming to the approved or conditionally approved tentative map may be filed with the Council for approval after all required certificates on such map have been

signed and, where necessary, acknowledged. The date the map shall be deemed filed with the Council is the date of the meeting at which the Council receives the map.

- B. Approval or Disapproval of Map: The Council shall, at the meeting it receives the map, or at its next regular meeting after the meeting at which it receives the map, approve the map if it conforms to all the requirements of this Title and of the Subdivision Map Act applicable at the time of approval or conditional approval of the tentative map or, if it does not so conform, disapprove the map.
- C. Offer of Dedication: At the time the Council approves a tract or parcel map, it may also accept, accept subject to improvement or reject any offer of dedication.
- D. Further Subdivision: After the tract or parcel map has been accepted by the Council, no further subdivision of the land shall be authorized unless first reverted to acreage or as provided in Section 5-3E-6 of this Chapter. (Ord. 195, 7-6-87; 1994 Code)

5-3F-4: MULTIPLE FINAL MAPS:

- A. Filing With Director: Multiple final maps may be filed with the Planning Director in accordance with section 66463.1 of the Subdivision Map Act and this Chapter.
- B. Approval Criteria: The Planning Agency shall approve or conditionally approve requests for final multiple map only if it finds that:
  - 1. The property which is described in the final map will be adequately served by required on-site and off-site improvements even if the property not covered by the proposed final map is not developed;
  - 2. All dedications required to serve the property which is described in the final map have been recorded, even though such dedications also benefit the remaining property; and
  - 3. Neither the inhabitants nor property owners of the City nor the future inhabitants and property owners of the property described in the final map will be detrimentally affected by the failure of the project proponent to develop the remaining property not covered by the proposed final map. (Ord. 195, 7-6-87; 1994 Code)

5-3F-5: EXPIRATION AND EXTENSIONS OF MAPS:

- A. Tract Maps: Within twenty four (24) months after the approval or conditional approval of a tentative tract map, a subdivider shall cause the proposed division of land to be accurately surveyed and a final tract map prepared, submitted to the Planning Agency for approval and filed in the office of the County Recorder. The time limit for such filing may be extended by the Planning Agency for periods not to exceed a total of three (3) years.
- B. Parcel Maps: Within one year after the approval or conditional approval of a tentative parcel map, a subdivider shall cause the proposed division of land to be accurately surveyed, if necessary, and a final parcel map prepared, submitted to the Planning Agency for action and filed in the office of the County Recorder. The time limit for such filing may be extended by the Planning Agency for periods not to exceed a total of three (3) years. (Ord. 195, 7-6-87; 1994 Code)

5-3F-6: CONFORMITY TO THE TENTATIVE MAP: The final map or parcel map shall conform to the approved tentative map and to the requirements and conditions contained on the report approving the tentative map. No final map or parcel map shall be accepted by the Building Official unless a tentative map has been approved by the Planning Agency. (Ord. 195, 7-6-87; 1994 Code)

5-3F-7: DISTRIBUTION OF MAPS: Final maps or parcel maps shall be submitted to the Building Official. A subdivider shall submit sufficient copies of the final map or parcel map to permit the Building Official to furnish copies to City officers and departments and to other public agencies which, in the opinion of the Building Official, may have an interest in the map. (Ord. 195, 7-6-87)

5-3F-8: REPORTS: Each officer or department, within fifteen (15) days after the receipt of a print of a final map or parcel map, shall report, in writing, to the Building Official as to the compliance or noncompliance of the map with the approved or conditionally approved tentative map. (Ord. 195, 7-6-87)

5-3F-9: PRIVATE ROADS AND DRIVEWAYS:

- A. Maintenance: The subdivider, by means of restrictive covenants or contracts satisfactory to the Planning Agency, shall provide a continuing method for the repair and maintenance of private roads until such time as the

conditional offer of dedication is accepted by the City Council. The easements for all private roads shown on the final map shall be conveyed to the Hidden Hills Community Association, a nonprofit corporation. A written agreement of the Hidden Hills Community Association to maintain and repair said roads, filed with the City Clerk, shall constitute a satisfactory arrangement for the payment of costs of repairing and maintaining such private roads.

- B. Multiple Driveways: All multiple driveways shall be shown on the final map. The subdivider, by means of restrictive covenants or contracts satisfactory to the Planning Agency, shall provide for the payment by the purchasers of land using multiple driveways, of all costs of repairing and maintaining such multiple driveways. Multiple driveways shall be paved to the same quality standards as the roads approved by the City Superintendent of Streets, said pavement to be guaranteed by an agreement between the subdivider and the City, the private engineer to certify by letter to the City that the above improvements conform to the abovementioned standards. Multiple driveways shall have a minimum width of twenty four feet (24') of paved area. A multiple driveway may be designed and used to provide frontage for not more than two (2) lots. (Ord. 195, 7-6-87; 1994 Code)

5-3F-10: AMENDING FINAL MAPS AND PARCEL MAPS:

- A. Minor Corrections Accepted: Following recordation of a final map or parcel map, minor corrections to such maps may be approved by the Planning Agency, upon receipt of a report and recommendation by the Building Official and evidenced by recordation of a certificate of correction with the Los Angeles County Recorder.
- B. Approval Criteria: The Planning Agency shall not approve amendments to final maps or parcel maps unless it finds that:
1. The requested amendment does not change the basic configuration and design of the subdivision;
  2. The requested amendment does not change the overall density within the subdivision;
  3. The requested amendment is due to survey or mapping errors or as a result of new information concerning the physical characteristics of the land being subdivided which necessitates such an amendment to protect the general health, safety and welfare of the existing and future residents within the subdivision and surrounding

areas; and

4. The amendment would not alter any right, title or interest in the real property reflected on the recorded map.

- C. Application to Amend: Applications to amend a final map or parcel map and the form and content of a certificate of correction shall conform to the requirements of the Building Official. (Ord. 195, 7-6-87; 1994 Code) 5-3F-11: APPROVAL OF FINAL MAPS: The Planning Agency shall approve or disapprove final maps or parcel maps, pursuant to Section 66458 of the Map Act, based on conformance of the final map with the approved tentative map. (Ord. 195, 7-6-87; 1994 Code)

5-3F-12: WAIVER OF PARCEL MAP:

- A. Grounds for Waiver: The Planning Agency may waive a parcel map for the following:
1. Division of real property or interests therein created by probate, eminent domain procedures, partition or other civil judgments or decrees; or
  2. A division of property, resulting from the conveyance of land or interest to or from the City, public entity or public utility for a public purpose, such as:
  3. A lot line adjustment approved pursuant to Article D of this Chapter;
  4. A parcel combination approved pursuant to subsections 5-3E-6A and B of this Chapter; and
  5. Other land divisions which do not constitute tract maps, as defined in Section 66426 of the Subdivision Map Act.
- B. Request for Waiver: In requesting a waiver of parcel map, the subdivider shall file and process a tentative parcel map in accordance with the provisions of this Chapter for tentative parcel maps.<sup>1</sup>
- C. The Planning Agency may waive the parcel map upon making a finding that the proposed division of land complies with requirements as to area, improvement and design, flood water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other

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<sup>1</sup> See Article C of this Chapter.

requirements of this Title and the Subdivision Map Act.

- D. Certificate of Compliance to be Filed: Upon waiving the parcel map requirement, the subdivider shall cause to be filed with the County Recorder a certificate of compliance as approved by the Building Official and a plat map showing the division.
- E. Additional Conditions: A parcel map waived by the Planning Agency may be conditioned to provide for payment of park land dedication, drainage and other fees by a method approved by the Planning Agency. (Ord. 195, 7-6-87; 1994 Code)

5-3F-13: CERTIFICATE OF COMPLIANCE:

- A. Request for Certificate: Pursuant to Section 66499.35 of the Subdivision Map Act, any person owning real property or a vendee of such person pursuant to a contract of sale may request the issuance of a certificate of compliance, stating that such real property (or any division thereof) complies with the provisions of the Subdivision Map Act and this Chapter. Such request shall be filed with the Building Official upon such forms and accompanied by a fee as adopted by resolution of the City Council and such information as may be prescribed by the Building Official.<sup>2</sup>
- B. Determination:
  - 1. Based upon the criteria set forth in Section 66499.35 of the Subdivision Map Act, the Building Official shall approve or conditionally approve a request for a certificate of compliance.
  - 2. The determination of the Building Official may be appealed by the applicant to the Planning Agency within twenty (20) days of the determination by the Building Official. Such appeals shall be in writing and accompanied by the standard appeal fee, as established by resolution of the City Council. A public hearing shall be held by the Planning Agency to consider such an appeal, in accordance with the appeal procedures prescribed in subsection 5-3D-2C. (Ord. 195, 7-6-87; 1994 Code)

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<sup>2</sup> See Title 2, Chapter 1 of this Code for collection procedures.

CHAPTER 3

LAND DIVISIONS

ARTICLE G. DESIGN STANDARDS

SECTION:

- 5-3G-1: Access
- 5-3G-2: Streets and Roadways
- 5-3G-3: Lot Design
- 5-3G-4: Restricted Use Areas
- 5-3G-5: Staggering of Lot Side Lines
- 5-3G-6: City Boundary

5-3G-1: ACCESS: Access to a division of land shall be by means of an improved public street or an improved private street. (Ord. 195, 7-6-87)

5-3G-2: STREETS AND ROADWAYS:

A. Conformity with General Plan:

1. If the circulation element of the General Plan shows a street so located that any portion thereof lies within a division of land, that portion of the street which is within the division shall be included in the design of the division unless the Planning Agency amends the General Plan to remove or relocate the street so that it is no longer within the division of land.

2. If the Planning Agency determines that the present acceptance and construction of a street or portion thereof is not warranted, the street or portion thereof shall be included in the division of land as a future street.

B. Street Alignment: The alignment of streets shall be such as to provide at least twenty feet (20') of frontage for each lot in the division of land along each abutting street. Lots which abut a major or secondary street, to which access rights are to be relinquished, shall be provided with frontage on a service road or other local street.

1. Center line jogs of one hundred fifty feet (150') or less shall be avoided wherever practicable.

2. On any street, no center line curve radius of less

than two hundred feet (200') shall be provided. A center line having an arc length of less than one hundred feet (100') shall not be permitted unless the center line radius is greater than three thousand feet (3,000').

3. Streets shall intersect with other streets and highways as nearly at a right angle as practicable.

C. Street Grades: No street shall have a grade of less than four-tenths of one per cent (0.4%) nor more than ten percent (10%).

D. Right-of-Way and Roadway Widths: Streets shall have the following minimum right-of-way and roadway widths:

1. Major Streets: Sixty four feet (64') of right of way. The Planning Agency shall determine whether or not a street is a major street and the appropriate roadway width.

2. Local Streets: Sixty feet (60') of right of way. The Planning Agency shall determine the appropriate roadway width.

3. Cul-De-Sac: Fifty eight feet (58') of right of way. The Planning Agency shall determine the appropriate roadway width.

E. Future Streets: The Planning Agency may require that future streets be provided for the future division of lots shown on the tentative map and for the development of adjoining property.

F. Location of Roads with Respect to City Boundary: No road shall be shown as lying adjacent to, crossing or ending upon any boundary of the City without the consent of the Planning Agency.

G. Cul-De-Sac Streets and Dead-End Roads: An adequate turning area, conforming to the specifications of the Building Official, shall be provided at the end of cul-de-sac streets and dead-end roads.

H. Right of Way Corner: Intersections of road right-of-way lines, where one or both streets are local residential, shall be rounded with a curve having a radius of thirteen feet (13') unless otherwise determined by the Superintendent of Streets. (Ord. 195, 7-6-87; 1994 Code)

5-3G-3: LOT DESIGN:

A. Lot Area and Width; Compliance with Zoning:

1. Each lot in a division of land shall have an area of not less than the required area for the zone in which the lot is located. Each lot shall have an average width of not less than the required width. Strips of land intended for use as vehicular access shall not be included in calculating average width or required area.

Lots, in all cases, shall have a minimum area of one acre (43,560 square feet) and shall have not less than twenty thousand (20,000) square feet of area having not more than twenty five percent (25%) natural grade in any direction prior to the commencement of any grading on the site. "Natural grade" shall refer to the grade of the property in its original condition prior to commencement of any grading by any person or entity on the site. If a lot does not contain ungraded area equal to twenty thousand (20,000) square feet, then the lot shall be enlarged sufficiently to meet such requirements but need not be made larger than two (2) acres. Any portion of a lot with a width of less than twenty five feet (25') shall not be considered as lot area. The minimum width of any lot shall be one hundred fifty feet (150'). The portion of a lot within a road easement shall not be included in computing lot area. If fifty percent (50%) or more of the lot consists of area of forty five percent (45%) or more grade, the total area of the lot must be at least four (4) acres.

2. If a lot is in more than one zone, then the area and width thereof shall be not less than the area and width requirements, respectively, in that zone in which any part of the lot is located which has the largest area requirement and in that zone in which any part of the lot is located which has the greatest width requirement.

B. Side Lines of Lot: In all cases where practical, the side lines of lots shall be at an approximate right angle to or radial to the street upon which such lots front.

C. Lots Abutting Rights of Way: Wherever practical, divisions of property abutting rights of way for freeways, transmission lines and flood control channels shall be designed so as to create lots which back up to said rights of way.

D. Exceptions and Exemptions:

1. The Planning Agency may determine that, by reason of circumstances peculiar to the proposed subdivision for the use proposed to be made of the property in the

subdivision, the public peace, health, safety and welfare will be protected adequately by lots of lesser frontage or area than that specified in this Section.

2. This Section applies only to future divisions of land within the City and shall not be deemed to limit the existing requirements imposed under the Zoning Ordinance<sup>1</sup> as to lots already legally subdivided.

3. This Section does not apply to any lot which the subdivider offers to deed or dedicate to the City. (Ord. 195, 7-6-87; 1994 Code)

5-3G-4: RESTRICTED USE AREAS: The City shall have the right to restrict the erection of buildings or other structures within those portions of lots which are subject to flood hazard, inundation or geological hazard. (Ord. 195, 7-6-87; 1994 Code)

5-3G-5: STAGGERING OF LOT SIDE LINES: If the plan of subdivision provides for lots on both sides of the road, the side lines of lots on opposite sides of the road shall, except at cul-de-sacs and at existing property lines, be staggered by not less than forty feet (40'). If the plan of subdivision provides for lots on one side of a road opposite which there are existing lots or individual properties usable only as single residence sites under valid restrictive covenants or under the existing Zoning Ordinance<sup>2</sup> of the City, the side lines of lots in the proposed subdivision shall be staggered by not less than forty feet (40') from the side lines of such existing lots or properties on the opposite side of the road. (Ord. 195, 7-6-87)

5-3G-6: CITY BOUNDARY: No lot shall be divided by a City boundary line. Each such boundary line shall be made a lot line. (Ord. 195, 7-6-87)

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<sup>1</sup> See also Section 5-3G-5 of this Article.

<sup>2</sup> See Chapter 2 of this Title.

CHAPTER 3

LAND DIVISIONS

ARTICLE H. REQUIRED IMPROVEMENTS

SECTION:

- 5-3H-1: Compliance With Provisions
- 5-3H-2: Improvement and Site  
Development Plans
- 5-3H-3: Street Improvements and Plans
- 5-3H-4: Street Name Signs
- 5-3H-5: Map Showing Structures
- 5-3H-6: Temporary Improvements
- 5-3H-7: Protective Improvements
- 5-3H-8: Drainage Improvements
- 5-3H-9: Fences or Walls Adjacent to  
Highways and City Boundaries
- 5-3H-10: Fencing of Watercourses or  
Drainage Facilities
- 5-3H-11: Underground Utilities
- 5-3H-12: Sanitary Sewers
- 5-3H-13: Water Mains and Fire Hydrants
- 5-3H-14: Improvement Agreement
- 5-3H-15: Cost of Improvements

5-3H-1: COMPLIANCE WITH PROVISIONS: Improvements required to be installed or agreed to be installed by a subdivider as a condition precedent to the filing of a tract map or parcel map shall comply with the requirements of this Title. Such improvements shall be provided and developed in accordance with the conditions imposed as a condition of approval of the tentative map, in accordance with any agreement or bond made or entered into by the subdivider for that purpose and in accordance with the standards and specifications set by administrative regulations and ordinances of the City applicable at the time of approval of the tentative map. (Ord. 195, 7-6-87)

5-3H-2: IMPROVEMENT AND SITE DEVELOPMENT PLANS:

- A. Submittal: Plans, profiles and specifications for public improvements other than street improvements shall be submitted to the Building Official not later than the time a tract map or parcel map is submitted for checking and certification. Such plans shall show all details of the proposed improvements needed for approval of the plans by the Building Official. Such details may

include requirements of other governmental bodies whose jurisdiction some portion of the plan may encompass.

- B. Preliminary Plan Approval by Building Official: Preliminary plans may be approved by the Building Official when sufficient engineering data is furnished by the subdivider to demonstrate that the preliminary design meets the City's standards and specifications, is practicable from a maintenance standpoint and is consistent with sound engineering practices and that the final plans will conform to the preliminary plans with only minor changes.
- C. Final Plan Approval by Building Official: Final plans must be approved by the Building Official before a tract map or parcel map is transmitted to the Planning Agency for approval or a parcel map is certified for filing by the Building Official if:
  - 1. The subdivider applies for a reimbursement agreement.
  - 2. Another governmental agency, whose approval of plans is necessary, will not approve preliminary plans. (Ord. 195, 7-6-87)

5-3H-3: STREET IMPROVEMENTS AND PLANS:

- A. Approval of Plans: Plans, profiles and specifications for all street improvements shall be subject to the approval of the Superintendent of Streets not later than the time of submitting the tract map or parcel map to the Building Official for checking and shall be subject to the approval of the Superintendent of Streets before any such map shall be certified by the Building Official. Such plans, profiles and specifications shall show full details of the proposed improvements and shall be in accordance with the standards and specifications of the City as adopted by the Council. Such plans shall also include the design grade for an existing or a future street; provided, the Superintendent of Streets determines that such grade is necessary to properly locate slope and drainage easements, if any.
- B. Street Improvement Standards: Each street, whether public or private, shall be improved with full width grading, full width roadway paving with inverted shoulder, drainage facilities incidental thereto and street signs.
- C. Improvements to Existing Streets:
  - 1. Adjacent to the Division of Land: If a portion of an existing street constitutes any portion of the boundary

of the division of land and such street is unimproved, or the Planning Agency determines that the improvements are for the general use of the lot owners in the division of land and for local neighborhood traffic and drainage needs, the Planning Agency may require the subdivider to improve or agree to improve such street or highway as specified in subsection B of this Section.

2. Within the Division of Land: The Planning Agency may require the reconstruction of an existing street. Such reconstruction shall be in accordance with the improvement requirements specified in subsection B of this Section.

D. Improvements of Future Streets: Except for full width grading, the subdivider shall not be required to improve streets or highways shown on a tract map or a parcel map as future streets. (Ord. 195, 7-6-87; 1994 Code)

5-3H-4: STREET NAME SIGNS: The subdivider shall provide street name signs in each division of land to the satisfaction of the Planning Agency. Street names honoring early explorers or denoting land configurations are preferred. (Ord. 195, 7-6-87)

5-3H-5: MAP SHOWING STRUCTURES: If streets are to be dedicated on a tract map or parcel map or by separate instrument prior to filing a parcel map and the subdivider is required to grade or pave within such easements, the subdivider shall provide a copy of the tract map or parcel map, as the case may be, which delineates all structures within such easements, except publicly owned storm drains, water lines, sewers and other drainage or sanitary facilities. Such maps shall be submitted to the Superintendent of Streets when street improvement plans are submitted for approval. A copy of the tract map or parcel map, as the case may be, which delineates all structures within such easements shall be submitted to the City Clerk prior to final approval of the tract map or parcel map. (Ord. 195, 7-6-87)

5-3H-6: TEMPORARY IMPROVEMENTS: Temporary improvements may be required prior to, or concurrent with, permanent improvements. In such instances, the temporary improvements shall be installed in a manner approved by the Building Official. (Ord. 195, 7-6-87)

5-3H-7: PROTECTIVE IMPROVEMENTS: The Planning Agency may require such structures to be installed as are necessary for the proper functioning and maintenance of the improvements required to remove a flood or geological hazard and as are

necessary for the protection of property adjacent to the division of land. (Ord. 195, 7-6-87; 1994 Code)

5-3H-8: DRAINAGE IMPROVEMENTS: The subdivider shall provide such drainage facilities as are considered necessary by the Planning Agency for the drainage requirements of the division of land and for local neighborhood needs. Such facilities shall be constructed in accordance with standards and specifications approved by the Building Official. (Ord. 195, 7-6-87; 1994 Code)

5-3H-9: FENCES OR WALLS ADJACENT TO HIGHWAYS AND CITY BOUNDARIES: If lots in a division of land abut a highway and the Planning Agency requires the subdivider to relinquish complete access rights to such highway, a fence or wall not less than six feet (6') high shall be required along the property line of the lots contiguous to the highway. If lots in a division of land abut a City boundary, the subdivider shall be required to construct an acceptable boundary fence not less than six feet (6') high. (Ord. 195, 7-6-87; 1994 Code)

5-3H-10: FENCING OF WATERCOURSES OR DRAINAGE FACILITIES: The subdivider shall provide a chain link fence or equivalent, not less than six feet (6') high, along each side of any portion of a dedicated right of way for any watercourse or drainage facility within a proposed division of land if the Planning Agency finds that the location, shape, slope, width, velocity of water therein or other characteristics of the watercourse or drainage facility makes the fencing of the right of way necessary for the protection of the general public. Such fencing shall have an adequate number of gates to facilitate cleaning and maintenance and shall not contain apertures below the fence in excess of four inches (4") vertical. (Ord. 195, 7-6-87; 1994 Code)

5-3H-11: UNDERGROUND FACILITIES:<sup>1</sup> Utility lines, including but not limited to electric communications and cable television shall be required to be placed underground. The subdivider is responsible for complying with the requirements of this Section, and he shall make the necessary arrangements with the utility companies for the installation of such facilities. For the purposes of this Section, appurtenances and associated equipment such as, but not limited to, surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets and concealed ducts in an underground system may be placed above ground, so long as located in a manner

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<sup>1</sup> See also Chapter 7 of this Title.

which will not interfere with the existing trail system.  
(Ord. 195, 7-6-87)

5-3H-12: SANITARY SEWERS: The Planning Agency shall require the subdivider to install sanitary sewers to serve each lot in a division of land. Such sewers shall be designed in accordance with the requirements of the Building Official,<sup>2</sup> and the outlet to be used for the sewers shall be designated by the Building Official. (Ord. 195, 7-6-87; 1994 Code)

5-3H-13: WATER MAINS AND FIRE HYDRANTS:

- A. The subdivider shall install or agree to install mains and fire hydrants in the division of land for the general use of the lot owners and for fire protection. The installation of such water mains and fire hydrants shall comply in all respects with all statutes, ordinances, rules and regulations applicable to water mains and fire hydrants.<sup>3</sup>
- B. In the absence of such statutes, ordinances, rules and regulations, required domestic water flows shall be determined by the Building Official and required fire flows, duration of required fire flows and fire hydrant type and location shall be determined by the Fire Chief, but in no case shall the distance from fire hydrant to building pad be more than six hundred feet (600') by paved road.
- C. Water mains and fire hydrants may be required on existing streets or highways adjacent to or within the division of land; provided, the existing improvements are insufficient for the general use and/or fire protection of the lot owners. (Ord. 195, 7-6-87)

5-3H-14: IMPROVEMENT AGREEMENT: If a required improvement is not completed before a tract map or parcel map is filed, the subdivider shall enter into an agreement with the City to complete the improvement within the time specified in the agreement. (Ord. 195, 7-6-87)

5-3H-15: COST OF IMPROVEMENTS: Improvements required by this Chapter shall be installed and constructed by the subdivider, at his expense. (Ord. 195, 7-6-87)

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<sup>2</sup> See Title 3, Chapter 3 of this Code.

<sup>3</sup> See Title 3, Chapter 5 of this Code.

CHAPTER 3

LAND DIVISIONS

ARTICLE I. DEDICATION AND RESERVATION OF LAND

SECTION:

- 5-3I-1: Required Land Dedication
- 5-3I-2: Boundary Line Easements
- 5-3I-3: Dedication for Park and  
Recreational Purposes
- 5-3I-4: Reservation of Land
- 5-3I-5: Reimbursement for Supplemental  
Facilities

5-3I-1: REQUIRED LAND DEDICATION: As a condition of approval of a final, parcel or revision to acreage map, subdivider shall dedicate or provide an irrevocable offer of dedication of real property within the subdivision for streets, alleys, including access rights and abutter's rights, drainage, public utility easements and other public easements.

The Planning Agency may require the dedication or irrevocable offer of dedication of land within the subdivision for local transit facilities if the requirements of the Map Act are met.

Dedications or offers of dedications of streets shall include a waiver of direct access rights to any such street from any property shown on a final or parcel map as abutting thereon, and if the dedication is accepted, any such waiver shall become effective in accordance with its provisions. (Ord. 195, 7-6-87; 1994 Code)

5-3I-2: BOUNDARY LINE EASEMENTS:

A. The subdivider shall dedicate an easement for bridle trail and utility purposes over the strips and portions of land ten feet (10') wide lying entirely within and abutting upon all boundaries of each lot of the subdivision.

B. All boundary line easements provided for by this Section shall be left by the subdivider in their natural state. (Ord. 195, 7-6-87)

5-3I-3: DEDICATIONS FOR PARK AND RECREATIONAL PURPOSES:

A. General City Park and Recreation Land Requirements: The public interest, convenience, health, welfare and safety

require that five (5) acres of property for each one thousand (1,000) persons residing within the City be devoted to local park and recreational purposes. The requirement is, or will be, satisfied, in part, by cooperative arrangements between the City and the local school district to make available one and one-half (1<sup>1</sup>/<sub>2</sub>) acres of property for each one thousand (1,000) persons residing within the City for park and recreational purposes. The remainder of the required five (5) acres shall be supplied by the requirements which follow.

- B. Subdivider Contributions: Every person who subdivides land shall, as a condition of approval of a final map or parcel map, dedicate land, pay a fee in lieu thereof or both, at the option of the City, for park and recreational purposes at the time and according to the standards and formula contained herein.
- C. Determination of Dwelling Units: The basis for determining the total number of dwelling units for use in computing the amount of land to be dedicated, or fee in lieu thereof, shall be one dwelling unit for each lot created by a residential subdivision. The determination hereunder shall be made prior to the time of approval of the tentative map by the Planning Agency.
- D. Computation of Land Dedication Requirement: The amount of land required for dedication by a subdivider shall be based on the number of dwelling units allowable at the rate of .00465 acres of park land for each lot in the subdivision.
- E. Fee in Lieu of Dedication:
  - 1. When a fee is to be paid in lieu of land dedication, the amount of such fee shall be a sum equal to the fair market value of the amount of land that would be required to be dedicated, as applied to the total number of parcels in the subdivision.
  - 2. "Fair market value" shall be determined as of the time the Planning Agency's approval of the tentative tract map based upon the then assessed value of the land, modified to equal market value in accordance with current practices of the County Assessor.
- F. Common Area Credit: Where private open space for park and recreational purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, such areas shall be credited against the requirement of dedication for park and recreation purposes or the payment of fees in lieu thereof; provided, the Planning Agency finds it is in the public interest to do so and

that the following standards are met:

1. That yards, court areas, setbacks and other open areas required to be maintained by the zoning and building regulations<sup>1</sup> shall not be included in the computation of such private open space; and

2. That the private ownership and maintenance of the open space is adequately provided for by written agreement;

3. That the use of the private open space is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of property within the tract and which cannot be defeated or eliminated without the consent of the City Council; and

4. That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access and location of the private open space land; and

5. That facilities proposed for the open space are in substantial accordance with the provisions of the recreational element of the General Plan and are approved by the City Council.

G. Determination of Land Dedication and/or Fee: The procedure for determining whether the subdivider is to dedicate land, pay a fee or both shall be as follows:

1. At the time of filing a tentative tract map for approval, the owner of the property shall, as a part of such filing, indicate whether he desires to dedicate property for park and recreational purposes or whether he desires to pay a fee in lieu thereof. If he desires to dedicate land for this purpose, he shall designate the area thereof on the tentative tract map as submitted.

2. At the time of the tentative tract map approval, the City Council shall determine as part of such approval, whether to require a dedication of land within the subdivision, payment of a fee in lieu thereof or a combination of both.

3. Where dedication is required, it shall be accomplished in accordance with the provisions of the Map Act. Where fees are required, the same shall be

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<sup>1</sup> See Chapters 2 and 5, respectively, of this Title.

deposited with the City prior to the approval of the final tract map. Open space covenants for private park or recreational facilities shall be submitted to the City prior to approval of the final tract map and shall be recorded contemporaneously with the final tract map.

H. Decision by City for Dedication and/or Fee:

1. Whether the City Council accepts land dedication or elects to require payment of a fee in lieu thereof or a combination of both shall be determined by consideration of the following:

a. Recreational element of the City's General Plan; and

b. Topography, geology, access and location of land in the subdivision available for dedication; and

c. Size and shape of the subdivision and land available for dedication.

2. The determination of the City Council as to whether land shall be dedicated or whether a fee shall be charged or a combination thereof shall be final and conclusive. (On subdivisions involving 50 lots or less, only the payment of fees shall be required.) At the time the final tract map is approved, the City Council shall designate the time when development of park and recreational facilities shall be commenced. (Ord. 195, 7-6-87)

I. Use of Land and Fees: The land and fees received hereunder shall be used only for the purpose of providing park and recreational facilities to serve the subdivision for which the fees were received, and the location of the land and amount of fees shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision. Notwithstanding the above, it is not intended that park and recreational facilities purchased with fees be used only by residents of the subdivisions that made the contribution. (Ord. 195, 7-6-87; 1994 Code)

J. Bridle Trails: Bridle trails shall not be deemed land for park and recreational purposes under the Article. (Ord. 195, 7-6-87)

5-3I-4: RESERVATION OF LAND: The Planning Agency may direct that areas of real property within the subdivision shall be reserved for parks and recreational facilities, fire stations, libraries and other public uses in accordance with Section

66479 of the Map Act. (Ord. 195, 7-6-87; 1994 Code)

5-3I-5: REIMBURSEMENT FOR SUPPLEMENTAL FACILITIES: The Planning Agency may require that the improvements installed by the subdivider for the benefit of the subdivision contain supplemental size, capacity or number for the benefit of property not within the subdivision and that such improvements be dedicated to the public; provided, that the subdivider is reimbursed for the costs of such supplemental facilities in accordance with the procedures and requirements of the Map Act. (Ord. 195, 7-6-87; 1994 Code)

CHAPTER 3

LAND DIVISIONS

ARTICLE J. FEES, DEPOSITS AND BONDS

SECTION:

- 5-3J-1: Drainage, Water and Sewer  
Facilities Fees
- 5-3J-2: Bridges and Major Thoroughfares  
Fees
- 5-3J-3: Ground Water Recharge Facilities  
Fees
- 5-3J-4: Tentative Map Fees
- 5-3J-5: Final Maps, Parcel Maps and  
Certificate of Compliance
- 5-3J-6: Improvement Plan Checking Fees
- 5-3J-7: Road Sign Fees
- 5-3J-8: Improvement Inspection Deposits
- 5-3J-9: Improvement Securities
- 5-3J-10: Faithful Performance Bond or  
Deposit for Monuments

5-3J-1: DRAINAGE, WATER AND SEWER FACILITIES FEES: Whenever a drainage, water or sanitary sewer plan has been adopted for a particular drainage and such plan contains an estimate of the total cost of constructing the backbone and off-site drainage, water or sanitary sewer facilities required by the plan, including a map of such area showing its boundaries and location of such facilities, the Planning Agency may require the payment of fees or, from time to time, adopt a schedule of such fees, for the purpose of defraying the actual or estimated cost of constructing planned backbone and off-site water, drainage and sewer facilities which benefit the area being subdivided. (Ord. 195, 7-6-87; 1994 Code)

5-3J-2: BRIDGES OR MAJOR THOROUGHFARES FEES:

- A. If the General Plan or another plan adopted by the City identifies bridge crossings or major thoroughfares necessary to provide access or service to all or part of the City, the Planning Agency may require a subdivider to pay a fee as a condition of the approval of a map, or as a condition of the issuance of a building permit pursuant to a map, to defray the actual or estimated cost of constructing those bridge crossings or major thoroughfares. However, before any such condition is imposed on any subdivider, the Planning Agency shall

conduct a noticed public hearing in accordance with the Subdivision Map Act for each area to be benefited by such a bridge crossing or major thoroughfare. (1994 Code)

- B. At such public hearing, the boundaries of the area benefited, the cost, whether actual or estimated, and a fair method of allocation of the costs to the area of benefit and fee apportionment shall be established. The payment of fees shall not be required unless the major thoroughfares are in addition to, or a reconstruction of, any existing major thoroughfares serving the area at the time of the adoption of the boundaries of the area of benefit. Payment of fees shall not be required unless the planned bridge facility is an original bridge serving the area or an addition to any existing bridge facility serving the area at the time of the adoption of the boundaries of the area of benefit.
- C. If protests are not filed prior to the conclusion of the public hearing with the City Clerk by owners of more than one-half ( $1/2$ ) of the area of the property to be benefited by the improvement and if sufficient protests are not withdrawn so as to reduce the area represented to less than one-half ( $1/2$ ) of that to be benefited, then the proposed procedure shall be abandoned, and the Planning Agency shall not, for one year from the filing of written protest, commence or carry on any proceedings for the same improvement or acquisition under the provisions of this Section. Consideration other than the payment of fees may be accepted. (Ord. 195, 7-6-87; 1994 Code)

5-3J-3: GROUND WATER RECHARGE FACILITIES FEES:

- A. The Planning Agency may require the payment of a fee as a condition of approval of a subdivision requiring a final or parcel map or as a condition of issuing a building permit to an area of benefit under a ground water recharge facility plan for the purpose of constructing recharge facilities for the replenishment of the underground water supply in such area of benefit; provided, before any ground water recharge facility plan is adopted, a public hearing will be conducted by the Planning Agency for the proposed area of benefit and, if approved, the ground water recharge facilities plan shall be established at such public hearing.
- B. If, prior to the conclusion of such hearing, there is written protest filed with the City Clerk by the owners of more than one-half ( $1/2$ ) of the area of the property to be benefited by the improvement and sufficient protests are not withdrawn so as to reduce the area

represented to less than one-half ( $\frac{1}{2}$ ) of the property to be benefited, then the proposed proceedings shall be abandoned, and the Planning Agency shall not, for one year from the filing of that written protest, commence or carry on any proceedings for the same improvement or acquisition under the provisions of this Article. Consideration in lieu of the payment of fees may be accepted. (Ord. 195, 7-6-87; 1994 Code)

5-3J-4: TENTATIVE MAP FEES:

- A. Filing Fee: Upon submission of an application for a tentative map, lot line adjustment, parcel combination reversion to acreage or waiver of parcel map, the subdivider shall pay a tentative map filing fee, as established by resolution of the City Council.
- B. Additional Lots: If additional lots are added to a tentative map prior to approval by the Planning Agency, the subdivider shall pay a fee for the additional lots, in accordance with the fee requirements for a tentative map.
- C. Revised Map Filing Fee: If the subdivider submits a request for a minor modification or a revised tentative map subsequent to the approval of a tentative map as a substitute for the approved tentative map, he shall pay a revised map filing fee, as established by resolution of the City Council. (Ord. 195, 7-6-87; 1994 Code)

5-3J-5: FINAL MAPS, PARCEL MAPS AND CERTIFICATES OF COMPLIANCE:

- A. Filing Fee and Deposit: Upon the submission of a final map, parcel map or certificate of compliance, the subdivider shall deposit with the Building Official a sum of money established by City Council resolution for filing the map or recording the certificate, which money shall be deposited in a trust fund for that purpose until the map is filed or the certificate recorded. If the subdivider abandons his intention to cause the map to be filed or the certificate recorded and so notifies the Building Official, in writing, the unspent portion of the deposit shall be returned to the subdivider. (Ord. 195, 7-6-87; 1994 Code)
- B. Tract Map Checking Fee: Upon submission of a tract map for checking, the subdivider shall pay to the Building Official a map checking fee, as established by resolution of the City Council, in addition to all other fees and charges required by law.

- C. Parcel Map Checking Fee: Upon submission of a parcel map for checking, the subdivider shall pay to the Building Official a map checking fee, as established by resolution of the City Council, in addition to all other fees and charges required by law.
- D. Certificate of Compliance Fee: Upon submission of request for a certificate of compliance for processing and checking, the applicant shall pay to the Building Official a certificate of compliance filing fee, as established by resolution of the City Council, in addition to all other fees and charges required by law.  
(Ord. 195, 7-6-87)

5-3J-6: IMPROVEMENT PLAN CHECKING FEES: A subdivider shall pay to the City a fee equal to the cost of checking the improvement plans. Upon submission of plans to the City, the subdivider shall deposit an amount estimated by the appropriate City officer to be adequate to cover the cost of checking the plans. If, at any time subsequent to making the deposit, the actual funds expended exceed the amount of the deposit, the subdivider shall make an additional payment equal to the deficiency. Excess deposits, if any, shall be returned to the subdivider after completion of plan checking. (Ord. 195, 7-6-87)

5-3J-7: ROAD SIGN FEES: The subdivider, prior to the filing of the final map, shall deposit with the City Clerk a road sign fee, as established by resolution of the City Council, for the construction of a road sign at each intersection of the new subdivision of the type and style used within the City. (Ord. 195, 7-6-87)

5-3J-8: IMPROVEMENT INSPECTION DEPOSITS:

- A. Deposit Required: Before commencing construction or installation of a required improvement, the subdivider shall deposit with the City, for the inspection of such improvements, a sum estimated by the appropriate City officer to be adequate to cover the actual cost of inspection.
- B. Insufficient Deposit: If a deposit made pursuant to subsection A above is insufficient to pay all of the costs of inspection, the subdivider, upon demand of the City, shall pay to the City an amount equal to the deficiency. Until such deficiency is paid in full, the improvements for which the insufficient deposit was made shall be considered uncompleted.
- C. Refunds: If the actual cost of inspection is less than

the amount deposited, the City shall refund to the applicant any amount still remaining. (Ord. 195, 7-6-87)

5-3J-9: IMPROVEMENT SECURITIES: Except as provided in subsection A hereof, the improvement agreement required by Article H of this Chapter shall be secured by an improvement security.

A. Water Mains: If a subdivider shows that, to the satisfaction of the Building Official, he has entered into a contract with a water utility to construct water mains, which contract makes the City a party thereto and provides that the contract may not be modified or rescinded without the consent of the City, except as required by the Public Utilities Commission, and has deposited with the water utility security for the payment of the water utility which the Building Official finds adequate, the subdivider need not accompany an agreement to install water mains with an improvement security, except for the security required by subsection B2 of this Section.

B. Amount and Purpose: An improvement security shall be for the following amounts:

1. An amount estimated by the inspecting officer to be equal to the cost of improvements covered by the security, guaranteeing the faithful performance of the improvement work plus an amount estimated by the inspecting officer to be necessary for the guarantee and warranty of the work for a period of one year following the completion and acceptance thereof against any defective work or labor done or defective materials furnished.

2. An amount estimated by the inspection officer to be equal to fifty percent (50%) of the cost of the improvements covered by the security, securing payment to contractors and subcontractors and to all persons renting equipment or furnishing labor or materials to them.

C. Bonds and Deposits: Improvement securities shall be, at the option of the City:

1. A bond or bonds issued by a surety company authorized to write the same in the State.

2. A deposit with the City of cash, negotiable bonds, letters of credit, savings and loan certificates or shares assigned to the City or such other security as is

authorized by the Subdivision Map Act.<sup>1</sup>

D. Approval and Acceptance: Each improvement security shall be subject to approval and acceptance by the Planning Agency.

E. Reduction:

1. When a portion of an improvement has been fully completed, the inspecting officer may, in his discretion, recommend a reduction in an improvement security given for faithful performance equal to the estimated cost of the completed portion of the improvement.

2. If the required subdivision improvements are financed and installed pursuant to special assessment proceedings, upon the furnishing by the contractor of the faithful performance and labor and material bonds required by the special assessment act being used, the improvement security of the subdivider may be reduced by amount corresponding to the amount of such bonds so furnished by the contractor. (Ord. 195, 7-6-87)

F. Forfeiture on Failure to Complete: Upon the failure of a subdivider to complete an improvement within the time specified in an agreement, the Planning Agency may, upon notice, determine that the improvement work or any part thereof is incomplete and may cause to be forfeited to the City the portion of the sum of money or bonds given for the faithful performance of the work or may cash savings and loan certificates or shares deposited and assigned to assure the faithful performance of the work to complete the improvement work. Notice pursuant to this Section shall be given as follows: (Ord. 195, 7-6-87; 1994 Code)

1. At least ten (10) days prior to the action, the City shall cause written notice to be personally served on the person who signed the contract; or

2. At least twenty (20) days prior to the action, the City shall cause written notice to be sent by certified mail to the person who signed the contract at the last known address of that person. (1994 Code)

5-3J-10: FAITHFUL PERFORMANCE BOND OR DEPOSIT FOR MONUMENTS: The agreement referred to in subsection 5-3F-1R of this Chapter shall be accompanied by a bond or cash deposit guaranteeing the faithful performance of the agreement in a form

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<sup>1</sup> Gov.Code §66499.

acceptable to the City and in an amount estimated by the Building Official to be equal to the cost of setting monuments and furnishing notes. (Ord. 195, 7-6-87; 1994 Code)

CHAPTER 3

LAND DIVISIONS

ARTICLE K. VIOLATION OF PROVISIONS

SECTION:

5-3K-1: Notice of Violation

5-3K-1: NOTICE OF VIOLATION:

- A. Notice of Intention to Record Notice of Violation: Whenever the City has knowledge that real property has been divided in violation of the provisions of the Subdivision Map Act or this Chapter, it shall cause to be filed for record with the County Recorder a notice of intention to record a notice of violation describing the real property in detail, naming the owners thereof, describing the violation and stating that an opportunity will be given to the owners to present evidence.
- B. Copy to Owners: Upon recording a notice of intention to record a notice of violation, the City shall mail a copy of such notice to the owner of the real property. The notice shall specify the time, date and place at which the owner may present evidence to the Planning Agency why such notice should not be recorded.
- C. Consideration of Evidence; Filing of Release or Notice of Violation: If, after the owner has presented evidence, it is determined that there has been no violation, the City shall record a release of the notice of intention to record a notice of violation with the County Recorder. If, however, after the owner has presented evidence, the Planning Agency determines that the property has, in fact, been illegally divided, or within sixty (60) days after receipt of such copy, the owner of the real property fails to inform the Planning Agency of his objection to the recording of the notice of violation, the Planning Agency shall record the notice of violation with the County Recorder.
- D. Constructive Notice: The notice of intention to record a notice of violation and the notice of violation, when recorded, shall be deemed constructive notice of violation to all successors in interest to such property. (Ord. 195, 7-6-87; 1994 Code)

CHAPTER 4

DEVELOPMENT AGREEMENTS

SECTION:

- 5-4-1: Purpose and Short Title
- 5-4-2: Application for Development Agreement
- 5-4-3: Initial Review of Application
- 5-4-4: Notices
- 5-4-5: Conduct of Hearing
- 5-4-6: Decision by City Council
- 5-4-7: Recordation of Development Agreement, Amendment or Cancellation
- 5-4-8: Periodic Review
- 5-4-9: Modification or Termination

5-4-1: PURPOSE AND SHORT TITLE: This Chapter is adopted for the purpose of implementing Government Code Sections 65864-65869.5. This Chapter may be referred to as the City's *DEVELOPMENT AGREEMENT REGULATIONS*. (Ord. 164, 2-2-85)

5-4-2: APPLICATION FOR DEVELOPMENT AGREEMENT: Any person, or his authorized agent, who has legal or equitable interest in the real property may apply for a development agreement by submitting a proposed agreement to the City Clerk. (Ord. 164, 2-2-85; 1994 Code)

5-4-3: INITIAL REVIEW OF APPLICATION: After receiving the required application, the Planning Director shall prepare a report and recommendation which shall be presented to the City Council for review at a duly noticed public hearing as set forth below. (Ord. 164, 2-2-85; 1994 Code)

5-4-4: NOTICES:

A. Issuance of Notice: The City Clerk shall give notice of intention to consider adoption of a development agreement prior to consideration of the proposed agreement by the City Council.

B. Contents of Notice: The notice of intention to consider adoption of development agreement shall contain:

1. The time and place of the hearing;

2. A general explanation of the matter to be considered, including a general description of the area affected; and

3. Other information required by specific provision of these regulations or which the City Clerk considers necessary or desirable.

C. Time and Manner of Notice: The notice shall be given at least ten (10) days prior to the hearing as follows:

1. Publication at least once in a newspaper of general circulation.

2. Mail or delivery to the owner of affected property unless more than one thousand (1,000) persons would be required to receive notice, in which event, display advertising is permitted.

3. Mail or delivery to each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the project whose ability to provide those facilities and services may be significantly affected.

4. To all owners of real property shown on the latest equalized assessment rolls within five hundred feet (500') of the real property that is the subject of the hearing.

D. Effect of Notice: The failure of any person entitled to receive or respond to such notice required by law or these regulations does not affect the authority of the City to enter into a development agreement. (Ord. 180, 9-19-85)

5-4-5: CONDUCT OF HEARING:

A. The public hearing shall be conducted as nearly as may be in accordance with the procedural standards adopted under Government Code section 65804 for the conduct of zoning hearings. Each person interested in the matter shall be given an opportunity to be heard.

B. No action, inaction or recommendation regarding the proposed development agreement shall be held void or invalid or be set aside by a court by reason of any error, irregularity, informality, neglect or omission ("error") as to any matter pertaining to petition, application, notice, finding, record, hearing, report, recommendation or any matters of procedure whatever unless, after an examination of the entire case, including the evidence, the court is of the opinion that

the error complained of was prejudicial and that by reason of the error, the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. There is no presumption that error is prejudicial or that injury was done if error is shown. (Ord. 164, 2-2-85; 1994 Code)

5-4-6: DECISION BY CITY COUNCIL:

- A. At the conclusion of the hearing, the City Council shall determine whether or not the development agreement proposed is:
1. Consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan;
  2. Compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located;
  3. In conformity with public convenience, general welfare and good land use practice;
  4. Detrimental to the health, safety and general welfare; and
  5. Adverse to the orderly development of property or the preservation of property values. (Ord. 164, 2-2-85; 1994 Code)
- B. Adoption of Ordinance for Approval: If the Council approves the development agreement, it shall do so by the adoption of an ordinance. After the ordinance approving the development agreement takes effect, the City may enter into the agreement. (Ord. 164, 2-2-85)
- C. Notwithstanding the requirement that the City Council make the factual determinations enumerated in subsection A of this Section, the approval or disapproval of a development agreement is a legislative act entrusted to the discretion of the City Council. (1994 Code)

5-4-7: RECORDATION OF DEVELOPMENT AGREEMENT, AMENDMENT OR CANCELLATION:

- A. Agreement to be Recorded: After the City enters into the development agreement, the City Clerk shall have the agreement recorded with the County Recorder.
- B. Amendment or Cancellation to be Recorded: If the parties

to the agreement or their successors in interest amend or cancel the agreement, as provided in Government Code Section 65868, or if the City terminates or modifies the agreement, as provided in Government Code Section 65865.1, for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the City Clerk shall have notice of such action recorded with the County Recorder. (Ord. 164, 2-2-85; 1994 Code)

5-4-8: PERIODIC REVIEW:

- A. Time for Review: The City shall review the development agreement at least every twelve (12) months from the date of the agreement. The time for review may be modified either by agreement between the parties or by initiation in either of the following ways:
  - 1. Recommendation of the planning staff; or
  - 2. Affirmative vote of at least three (3) members of the Council.
- B. Notice of Review: The City Clerk shall begin the review proceeding by giving notice that the City intends to undertake a periodic review of the development agreement to the property owner. The Clerk shall give the notice at least thirty (30) days in advance of the time at which the matter will be considered by the City Council.
- C. Determination of Compliance by Property Owner: The City Council shall conduct a duly noticed public hearing at which the property owner must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue is upon the property owner. The City Council shall determine, upon the basis of substantial evidence, whether or not the property owner has, for the period under review, complied in good faith with the terms and conditions of the agreement.
- D. City's Findings and Actions: If the City Council finds and determines on the basis of substantial evidence that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, the review for that period is concluded. If the City Council finds and determines on the basis of substantial evidence that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the City may modify or terminate the agreement. (Ord. 164, 2-2-85; 1994 Code)

5-4-9: MODIFICATION OR TERMINATION:

- A. Notice: If the City Council determines to modify or terminate the agreement other than at a hearing pursuant to Section 5-4-8 at which the property owner is represented, the City Clerk shall give notice to the property owner of its intention so to do. The notice shall contain:
1. The time and place of the hearing;
  2. A statement as to whether or not the City proposes to terminate or to modify the development agreement; and
  3. Other information which the City considers necessary to inform the property owner of the nature of the proceeding.
- B. Hearing; Decision: At the time and place set for the hearing on modification or termination, the property owner shall be given an opportunity to be heard. The Council may impose those conditions to the action it takes as it considers necessary to protect the interests of the City. The decision of the Council is final. (Ord. 164, 2-2-85; 1994 Code)

CHAPTER 5

BUILDING STANDARDS

ARTICLE A. GENERAL BUILDING STANDARDS PROVISIONS

SECTION:

- 5-5A-1: Rules of Precedence
- 5-5A-2: Plan Review by Fire Department
- 5-5A-3: Violations and Penalties

5-5A-1: RULES OF PRECEDENCE: In the event two (2) or more provisions of any Building, Plumbing, Mechanical, Electrical, Housing or Administrative Codes of the City are found to be in conflict, the following rules of precedence shall apply:

- A. Local amendments of the City set forth in ordinances of the City shall control over amendments of the State set out in Title 24 of the *California Building Code of Regulations* and included in the *California Building Standards Code* and shall also control over the provisions of the *Uniform Code* as published by the International Conference of Building Officials or other code-writing organization.
- B. Amendments of the State set out in Title 24 of the California Code of Regulations and included in the *California Building Standards Code* shall control over the provisions of the *Uniform Code* as published by the International Conference of Building Officials or other code-writing organization. (Ord. 254, 6-8-92)

5-5A-2: PLAN REVIEW BY FIRE DEPARTMENT: Building Official shall refer construction plans for review by the Fire Department where the proposed construction consists of new buildings or additions exceeding two thousand (2,000) square feet. The Fire Department shall impose access and water availability requirements otherwise reserved for Fire Zone #4. (Res. 491, 12-9-91)

5-5A-3: VIOLATIONS AND PENALTIES:

- A. No person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any land, building or structure, building service equipment, machine or equipment, or cause or permit

the same to be done, in violation of the Building Code of the City, the Plumbing Code of the City, the Mechanical Code of the City, the Electrical Code of the City, the Housing Code of the City or the Dangerous Buildings Code of the City (collectively, the "Technical Codes")<sup>1</sup>. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the Technical Codes is committed, continued, or permitted.

B. No person shall remove, deface, alter, or obstruct from view a posted notice of the Building Official, or his or her authorized representative, when such notice constitutes a stop work order or a warning of substandard or hazardous conditions or prohibits or restricts the occupancy or use of a building, structure, or building service equipment regulated by this Code or the Technical Codes.

C. Every violation of the Technical Codes shall be deemed a misdemeanor, punishable as set forth in Section 1-5-1(A) of this Code. (Ord. 253, 6-8-92; 1994 Code; Ord. 274U, 12-28-95)

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<sup>1</sup> See Articles B through G of this Chapter.

CHAPTER 5

BUILDING STANDARDS

ARTICLE B. BUILDING CODE<sup>1</sup>

SECTION:

- 5-5B-1: Building Code Adopted
- 5-5B-2: Administrative Provisions
- 5-5B-3: Roof Coverings
- 5-5B-4: Footings
- 5-5B-5: Barriers for Swimming Pools, Spas and Hot Tubs
- 5-5B-6: Excavation and Grading
- 5-5B-7: Public Works
- 5-5B-8: Maintenance of Right-of-Way Improvements and Public Works on Private Property
- 5-5B-9: Bolt Holes
- 5-5B-10: Rotation in Wood Frame Buildings
- 5-5B-11: Plywood Design
- 5-5B-12: Stucco and Drywall

5-5B-1: BUILDING CODE ADOPTED: Except as hereinafter provided, the *California Building Code, 1995 Edition* (Part 2, Title 24, California Code of Regulations), which incorporates and amends the *Uniform Building Code, 1994 Edition*, Volumes 1, 2, and 3, published by the International Conference of Building Officials, including the generic fire-resistive assemblies listed in the *Fire Resistance Design Manual, Thirteenth Edition*, dated April 1992, published in the Gypsum Association as referenced in Tables 7-A, 7-B and 7-C and Appendix Chapter 12, Division II of such *Uniform Building Code*, and including Appendix Chapters 3, Divisions I, II and IV; 4, Division I; 9; 10; 11, Divisions I and II; 12, Divisions I and II; 15; 18; 19; 21; 23; 29; 30, including ASME/ANSI A17.1-1987 Safety Code for Elevators and Escalators, including supplements A17.1a-1988 and A17.1b-1989, published by the American Society of Mechanical Engineers, and ASME/ANSI A17.3-1986, *Safety Code for Existing Elevators and Escalators*, including Supplement A17.3a-1989, published by the American Society of Mechanical Engineers; 31, Divisions I, II and III; 33 and 34, Divisions I and II, is hereby adopted by reference as the Building Code of the City. A copy of the Building Code of the City shall be maintained in the office of the City Clerk, and shall be made available for public inspection while the Code is in force. (Ord. 252, 5-11-92, eff. 6-28-92; Ord.

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<sup>1</sup> See Section 5-5A-3 of this Chapter for penalty provision.

274U, 12-28-95)

5-5B-2: ADMINISTRATIVE PROVISIONS: The administrative provisions of the *California Building Code, 1995 Edition*, contained in Part I of that Code, except Section 101, are hereby deleted. The administrative provisions governing the Building Code of the City shall be as set forth in Article G of this Chapter. Violation and penalty provisions shall be as set forth in Section 5-5A-3 of this Chapter. (Ord. 252, 5-11-92, eff. 6-28-92; Ord. 253, 6-8-92; Ord. 274U, 12-28-95)

5-5B-3: ROOF COVERINGS: The first two sentences of Chapter 15, Section 1503 of the Building Code are amended to read:

"Roof Coverings for all buildings shall be Class A (having satisfied the fifteen-year weathering test and certified as such by Underwriting Laboratories or an equivalent recognized testing agency).

The roof-covering assembly includes the roof deck, underlayment, interlayment, insulation and covering which is assigned a roof-covering classification."

(Ord. 252, 5-11-92, eff. 6-28-92; Ord. 253, 6-8-92; Ord. 274U, 12-28-95)

5-5B-4: FOOTINGS: Chapter 18, Division I, Section 1806.10 of the Building Code is added to read:

**"1806.10 Foundations on Expansive Soil.** When there is a lack of a soils report, foundations shall be designed for expansive soil. Foundation systems on expansive soil shall be constructed in a manner that will minimize damage to the structure from movement of the soil. Slab-on-grade and mat-type footings for buildings located on expansive soils may be designed in accordance with the provisions of U.B.C. Chapter 8, Division III or such other engineering design based upon geotechnical recommendation as approved by the building official. For residential-type building, where such an approved method of construction is not provided, foundations and floor slabs shall comply with the following requirements:

1. Depth of foundations below the natural and finish grades shall be not less than 24 inches for exterior and 18 inches for interior foundations.

2. Exterior walls and interior bearing walls shall be supported on continuous foundations.

3. Foundations shall be reinforced with at least two

continuous one-half-inch diameter deformed reinforcing bars. One bar shall be placed within four inches of the bottom of the foundation and one within four inches of the top of the foundation.

4. Concrete floor slabs on grade shall be cast on a four-inch fill of coarse aggregate or on a moisture barrier membrane. The slabs shall be at least three and one-half inches thick and shall be reinforced with welded wire mesh or deformed reinforcing bars. Welded wire mesh shall have a cross-sectional area of not less than five-hundredths square inch per foot each way. Reinforcing bars shall have a diameter of not less than three-eighths inch and be spaced at intervals not exceeding 24 inches each way.

5. The soil below an interior concrete slab shall be saturated with moisture to a depth of 18 inches prior to casting the concrete." (Ord. 252, 5-11-92, eff. 6-28-92; Ord. 253, 6-8-92; Ord. 274U, 12-28-95)

5-5B-5: BARRIERS FOR SWIMMING POOLS, SPAS AND HOT TUBS: Appendix Chapter 4, Division I of the Building Code is amended as follows:

A. Section 404 is amended to read:

"The provisions of this section apply to any person, firm, or corporation in possession of land either as owner in fee, purchaser under contract, lessee, tenant, licensee or the possessor of any other type of legal estate upon which is situated a pool as defined in this Chapter."

B. The definition of "swimming pool" in Section 405 is amended to read:

"SWIMMING POOL is any body of water created by artificial means which is designed, intended or used for swimming or immersion purposes by men, women and/or children; or for decoration or ornamentation; or for the breeding or maintenance of fish or waterfowl; or for the purpose of landscape features; and which has a water depth exceeding eighteen inches. The term "swimming pool" shall include, but not be limited to, koi-ponds, fish-ponds, ornamental fountains, and reflecting pools."

C. Paragraph 1 of Section 406.1 is amended to read:

"The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier

shall be 2 inches measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to 4 inches when grade is a solid surface such as a concrete deck, or when the barrier is mounted on the top of the aboveground pool structure. When barriers have horizontal members spaced less than 45 inches apart, the horizontal members shall be placed on the pool side of the barrier. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited."

(Ord. 252, 5-11-92, eff. 6-28-92; Ord. 253, 6-8-92; Ord. 274U, 12-28-95)

5-5B-6: EXCAVATION AND GRADING: Appendix Chapter 33, Sections 3315 and 3316 are amended and Sections 3319 and 3320 are added to read:

#### **"SECTION 3315 DRAINAGE AND TERRACING**

**3315.1 General.** The drainage structures and devices required by this chapter shall conform to the provisions of this Section as well as recognized principles of hydraulics.

**3315.2 Disposal.** Drainage facilities shall be designed to carry surface waters to the nearest practical street, storm drain, or natural watercourse approved by the Building Official or other appropriate governmental agency as a safe place to deposit such waters. If the drainage device discharges onto natural ground, a riprap or similar energy dissipater may be required.

**3315.3 Site Drainage.** Grading building sites (building pads) shall have a minimum slope of two percent toward a public street or drainage structure approved to receive storm waters. A lesser slope may be approved by the Building Official for sites graded in relatively flat terrain, or where special drainage provisions are made, when he or she finds such modification will not result in unfavorable drainage conditions.

The grading shall provide for drainage around proposed buildings and their appurtenances.

**3315.4 Drainage Terraces Required.** The requirements for drainage terraces shall apply to all cut or fill slopes steeper than three horizontal to one vertical. For slopes not steeper than three horizontal to one vertical, the Building Official may require a drainage and terrace design to be submitted. Suitable access to permit proper cleaning and

maintenance shall be provided for all drainage terraces. Cut or fill slopes more than 30 feet in height shall be provided with terraces at vertical intervals not exceeding 25 feet except that where only one terrace is required, it shall be at midheight. Such terraces shall be not less than 8 feet in width (measured horizontally from the outside edge). When the total slope height exceeds 100 feet, one terrace near midheight shall be not less than 20 feet in width (measured horizontally from the outside edge). In lieu of the above, for cut and fill slopes greater than 120 feet in height, the applicant may submit a drainage and terrace design by a civil engineer to be approved by the Building Official.

**3315.5 Drainage Terraces Construction.** Drainage terraces shall have a longitudinal grade of not less than five percent nor more than twelve percent and a minimum depth of one foot at the flow line. There shall be no reduction in grade along the direction of flow unless the velocity of flow is such that slope debris will remain in suspension on the reduced grade. Such terraces shall be paved with concrete not less than 3 inches thick reinforced with 6-inch by 6-inch No. 10 by No. 10 welded wire fabric or equivalent reinforcing centered in the concrete slab. Drainage terraces exceeding 8 feet in width need only be so paved for a width of 8 feet provided such pavement provides a paved channel at least 1 foot in depth. Downdrains or drainage outlets shall be provided at approximately 300-foot intervals along the drainage terrace or at equivalent locations. Downdrains and drainage outlets shall be of approved materials and of adequate capacity to convey the intercepted waters to the point of disposal.

**3315.6 Overflow Protection.** Berms, swales or other devices shall be provided at the top of cut or fill slopes to prevent surface waters from overflowing onto and damaging the face of the slope. Gutters or other special drainage controls shall be provided where the proximity of runoff from buildings or other structures is such as to pose a potential hazard to slope integrity.

Swales used for slope protection shall conform with Section 3315.8. Berms used for slope protection shall be not less than 12 inches above the level of the pad and shall slope back at least 4 feet from the top of the slope.

**3315.7 Subsurface Drainage.** Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.

**3315.8 Interceptor Drains.** Paved interceptor drains shall be installed along the top of all cut slopes where the height of the cut is greater than 5 feet measured vertically. Interceptor drains shall be paved with a minimum of 3 inches

of concrete or gunite and reinforced as required for drainage terraces. They shall have a minimum depth of 12 inches and a minimum paved width of 30 inches measured horizontally across the drain. The slope of the drain shall be approved by the Building Official.

## **SECTION 3316 EROSION CONTROL**

**3316.1 Slopes.** The faces of cut and fill slopes shall be prepared and maintained to control against erosion. This control must consist of effective planting as described elsewhere in this Section, or other devices satisfactory to the Building Official.

**3316.2 Planting.** The surface of all cut slopes more than 5 feet in height and fill slopes more than 3 feet in height shall be protected against damage by erosion by planting with grass or ground cover plants. Slopes exceeding 15 feet in vertical height shall also be planted with shrubs, spaced at not to exceed 10 feet on centers; or trees, spaced at not to exceed 20 feet on centers; or a combination of shrubs and trees at equivalent spacings, in addition to the grass or groundcover plants. The plants selected and planting methods used shall be suitable for the soil and climate conditions of the site and in accordance with standard specifications on file in the office of the City Engineer.

Planting need not be provided for cut slopes rocky in character and not subject to damage by erosion or any slopes protected against erosion damage by other methods when such methods have been specifically recommended by a soil engineer, engineering geologist, or equivalent authority and found to offer erosion protection equal to that provided by the planting specified in this Section.

Plant material shall be selected which will produce a coverage of permanent planting effectively controlling erosion. Consideration shall be given to deep rooted plant material needing limited watering, to low maintenance during the lifetime of the project, to high root to shoot ratio (weight of above ground parts versus root system), wind susceptibility and fire-retardant characteristics.

**3316.3 Irrigation.** Slopes required to be planted by Section 3316.2 shall be provided with an approved system of irrigation, designed to cover all portions of the slope and plans therefore shall be submitted and approved prior to installation. A functional test of the system may be required.

For slopes less than 20 feet in vertical height, hose bibs to permit hand watering will be acceptable if such hose bibs are installed at conveniently accessible locations where

a hose no longer than 50 feet is necessary for irrigation.

The requirements for permanent irrigation systems may be modified upon specific recommendation of a landscape architect or equivalent authority that because of the type of plants selected, the planting methods used, and the soil and climatic conditions at the site, an irrigation system will not be necessary for the maintenance of the slope planting.

**3316.4 Plans and Specifications.** Planting and irrigation plans shall be submitted for slopes required to be planted and irrigated by Sections 3316.2 and 3316.3. Except as waived by the Building Official for minor grading, the plans for slopes 20 feet or more in vertical height shall be prepared and signed by a civil engineer or landscape architect.

**3316.5 Rodent Control.** Fill slopes steeper than two horizontal to one vertical within a grading project located adjacent to undeveloped and unoccupied land determined by the Agricultural Commissioner to be infested by burrowing rodents, shall be protected from potential slope damage by an effective program of rodent control.

**3316.6 Condition on Release of Security.** The planting and irrigation systems required by this Section shall be installed as soon as practical after rough grading. Prior to final approval of grading and before the release of the grading security, the planting shall be well established and growing on the slopes and, where required by Section 3316.5, there shall be evidence of an effective rodent control program.

**3316.7 Other Devices.** Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion.

## **SECTION 3319 PROHIBITED USES OF BUILDING SITES**

**3319.1 Flood Hazard.** 1. Buildings are not permitted in an area determined by the City Engineer to be subject to flood hazard by reason of inundation, overflow or erosion, or where the placement of a building or other structures (including walls and fences) on the building site is such that water or mud flow will be a hazard to buildings on adjacent property. Subject to the conditions of paragraph 2 of this subsection, this prohibition shall not apply when provision is made to eliminate such hazard to the satisfaction of the Building Official by providing adequate drainage facilities by protective walls, suitable fill raising the floor level of the building, a combination of these methods, or by other means. The Building Official, in the application of this subsection, shall enforce, as a minimum, the current Federal Flood Plain

Management Regulations defined in Title 44, Code of Federal Regulations, Section 60.3.

2. A person shall not perform work for which a building or grading permit is required within the boundaries of an established floodway, as determined by the City Engineer, if such work increases the flood hazard to adjacent properties by either increasing the capital flood water surface elevation, deflecting flows or increasing bank erosion. Such work may be performed within an established floodway, and a building or grading permit therefore may be issued, where provisions are made to the satisfaction of the City Engineer to avoid such an increase in the flood hazard.

3. The Los Angeles County Flood Control District shall act as a consultant to the City Engineer in permit matters relating to flood control and flood hazard identification, avoidance and mitigation in all areas defined on maps furnished to the Engineer. The District shall provide the City Engineer with maps delineating areas subject to flood, mud and debris hazards. The maps shall be prepared by the District, shall be based on the best currently available information, and shall be updated at least annually. The City Engineer shall consult with the District with respect to work requiring a building or grading permit in the hazard areas delineated on the maps. The District shall prepare written reports of its examination of each building or grading permit application for work in the hazard areas as delineated on the maps. The reports shall be considered by the City Engineer in acting upon the application. The action upon the application shall be supported in writing. The District shall also act as a consultant whenever the City Engineer proposes to establish by ordinance floodways and water surface elevations regulating the locations of such proposed work.

**3319.2 Geologic Hazard.** 1. No building or grading permit shall be issued under the provisions of this Section when the Building Official finds that property outside the site of the proposed work could be damaged by activation or acceleration of a geologically hazardous condition and such activation or acceleration could be attributed to the proposed work on, or change in use of, the site for which the permit is requested. For the purpose of this subsection, geologically hazardous condition does not include the hazard of surface displacement due to earthquake faults.

2. Work requiring a building or grading permit by this Code is not permitted in an area determined by the City Engineer to be subject to hazard from landslide, settlement or slippage. These hazards include those from loose debris, slopewash and the potential for mud flows from natural slopes or graded slopes. For the purpose of this subsection, landslide, settlement or slippage does not include surface

displacement due to the earthquake faults.

3. Notwithstanding paragraph 1 of this subsection, permits may be issued in the following cases:

a. When the applicant has submitted a geological and/or engineering report or reports complying with the provisions of Section 3320 which show that the hazard will be eliminated prior to the use or occupancy of the land or structures by modification of topography, reduction of subsurface water, buttressing, a combination of these methods, or by other means;

b. When the applicant has submitted a geological and/or engineering report or reports complying with the provisions of Section 3320 which contain sufficient data to show that the intended use of the site appears to pose no danger;

c. When the applicant has submitted a geological report complying with the provisions of Section 3320 which indicates that the site appears to be geologically safe for the proposed use but is located in an area subject to a hazard of a geological nature. Before a permit is issued the owner first shall record in the Department of Registrar-Recorder the findings of such report or reports, together with an agreement relieving the city and all officers and employees thereof of any liability resulting from the issuance of such permit. This agreement shall provide that it is binding on all successors in interest of the owner and shall continue in effect until the County Engineer records in the Department of Registrar-Recorder a statement that he finds such hazard no longer exists;

d. When the work involves the alteration or minor repair of existing structures and the cost of such alteration or repair does not exceed 25 percent of the value of the existing structure, such value to be based on assumed continuation of the established legal use. "Repair" shall consist of restoring the original construction. Provision may be made for adjustment of the floor in anticipation of future settlement. For the purposes of this subsection, "alteration" does not include an addition or additions;

e. When the work involves an addition or additions to an existing structure but is not a change in use or occupancy and such work does not increase the area of the structure more than 25 percent of the area of the structure existing on July 6, 1968;

f. When the work involves a one-story, light-frame accessory structure not intended or used for human occupancy and not exceeding 400 square feet in area nor 12

feet in height; or

g. When the work involves the repair of single-family residences and accessory buildings where the cost of such repair exceeds 25 percent of the value of the existing building or involves the replacement of such structures where the loss to be replaced was due to causes other than landslide, settlement or slippage. Before a permit is issued the owner shall:

(1) Record in the office of the Department of Registrar-Recorder (1) a statement that he or she is the owner and that he or she is aware that the records of the County Engineer indicated that the property is subject to a physical hazard of a geological nature and (2) an agreement relieving the City and all officers and employees thereof of any liability for any damage or loss which may result from issuance of such a permit. This agreement shall provide that it is binding on all successors in interest of the owner and shall continue in effect until the County Engineer records in the office of the Department of Registrar-Recorder a statement that he or she finds such hazard no longer exists; and

(2) Submit calculations and plans for the proposed reconstruction prepared by a registered civil engineer and designed to minimize damage while accommodating the amount of vertical and horizontal displacements which he or she determines are probable or which have occurred since the original structure was built, whichever is the greater.

h. Notwithstanding any other provisions of this subsection, the City Engineer may, at his discretion, deny a permit for any building, structure, or grading subject to a hazard of a geological nature which cannot be mitigated and may endanger the health or safety of the occupant, adjoining property or the public.

**3319.3 Fills Containing Decomposable Material.** Permits shall not be issued for buildings or structures regulated by this Code within 1000 feet of fills containing rubbish or other decomposable material unless the fill is isolated by approved natural or man-made protective devices or unless the buildings or structures are designed according to the recommendation contained in a report prepared by a licensed engineer. Such report shall contain a description of the investigation and a study and recommendation to minimize the possible intrusion and to prevent the accumulation of explosive concentrations of decomposition gases within or under enclosed portions of such buildings or structures. At the time of the final inspection, the civil engineer shall furnish a signed statement attesting that the buildings or structures have been constructed in accordance with his or her

recommendations as to decomposition gases. Buildings or structures regulated by this Code shall not be constructed on fills containing rubbish or other decomposable material unless provision is made to prevent damage to structure, floors, underground piping and utilities due to uneven settlement of the fill. One-story light-frame accessory structures not exceeding 400 square feet in area nor 12 feet in height may be constructed without special provision for foundation stability.

**3319.4 Conditional Use.** Work required by this Section as a condition for the use of the site shall be performed prior to the connection of utilities or occupancy of the building.

### **SECTION 3320 GEOLOGY AND ENGINEERING REPORT**

The Building Official may require an engineering geology or geotechnical engineering report, or both, where in his or her opinion such reports are essential for the evaluation of the safety of the site. The engineering geology or geotechnical engineering report, or both, shall contain a finding regarding the safety of the building site for the proposed structure against hazard from landslide, settlement or slippage and a finding regarding the effect that the proposed building or grading construction will have on the geologic stability of property outside of the building site. Any engineering geology report shall be prepared by a certified engineering geologist licensed by the State of California. Any geotechnical engineering report shall be prepared by a civil engineer qualified to perform this work, such as a geotechnical engineer experienced in soil mechanics.

When both an engineering geology and geotechnical engineering report are required for the evaluation of the safety of a building site, the two reports shall be coordinated before submission to the Building Official." (Ord. 252, 5-11-92, eff. 6-28-92; Ord. 253, 6-8-92; Ord. 274U, 12-28-95)

#### 5-5B-7: PUBLIC WORKS:

- A. For purposes of this Section 5-5B-7, a "public works" shall include a public street, public drive approach, public utility lines and services, public road, and appurtenant facilities.
- B. The Standard Specifications for Public Works Construction of the Southern California Chapter American Public Works Association and Southern California District Associated General Contractors of California, Joint Cooperative Committee 1988 Edition, are hereby adopted by reference as the standard specification for the construction of public works in the City.

- C. The modification, rehabilitation, reconstruction or construction of any public works in the City is prohibited unless a permit is first obtained from the Building Official therefor. Public works shall be constructed in accordance with the standard specifications described in Paragraph B of this Section 5-5B-7 and City standards. The Building Official shall inspect the work for conformance with the requirements of this Section 5-5B-7.
- D. The use of public works to store construction materials, construction equipment, debris, junk, trash, trash containers, dirt construction office, gunite equipment, concrete and plaster mixers and other materials and equipment associated with construction, repairs, remodel maintenance and other similar uses in the City are prohibited unless a public works permit is first obtained from the Building Official therefor.
- E. An applicant for a public works permit pursuant to this Section 5-5B-7, shall pay fees to the City upon submittal of the application and in the amount established by resolution of the City Council. (Ord. 233, 2-11-91; 1994 Code)

5-5B-8: MAINTENANCE OF RIGHT-OF-WAY IMPROVEMENTS AND PUBLIC WORKS ON PRIVATE PROPERTY: The owner of property where a right-of-way improvement, including but not limited to a paved roadway, drain, dirt parkway, equestrian trail or hiking trail, is located, or where a public works, as that term is defined in Section 5-5B-7(A) of this Code, is located shall maintain the improvement or works in a clean condition, free of hazard to the safety of persons and property, in accordance with all conditions of the permit (if any) and approved plans (if any), and in accordance with the standard specifications described in Section 5-5B-7(B) of this Code and City standards. (Ord. 214, 11-21-88; 1994 Code)

5-5B-9: BOLT HOLES: Chapter 23, Division I, Section 2311.2.1 of the Building Code is added to read:

**"2311.2.1 Bolt holes.** Bolt holes shall be not more than 1/16 inch over sized at the connection of hold-downs to posts and shall be tightened a minimum of 1/2 turn beyond finger tight or as required by the manufacturer."

(Ord. 274U, 12-28-95)

5-5B-10: ROTATION IN WOOD FRAME BUILDINGS: Chapter 23, Division I, Section 2314.1 of the Building Code is amended to

read:

**"2314.1 General.** Lumber, wood structural panel and particleboard diaphragms may be used to resist horizontal forces in horizontal and vertical distributing or resisting elements, provided the deflection in the plane of the diaphragm, as determined by calculations, tests or analogies drawn therefrom, does not exceed the permissible deflection of attached distributing or resisting elements. See U.B.C. Standard 23-2 for a method of calculating the deflection of a blocked wood structural panel diaphragm.

Permissible deflection shall be that deflection up to which the diaphragm and any attached distributing or resisting element will maintain its structural integrity under assumed load conditions, i.e., continue to support assumed loads without danger to occupants of the structure.

Connections and anchorages capable of resisting the design forces shall be provided between the diaphragms and the resisting elements. Openings in diaphragms which materially affect their strength shall be fully detailed on the plans and shall have their edges adequately reinforced to transfer all shearing stresses.

Size and shape of diaphragms shall be limited as set forth in Table 23-I-I.

In masonry or concrete buildings, lumber buildings, and in all buildings in seismic zones 3 or 4, lumber or plywood diaphragms shall not be considered as transmitting lateral forces by rotation.

**EXCEPTIONS:** One-story, residential garages or similar nonhabitable, wood framed structures or portions of structures may be designed as transmitting rotational forces in all seismic zones.

In buildings of wood-frame construction where rotation is provided for, the depth of the diaphragm normal to the open side shall not exceed 25 feet (7620 mm) or two thirds the diaphragm width, whichever is the smaller depth. Straight sheathing shall not be permitted to resist shears in diaphragms acting in rotation.

**EXCEPTIONS:** 1. One-story, wood-framed structures with the depth normal to the open side not greater than 25 feet (7620 mm) may have a depth equal to the width.

2. Where calculations show that diaphragm deflections can be tolerated, the depth normal to the open end may be increased to depth-to-width ratio not greater than 1 1/2:1 for diagonal sheathing or 2:1 for

special diagonal sheathed or wood structural panel or particleboard diaphragms.

Diaphragm sheathing nails or other approved sheathing connectors shall be driven flush but shall not fracture the surface of the sheathing."

(Ord. 274U, 12-28-95)

5-5B-11: PLYWOOD DESIGN: Chapter 23, Division I, Tables 23-I-I and 23-I-K-1 of the Building Code are amended to read as follows:

(Ord. 274U, 12-28-95)

5-5B-12: STUCCO AND DRYWALL: Section 2513.4 and Table 25-I of the Building Code are amended to read:

**"2513.4 Height-to-Length Ratio.** The maximum allowable height-to-length ratio for the construction in this section shall be 1 or less."

(Ord. 274U, 12-28-95)

CHAPTER 5

BUILDING STANDARDS

ARTICLE C. PLUMBING CODE<sup>1</sup>

SECTION:

- 5-5C-1: Plumbing Code Adopted
- 5-5C-2: Administrative Provisions

5-5C-1: PLUMBING CODE ADOPTED: Except as hereinafter provided, the *California Plumbing Code, 1995 Edition* (Part 5, Title 24, California Code of Regulations), which incorporates and amends the *Uniform Plumbing Code, 1994 Edition* published by the International Association of Plumbing and Mechanical Officials, including the installation standards contained in Part V of the *Uniform Plumbing Code*, is hereby adopted by reference as the Plumbing Code of the City. A copy of the Plumbing Code of the City shall be maintained in the office of the City Clerk and shall be made available for public inspection while this Code is in force. (Ord. 252, 5-11-92, eff. 6-28-92; Ord. 274, 12-28-95)

5-5C-2: ADMINISTRATIVE PROVISIONS: The administrative provisions of the *California Plumbing Code, 1995 Edition*, contained in Chapter I of that Code, except Sections 101.1 and 101.2, are hereby deleted. The administrative provisions governing the Plumbing Code of the City shall be as set forth in Article G of this Chapter. Violation and penalty provisions shall be as set forth in Section 5-5A-3 of this Chapter. (Ord. 252, 5-11-92, eff. 6-28-92; Ord. 253, 6-8-92; Ord. 274U, 12-28-95)

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<sup>1</sup> See Section 5-5A-3 of this Chapter for penalty provisions.

CHAPTER 5

BUILDING STANDARDS

ARTICLE D. MECHANICAL CODE<sup>1</sup>

SECTION:

- 5-5D-1: Mechanical Code Adopted
- 5-5D-2: Administrative Provisions

5-5D-1: MECHANICAL CODE ADOPTED: Except as hereinafter provided, the *California Mechanical Code, 1995 Edition* (Part 5, Title 24, California Code of Regulations), which incorporates and amends the *Uniform Mechanical Code, 1994 Edition*, published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference as the Mechanical Code of the City. A copy of the Mechanical Code of the City shall be maintained in the office of the City Clerk and shall be made available for public inspection while this Code is in force. (Ord. 252, 5-11-92, eff. 6-28-92; Ord. 274U, 12-28-95)

5-5D-2: ADMINISTRATIVE PROVISIONS: The administrative provisions of the *California Mechanical Code, 1995 Edition*, contained in Chapter I, except Sections 101 and 102, are hereby deleted. The administrative provisions governing the Mechanical Code of the City shall be as set forth in Article G of this Chapter. Violation and penalty provisions shall be as set forth in Section 5-5A-3 of this Chapter. (Ord. 252, 5-11-92, eff. 6-28-92; Ord. 253, 6-8-92; Ord. 274U, 12-28-95)

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<sup>1</sup> See Section 5-5A-3 of this Chapter for penalty provision.

CHAPTER 5

BUILDING STANDARDS

ARTICLE E. ELECTRICAL CODE<sup>1</sup>

SECTION:

- 5-5E-1: Electrical Code Adopted
- 5-5E-2: Administrative Provisions

5-5E-1: ELECTRICAL CODE ADOPTED: Except as hereinafter provided, the *California Electrical Code, 1994 Edition* (Part 5, Title 24, California Code of Regulations), which incorporates and amends the *National Electric Code, 1993 Edition*, published by the National Fire Protection Association, is hereby adopted by reference as the Electrical Code of the City. A copy of the Electrical Code of the City shall be maintained in the office of the City Clerk and shall be made available for public inspection while this Code is in force. (Ord. 252, 5-11-92, eff. 6-28-92; Ord. 274U, 12-28-95)

5-5E-2: ADMINISTRATIVE PROVISIONS: The administrative provisions of the *California Electric Code, 1994 Edition*, contained in Article 089, except Sections 089-1 and 089-2, are hereby deleted. The administrative provisions governing the Electrical Code of the City shall be as set forth in Article G of this Chapter. Violation and penalty provisions shall be as set forth in Section 5-5A-3 of this Chapter. (Ord. 253, 6-8-92; Ord. 274U, 12-28-95; Ord. 274U, 12-28-95)

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<sup>1</sup> See Section 5-5A-3 of this Chapter for penalty provisions.

CHAPTER 5

BUILDING STANDARDS

ARTICLE F. HOUSING CODE<sup>1</sup>

SECTION:

- 5-5F-1: Housing Code Adopted
- 5-5F-2: Administrative Provisions
- 5-5F-3: Substandard Buildings

5-5F-1: HOUSING CODE ADOPTED: Except as hereinafter provided, the *Uniform Housing Code, 1994 Edition*, published by the International Conference of Building Officials, is hereby adopted by reference as the Housing Code of the City. A copy of the Housing Code of the City shall be maintained in the office of the City Clerk and shall be made available for public inspection while this Code is in force. (Ord. 253, 6-8-92; Ord. 274U, 12-28-95)

5-5F-2: ADMINISTRATIVE PROVISIONS: The administrative provisions of the *Uniform Housing Code, 1994 Edition*, contained in Chapters 1 and 2, except Sections 101 and 102, are hereby deleted. The administrative provisions governing the Housing Code of the City shall be as set forth in Article G of this Chapter. Violation and penalty provisions shall be as set forth in Section 5-5A-3 of this Chapter. (Ord. 253, 6-28-92; Ord. 274U, 12-28-95)

5-5F-3: SUBSTANDARD BUILDINGS: Chapter 10 of the Housing Code is amended to read as set forth in Section 17920.3 of the Health and Safety Code of the State of California. A copy of Section 17920.3 of the Health and Safety Code shall be maintained in the office of the City Clerk and shall be made available for public inspection while the Housing Code is in force. (Ord. 253, 6-28-92; Ord. 274U, 12-28-95)

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<sup>1</sup> See Section 5-5A-3 of this Chapter for penalty provisions.

CHAPTER 5

BUILDING STANDARDS

ARTICLE G. ADMINISTRATIVE CODE<sup>1</sup>

SECTION:

- 5-5G-1: Administrative Code Adopted
- 5-5G-2: Permit Fees
- 5-5G-3: Exceptions
- 5-5G-4: Liability

5-5G-1: ADMINISTRATIVE CODE ADOPTED: Except as hereinafter provided, the *Uniform Administrative Code, 1994 Edition*, published by the International Conference of Building Officials, is hereby adopted by reference as the Administrative Code of the City. A copy of the *Uniform Administrative Code, 1994 Edition*, shall be maintained in the office of the City Clerk and shall be made available for public inspection while this Code is in force. (Ord. 253, 6-28-92; Ord. 274U, 12-28-95)

5-5G-2: PERMIT FEES: Tables 3-A, 3-B, 3-C, 3-D, 3-E, 3-F, 3-G and 3-H of the Administrative Code are hereby amended to read as set forth in the most recent resolution of the City Council regarding fees for building, plumbing, mechanical, electrical, elevator and grading permits and plan reviews. (Ord. 253, 6-28-92; Ord. 274U, 12-28-95)

5-5G-3: EXCEPTIONS: Chapter 1, Section 102.2 of the Administrative Code is amended by adding exceptions 1 and 2 at the end of the Section to read:

"EXCEPTIONS: 1. When additions, alterations or repairs within any 12 month period exceed 25% of the area of the existing building or structure, the entire roof covering shall be made to conform to the requirements of a new building or structure.

2. When additions, alterations or repairs do not exceed 25% of the area of the existing building or structure and the existing building or structure has an ordinary roof covering

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<sup>1</sup> See Section 5-5A-3 of this Chapter for penalty provisions.

consisting of wood shingles or wood shakes, the new roof covering may consist of any system of wood shingles or shakes having a Class B rating complying with UBC Standard No. 15-2."

(Ord. 254, 6-8-92; Ord. 274U, 12-28-95)

5-5G-4: LIABILITY: Chapter 2, Section 202.9 of the Administrative Code is amended to read:

**"202.9 Liability.** The Building Official, or his or her authorized representative, charged with the enforcement of this Code and the technical codes, acting in good faith and without malice in the discharge of his or her duties, shall not thereby render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of his or her duties. Any suit brought against the Building Official, or his or her authorized representative, because of such act or omission performed in the enforcement of any provision of such Codes or other pertinent laws or ordinances implemented through the enforcement of this Code or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by this jurisdiction.

The provisions of this Section shall apply if the Building Official, or his or her authorized representative, is an employee of the City and shall also apply if the Building Official, or his or her authorized representative, is acting under contract as an agent of the City.

Such Codes shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building, structure or building service equipment therein for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this Code."

(Ord. 253, 6-28-92; Ord. 274U, 12-28-95)

CHAPTER 5

BUILDING STANDARDS

ARTICLE H. DANGEROUS BUILDINGS CODE<sup>1</sup>

SECTION:

- 5-5H-1: Dangerous Buildings Code Adopted
- 5-5H-2: Administrative Provisions

5-5H-1: DANGEROUS BUILDINGS CODE ADOPTED. Except as hereinafter provided, the *Uniform Code for the Abatement of Dangerous Buildings, 1994 Edition*, published by the International Conference of Building Officials, is hereby adopted by reference as the Dangerous Buildings Code of the City. A copy of the Dangerous Buildings Code of the City shall be maintained in the office of the City Clerk and shall be made available for public inspection while the Code is in force. (Ord. 274U, 12-28-95)

5-5H-2: ADMINISTRATIVE PROVISIONS. The administrative provisions of the *Uniform Code for the Abatement of Dangerous Buildings, 1994 Edition*, contained in Chapters 1 and 2, except Sections 101 and 102, are hereby deleted. The administrative provisions governing the Dangerous Buildings Code of the City shall be as set forth in Article G of this Chapter. Violation and penalty provisions shall be as set forth in Section 5-5A-3 of this Chapter. (Ord. 274U, 12-28-95)

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<sup>1</sup> See Section 5-5A-3 of this Chapter for penalty provisions.

CHAPTER 6

TRANSPORTATION DEMAND MANAGEMENT

SECTION:

- 5-6-1: Definitions
- 5-6-2: Review of Transit Impacts
- 5-6-3: Transportation Demand and Trip  
Reduction Measures
- 5-6-4: Enforcement and Monitoring
- 5-6-5: Penalty

5-6-1: DEFINITIONS: Unless the context clearly requires otherwise, the following words or phrases shall have the following meanings when used in this Chapter:

ALTERNATIVE TRANSPORTATION: The use of modes of transportation other than the single passenger motor vehicle, including but not limited to carpools, vanpools, buspools, public transit, walking and bicycling.

APPLICABLE DEVELOPMENT: Any development project that is determined to meet or exceed the project size threshold criteria contained in Section 5-6-3 of this Chapter.

BUSPOOL: A vehicle carrying sixteen (16) or more passengers commuting on a regular basis to and from work with a fixed route, according to a fixed schedule.

CARPOOL: A vehicle carrying two (2) to six (6) persons commuting together to and from work on a regular basis.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA): Public Resources Code Section 21000 et seq.

DEVELOPER: The builder who is responsible for the planning, design and construction of an applicable development project. A developer may be responsible for implementing the provisions of this Chapter as determined by the property owner.

DEVELOPMENT: The construction or addition of new building square footage. Additions to buildings which existed prior to the adoption of this Chapter and which exceed the thresholds defined in Section 5-6-3 of this Chapter shall comply with the applicable requirements but shall not be added cumulatively with existing square footage; existing square footage shall be exempt from these requirements. All calculations shall be based on gross square footage.

EMPLOYEE PARKING AREA: The portion of total required parking at a development used by onsite employees. Except as otherwise specified in this Chapter, employee parking shall be calculated as follows:

<u>Type of Use</u>	<u>Percent of Total Required Parking Devoted to Employees</u>
Commercial	30%
Office/Professional	85%
Industrial/Manufacturing	90%

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

PROPERTY OWNER: The legal owner of a development who occupies a site or serves as the lessor to a tenant. The property owner shall be responsible for complying with the provisions of this Chapter either directly or by delegating such responsibility as appropriate to a tenant and/or an agent of the property owner or the tenant.

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD): The regional authority appointed by the California State Legislature to meet Federal standards and otherwise improve air quality in the South Coast Air Basin (the non-desert portions of Los Angeles, Orange, Riverside and San Bernardino Counties).

TENANT: The lessee of facility space at an applicable development project.

TRANSPORTATION DEMAND MANAGEMENT (TDM): The alteration of travel behavior -- usually on the part of commuters through programs of incentives, services and policies. TDM addresses alternatives to single occupant vehicles such as carpooling and vanpooling, and changes in work schedules that move trips out of the peak period or eliminate them altogether (as is the case in telecommuting or compressed work weeks).

TRIP REDUCTION: Reduction in the number of work-related trips made by single occupant vehicles.

VANPOOL: A vehicle carrying seven (7) or more persons commuting together to and from work on a regular basis, usually in a vehicle with a seating arrangement designed to carry seven (7) to fifteen (15) adult passengers, and on a prepaid subscription basis.

VEHICLE: Any motorized form of transportation, including but not limited to automobiles, vans, buses and motorcycles. (Ord. 265, 3-22-93)

5-6-2: REVIEW OF TRANSIT IMPACTS:

- A. Prior to approval of any development project for which an environmental impact report (EIR) will be prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) or based on a local determination that compliance with this Chapter is otherwise appropriate, regional and Municipal fixed-route transit operators providing service to the project shall be identified and consulted with. Projects for which a notice of preparation (NOP) for a draft EIR has been circulated pursuant to the provisions of CEQA prior to the effective date of this Chapter shall be exempted from its provisions. The "transit impact review worksheet," contained in the Los Angeles County Congestion Management Program Manual, or similar worksheets, shall be used in assessing impacts. Pursuant to the provisions of CEQA, transit operators shall be sent an NOP for all contemplated EIRs and shall, as part of the NOP process, be given opportunity to comment on the impacts of the project, to identify recommended transit service or capital improvements which may be required as a result of the project, and to recommend mitigation measures which minimize automobile trips on the CMP network. Impacts and recommended mitigation measures identified by the transit operator shall be evaluated in the draft environmental impact report prepared for the project. Related mitigation measures adopted shall be monitored through the mitigation monitoring requirements of CEQA.
- B. Phased development projects, development projects subject to a development agreement, or development projects requiring subsequent approvals need not repeat this process as long as no significant changes are made to the project. It shall remain the discretion of the lead agency to determine when a project is substantially the same and therefore covered by a previously certified EIR. (Ord. 265, 3-22-93)

5-6-3: TRANSPORTATION DEMAND AND TRIP REDUCTION MEASURES:

A. Applicability of Requirements:

1. Prior to approval of any development project, the applicant shall make provision for, as a minimum, all of the following applicable transportation demand

management and trip reduction measures.

2. This Chapter shall not apply to projects for which a development application has been deemed "complete" by the City pursuant to Government Code Section 65943, or for which a notice of preparation for a DEIR has been circulated, or for which an application for a building permit has been received, prior to the effective date of this Chapter.

3. All facilities and improvements constructed or otherwise required shall be maintained in a state of good repair.

B. Development Standards:

1. Nonresidential development of twenty five thousand (25,000) square feet or more shall provide the following to the satisfaction of the City:

a. A bulletin board, display case or kiosk displaying transportation information located where the greatest number of employees are likely to see it. Information in the area shall include, but is not limited to, the following:

(1) Current maps, routes and schedules for public transit routes serving the site;

(2) Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operators;

(3) Ridesharing promotional material supplied by commuter-oriented organizations;

(4) Bicycle route and facility information, including regional/local bicycle maps and bicycle safety information;

(5) A listing of facilities available for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians at the site.

2. Nonresidential development of fifty thousand (50,000) square feet or more shall comply with subsection Bla above, and shall provide all of the following measures to the satisfaction of the City:

a. Not less than ten percent (10%) of the employee parking area shall be located as close as is practical to the employee entrance(s), and shall be reserved for use by potential carpool/ vanpool vehicles, without

displacing handicapped and customer parking needs. This preferential carpool/vanpool parking area shall be identified on the site plan upon application for building permit, to the satisfaction of City. A statement that preferential carpool/ vanpool spaces for employees are available and a description of the method for obtaining such spaces must be included on the required transportation information board. Spaces will be signed/striped as demand warrants; provided, that at all times at least one space for projects of fifty thousand (50,000) square feet to one hundred thousand (100,000) square feet and two (2) spaces for projects over one hundred thousand (100,000) square feet will be signed/striped for carpool/ vanpool vehicles.

b. Preferential parking spaces reserved for vanpools must be accessible to vanpool vehicles. When located within a parking structure, a minimum vertical interior clearance of seven feet two inches (7'2") shall be provided for those spaces and accessways to be used by such vehicles. Adequate turning radii and parking space dimensions shall also be included in vanpool parking areas.

c. Bicycle racks or other secure bicycle parking shall be provided to accommodate four (4) bicycles per the first fifty thousand (50,000) square feet of nonresidential development and one bicycle per each additional fifty thousand (50,000) square feet of nonresidential development. Calculations which result in a fraction of one-half (0.5) or higher shall be rounded up to the nearest whole number. A bicycle parking facility may also be a fully enclosed space or locker accessible only to the owner or operator of the bicycle, which protects the bike from inclement weather. Specific facilities and location (e.g., provision of racks, lockers or locked room) shall be to the satisfaction of the City.

3. Nonresidential development of one hundred thousand (100,000) square feet or more shall comply with subsections B1 and B2 above, and shall provide all of the following measures to the satisfaction of the City:

a. A safe and convenient zone in which vanpool and carpool vehicles may deliver or board their passengers.

b. Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development.

c. If determined necessary by the City to mitigate the project impact, bus stop improvements must be provided. The City will consult with the local bus

service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, entrances must be designed to provide safe and efficient access to nearby transit stations/stops.

d. Safe and convenient access from the external circulation system to bicycle parking facilities onsite. (Ord. 265, 3-22-93)

5-6-4: ENFORCEMENT AND MONITORING:

- A. No building permit, certificate of occupancy or other entitlement for use may issue pursuant to the ordinances of the City unless an appropriate officer of the City determines that the development project for which the permit is sought fully complies with the requirements of this Chapter.
- B. If during the construction of a development it comes to the attention of the Building Official of the City that construction is deviating from the plans approved by the City in a manner that will result in a failure to comply with the requirements of this Chapter, the Building Official shall authorize the issuance of one or more stop work orders pursuant to the ordinances of the City.
- C. The provisions of this Chapter may be enforced by any other means permitted by the ordinances of the City or by other law. (Ord. 265, 3-22-93)

5-6-5: PENALTY: A violation of the provisions of this Chapter shall be punishable as set forth in Section 1-5-1 of this Code or by resort to any other remedy provided by law. (Ord. 265, 3-22-93; 1994 Code)

CHAPTER 7

UNDERGROUND UTILITIES

SECTION:

- 5-7-1: Definitions
- 5-7-2: Underground Utility District  
Designated
- 5-7-3: Declaration of Underground Utility  
District by Resolution
- 5-7-4: Notice to Property Owners and  
Utility Companies
- 5-7-5: Responsibility of Utility Companies
- 5-7-6: Responsibility of Property Owners
- 5-7-7: Responsibility of City
- 5-7-8: Extension of Time
- 5-7-9: Unlawful Acts
- 5-7-10: Exceptions from Provisions
- 5-7-11: Violation and Penalties

5-7-1: DEFINITIONS: Whenever, in this Chapter, the following words or phrases are used, they shall have the meanings assigned to them as follows:

COMMISSION: The Public Utilities Commission of the State of California.

PERSON: Means and includes individuals, firms, corporations, partnerships and their agents and employees.

POLES, OVERHEAD WIRES AND ASSOCIATED OVERHEAD STRUCTURES: Poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located aboveground within a district and used or useful in supplying electric, communication or similar or associated service.

UNDERGROUND UTILITY DISTRICT or DISTRICT: An area in the City which is described in a resolution adopted pursuant to the provisions hereof, within which poles, overhead wires and associated overhead structures are prohibited.

UTILITY: All persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices. (Ord. 68, 7-2-68)

5-7-2: UNDERGROUND UTILITY DISTRICT DESIGNATED:

- A. Determination of Necessity: The Council may, from time to time, call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the City and the underground installation of wires and facilities for supplying electric, communication or similar or associated service.
- B. Report: Prior to holding such public hearing, the Building Official shall consult all affected utilities and shall prepare a report for submission at such hearing containing, among other information, the extent of such utilities' participation and estimates of the total costs to the City and affected property owners. Such report shall also contain such underground installation and removal of overhead facilities.
- C. Notification of Affected Parties: The City Clerk shall notify all affected property owners as shown on the last equalized assessment roll and utilities concerned, by mail, of the time and place of such hearings at least ten (10) days prior to the date thereof.
- D. Hearing Open to Public: Each such hearing shall be open to the public and may be continued from time to time. At each such hearing, all persons interested shall be given an opportunity to be heard.
- E. Decision of Council is Final: The decision of the Council shall be final and conclusive. (Ord. 68, 7-2-68)

5-7-3: DECLARATION OF UNDERGROUND UTILITY DISTRICT BY RESOLUTION: If, after any such public hearing the Council finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the Council shall, by resolution, declare such designated area an underground utility district and order such removal and underground installation. Such resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby. (Ord. 68, 7-2-68)

5-7-4: NOTICE TO PROPERTY OWNERS AND UTILITY COMPANIES:

- A. Within ten (10) days after the effective date of a resolution adopted pursuant to Section 5-7-3 hereof, the City Clerk shall notify all affected utilities and all persons owning real property within the district created by said resolution of the adoption thereof. The City Clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desires to continue to receive electric, communication or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to the applicable rules, regulations and tariffs of the respective utility or utilities, on file with the Commission.
- B. Notification by the City Clerk shall be made by mailing a copy of the resolution adopted pursuant to Section 5-7-3 hereof, together with a copy of this Chapter, to affected property owners as such as shown on the last equalized assessment roll and to the affected utilities.  
(Ord. 68, 7-2-68)

5-7-5: RESPONSIBILITY OF UTILITY COMPANIES: If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to Section 5-7-3 hereof, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the Commission. (Ord. 68, 7-2-68)

5-7-6: RESPONSIBILITY OF PROPERTY OWNERS:

- A. Connection to New Facilities: Every person owning, operating, leasing, occupying or renting a building or structure within a district shall construct and provide that portion of the service connection on his property between the facilities referred to in Section 5-7-5 of this Chapter and the termination facility on or within said building or structure being served, all in accordance with the applicable rules, regulations and tariffs of the respective utility or utilities, on file with the Commission.
- B. Failure to Comply: In the event any person owning, operating, leasing, occupying or renting said property does not comply with the provisions of subsection A within the time provided for in the resolution enacted pursuant to Section 5-7-3 hereof, the Building Official

shall post written notice on the property being served and, thirty (30) days thereafter, may authorize the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property. (Ord. 68, 7-2-68)

5-7-7: RESPONSIBILITY OF CITY: The City shall remove, at its own expense, all City-owned equipment from all poles required to be removed hereunder in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to Section 5-7-3 hereof. (Ord. 68, 7-2-68)

5-7-8: EXTENSION OF TIME: In the event that any act required by this Chapter or by a resolution adopted pursuant to Section 5-7-3 hereof cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation. (Ord. 68, 7-2-68)

5-7-9: UNLAWFUL ACTS: Whenever the Council creates an underground utility district and orders the removal of poles, overhead wires and associated overhead structures therein as provided in Section 5-7-3 hereof, it shall be unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the district after the date when said overhead facilities are required to be removed by such resolution, except as said overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in Section 5-7-6 hereof, and for such reasonable time required to remove said facilities after said work has been performed, and except as otherwise provided in this Chapter. (Ord. 68, 7-2-68)

5-7-10: EXCEPTIONS FROM PROVISIONS:

A. Emergency or Unusual Circumstances: Notwithstanding the provisions of this Chapter, poles, overhead facilities and associated overhead structures may be installed and maintained in a district, with the approval of the Mayor, in order to provide emergency or temporary service.

B. Other Exceptions: Any resolution adopted pursuant to

Section 5-7-3 hereof shall not, unless otherwise provided in such resolution, apply to any of the following types of facilities:

1. Any Municipal facilities or equipment installed under the supervision and to the satisfaction of the Building Official.

2. Poles or electroliers used exclusively for street lighting.

3. Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wires have been prohibited or connecting to buildings on the perimeter of a district when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited.

4. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of thirty four thousand five hundred (34,500) volts.

5. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the building or to an adjacent building without crossing any public street.

6. Antennas, associated equipment and supporting structures used by a utility for furnishing communication services.

7. Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets and concealed ducts.

8. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects. (Ord. 68, 7-2-68)

5-7-11: VIOLATION AND PENALTIES: It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Chapter. Any person violating any provision of this Chapter or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable as provided in Section 1-5-1 of this Code. Each such person shall be deemed guilty of a separate offense for each day during any portion of which any violation of any of the provisions of this Chapter is committed, continued or permitted by such person and shall be punishable therefor as provided for in this Chapter. (Ord. 68, 7-2-68; 1994 Code)

CHAPTER 8

TREE PRESERVATION

SECTION:

- 5-8-1: Intent and Purpose
- 5-8-2: Scope of Provisions
- 5-8-3: Definitions
- 5-8-4: Removal or Damage of Designated  
Trees Restricted
- 5-8-5: Tree Removal/Preservation Permit
- 5-8-6: Exemptions from Provisions
- 5-8-7: Procedures for Establishing Values  
of Trees
- 5-8-8: Appeals
- 5-8-9: Violation and Penalties

5-8-1: INTENT AND PURPOSE: The City Council hereby finds, determines and declares that proper and necessary steps must be taken immediately to protect and preserve, to the greatest extent possible, native oak trees and designated historic trees, especially where those trees are associated with proposals for urban development, in order to protect the health, safety or welfare of the citizens of the City. (Ord. 164, 2-2-85)

5-8-2: SCOPE OF PROVISIONS: The provisions of this Chapter shall apply to all native oak trees and designated historic trees in all cases, but primarily where those trees are associated with proposals for urban development, on all public or private property within the limits of the City, except as specified herein. (Ord. 164, 2-2-85)

5-8-3: DEFINITIONS: For the purpose of this Chapter, certain words and phrases used herein shall be defined as follows:

ASSOCIATED WITH A PROPOSAL FOR URBAN DEVELOPMENT: Any land area for which an application is pending before the City for a grading or building permit or for which an application has been approved when the rights described in the permit have not vested.

DAMAGE: Includes any act causing injury to the root system or other parts of a tree, such as burning, application of toxic substances, operation of equipment or machinery or by paving, changing the natural grade, trenching or excavating inside or

within five feet (5') of the drip line.

**HISTORIC TREE:** A living tree designated by resolution of the City Council as a historic tree because of an association with some event or person of historical significance to the community or because of special recognition due to size, condition or aesthetic qualities. In addition, the following shall be automatically deemed "historic trees":

- A. All trees in the City other than parkway trees, as defined in subsection B below, which are thirty six inches (36") or more in circumference (11.46 inches in diameter) as measured two feet (2') above the mean natural grade or, in the case of a tree with more than one trunk, whose combined circumference of any two (2) trunks is fifty four inches (54") or more as measured from two feet (2') above the mean natural grade; and
- B. All parkway trees in the City which are twelve and one-half inches (12.5") or more in circumference (4 inches in diameter) as measured two feet (2') above the mean natural grade or, in the case of a tree with more than one trunk, whose combined circumference of any two (2) trunks is eighteen inches (18") or more (6 inches in diameter) as measured from two feet (2') above the mean natural grade. A "parkway tree" is defined as any tree within a distance of fifteen feet (15') of the nearest edge of the paved portion of any existing street or roadway used for vehicular purposes and maintained by the Hidden Hills Community Association.

**LOT:** An area of land created or established for purposes of sale, lease, finance, division of interest or separate use, separated from other lands by description on a subdivision map, parcel map or certificate of compliance.

**NATIVE OAK TREE:** A living tree of the genus *Quercus* and species *lobata*, *agrifolia*, *dumosa* or California native hybrids thereof. A "native oak tree" which is twelve and five-tenths inches (12.5") or more in circumference (4 inches in diameter) for a single trunk tree or, in the case of an oak with more than one trunk, whose combined trunks equal at least eighteen and eight-tenths inches (18.8") or more in circumference (6 inches in diameter) as measured four and one-half feet (4<sup>1</sup>/<sub>2</sub>') above mean natural grade, shall be covered within this Chapter. (Ord. 260, 1-25-93)

**5-8-4: REMOVAL OR DAMAGE OF DESIGNATED TREES RESTRICTED:** No native oak tree or historic tree shall be trimmed, cut back, removed, cut down or otherwise damaged, nor shall any grading or construction activities occur inside of or within five feet (5') of the drip line of any such trees, except pursuant to a tree removal/ preservation permit, as described

herein. (Ord. 164, 2-2-85)

5-8-5: TREE REMOVAL/PRESERVATION PERMIT:

A. Permit and Fee Established: The Planning Director shall establish the format and information required for a tree removal/preservation permit consistent with this Title. The City Council shall establish a fee to offset the City's costs in processing this permit.<sup>1</sup>

B. Inspection of Premises: Prior to the issuance of such permit, the Planning Director or his designated representative shall, at the applicant's expense, engage a qualified tree specialist to inspect the premises involved and to designate the trees to be trimmed, removed or moved, along with any specific measures which must be followed in order to protect any trees to be affected by the proposed project.

C. Tree Removal Criteria:

1. No tree permit shall be issued for the removal of any tree on any lot associated with a proposal for urban development unless the project has been otherwise approved by the City and a grading permit therefor, if applicable to the project, has been issued or unless the Planning Director or his designee determines that the immediate removal of the tree is required because the condition of the tree with respect to disease, danger of collapse of all or any portion of the tree, proximity to an existing structure or interference with utility services. (Ord. 164, 2-2-85)

2. In cases involving the removal of a native oak tree or an historic tree, no tree permit shall be granted without the prior approval of the City Council. (Ord. 260, 1-25-93)

D. Standards for Granting or Denying Permit:

1. The determination by the Planning Director or his designee shall be based on information submitted by the applicant, including a report by a qualified tree specialist, that the following facts are true:

a. That the proposed construction, activity or use will be accomplished without endangering the health of the remaining trees, if any, on the subject property; and

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<sup>1</sup> See Title 2, Chapter 1 of this Code for collection procedures.

b. That the removal, modification or relocation of the mature tree, as proposed, will not result in soil erosion through the diversion or flow of surface waters which cannot be satisfactorily mitigated.

c. In addition to the above facts, at least one of the following findings shall also be established:

(1) That the removal, modification or relocation of the mature tree is necessary, since the continued existence of the trees at the present location frustrates the planned development or use of the subject property to such an extent that:

(A) Alternative development plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive; or

(B) The existing location of such trees precludes reasonable and efficient use of such property for a use otherwise authorized; or

(2) That the trees proposed for removal, modification or relocation interfere with utility services or streets and highways, either within or outside of the subject property, and no reasonable alternative to such interference exists other than the proposed removal, modification or relocation; or

(3) That the condition of the trees proposed for removal, modification or relocation, with reference to seriously debilitating disease or danger of falling, is such that it cannot be remedied through reasonable preservation procedures and practices. (Ord. 164, 2-2-85)

2. The Planning Director shall give priority to inspection of those requests based upon hazardous conditions. The Director may refer any application to the City Council for determination, in which case, the Council shall also establish the facts and findings listed above. (Ord. 164, 2-2-85; 1994 Code)

E. Conditions Associated with Issuance of Permit: The Director or City Council, in approving an application for a tree removal/preservation permit, may impose such conditions as are deemed necessary to insure that the permit will be in accord with the findings required by subsection D of this Section. These conditions may involve, but are not limited to, the following:

1. The replacement of trees proposed for removal or

relocation with trees of a suitable type, size, number, location and date of planting. In determining whether replacement should be required, the Director or Commission shall consider but is not limited to the following factors:

a. The vegetative character of the surrounding area.

b. The number of trees subject to this Chapter which are proposed to be removed in relation to the number of such trees currently existing on the subject property.

c. The anticipated effectiveness of the replacement of trees, as determined by the tree report submitted by the applicant and evaluated by the Planning Director.

d. The development plans submitted by the applicant for the proposed construction or the proposed use of the subject property.

e. The relocation of trees approved for removal shall not be deemed a mitigating factor in determining the need for replacement trees.

f. If replacement is required, and the Director or City Council does not specify substitution as provided herein, such replacement shall consist of at least four (4) trees of the genus for each tree removed. Each replacement tree shall be at least a twenty four inch (24") box or larger, specimen in size, unless otherwise specified.

g. A bond shall be posted to the satisfaction of the City to guarantee the survival of the trees to be replaced or relocated for a period of three (3) years from the date that such trees are replaced.

h. In no case shall an applicant for a tree permit be required to replace or otherwise pay for the value of any trees which the City or other public agency or authorized public official has directed the applicant to remove so that a public street may be constructed or interference with a utility line may be avoided or a hazardous situation abated.

2. A plan for protecting oak trees and historic trees on the subject property during and after development such as, but not limited to, the following requirements:

a. Until development is completed, the installation of chain-link fencing not less than four feet (4') in height around the drip lines of trees shown on the site

plan.

b. The requirement that the applicant provide an individual with special expertise acceptable to the Planning Director to supervise all excavation or grading proposed within drip lines.

c. The requirement that any excavation or grading allowed inside or within five feet (5') of the drip line of a tree be limited to hand tools or small hand-powered equipment.

d. The requirement that trees on other portions of the subject property not included within the site plan also be protected by restricting storage, machinery storage or access during construction.

e. The requirement that the trees identified on the site plan be physically identified by number as designated on such plan in a manner acceptable to the Director.

f. The requirement that corrective measures for trees noted on the tree report as requiring remedial action be taken, including pest control, pruning, fertilizing and similar actions. (Ord. 260, 1-25-93)

5-8-6: EXEMPTIONS FROM PROVISIONS: The following are exempt from the provisions of this Chapter:

- A. Emergency: Cases of emergency where the Planning Director, his designee or any member of a law enforcement agency or the Los Angeles County Fire Protection District, in the performance of his duties, determines that a tree poses an imminent threat to the public safety or general welfare. If conditions and circumstances permit, the public official shall consult with the Planning Director or his designee prior to ordering the removal of any mature tree.
- B. Line of Sight Restrictions: Removal or relocation of trees necessary to obtain adequate line-of-sight distances as required by the City Traffic Engineer.
- C. Damaging Trees: Removal of street trees from within the public right of way which, in the opinion of the Building Official or his designee, will cause damage to existing public improvements.
- D. Power or Communication Line Interference: Actions taken for the protection of existing electrical power or communication lines or other property of a public utility.

- E. Nursery Trees: Trees planted, grown and/or held for sale by licensed nurseries or the removal, maintenance or transplanting of same pursuant to, and as a part of, the operation of a licensed nursery business.
- F. Normal Pruning and Trimming: This Section shall not preclude ordinary pruning or trimming not associated with a proposal for urban development, which does not endanger the life of the tree. (Ord. 164, 2-2-85)

5-8-7: PROCEDURES FOR ESTABLISHING VALUES OF TREES: As specified in subsections 5-8-5E1 and E2 of this Chapter, the Planning Director or his designee may condition a tree removal/preservation permit for replacement of the certain trees. Replacement value shall be established using one or more of the following procedures:

- A. Use of the Guide: Replacement value shall be based upon the most recent edition of the *Guide for Establishing Values of Trees, and Other Plants* prepared by the Council of Tree Landscape Appraisers;
- B. Planning Director's Estimate: If mutually agreed upon by the applicant for the tree removal/preservation permit and the Planning Director, the Planning Director or his designee may prepare an estimate of the value of the certain trees; and/or
- C. Appraisal: The applicant for a tree removal/preservation permit may submit an appraisal prepared by a horticulturist, arborist or licensed landscape architect. (Ord. 164, 2-2-85; 1994 Code)

5-8-8: APPEALS: Decisions of the Planning Director may be appealed to the City Council within fifteen (15) days of the Director's action. (Ord. 164, 2-2-85; 1994 Code)

5-8-9: VIOLATION AND PENALTIES:

- A. No person shall violate any provisions or fail to comply with any of the requirements of this Chapter. Any person violating any of the provisions or failing to comply with any of the requirements of this Chapter or violating a condition of a tree permit granted under authority of this Chapter shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this Chapter shall be punishable as set forth in Section 1-5-1 of this Code. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any

provision of this Chapter is committed, continued or permitted by such person and shall be punishable accordingly.

- B. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Chapter shall be deemed a nuisance and may be, by this City, summarily abated as such, and every day such condition continues shall be regarded as a new and separate offense. (Ord. 260, 1-25-93; 1994 Code)

CHAPTER 9

FLOOD PLAIN MANAGEMENT

SECTION:

- 5-9-1: Purpose and Scope
- 5-9-2: Definitions
- 5-9-3: Establishment of Zones
- 5-9-4: Compliance With Provisions;  
Violation Declared Misdemeanor
- 5-9-5: Development Permits
- 5-9-6: Administration of Provisions
- 5-9-7: Standards of Construction
- 5-9-8: Standards for Utilities
- 5-9-9: Standards for Subdivisions
- 5-9-10: Standards for Manufactured Homes
- 5-9-11: Floodways
- 5-9-12: Mud Slide Areas
- 5-9-13: Flood-Related Erosion-Prone Areas
- 5-9-14: Conditions for Variances
- 5-9-15: Appeals
- 5-9-16: Effective Date

5-9-1: PURPOSE AND SCOPE: This Chapter is enacted to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding;
- D. Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- E. Help maintain a stable tax base by providing for the second use and development of areas of special flood hazards so as to minimize future flood slide areas;
- F. Insure that potential buyers are notified that property is in the area of special flood hazard; and
- G. Insure that those who occupy areas of special flood

hazard assume responsibility for their actions. (Ord. 198, 8-3-87)

5-9-2: DEFINITIONS: For purposes of this Chapter, unless otherwise apparent from context, certain words and phrases are defined as follows:

APPEAL: A request for a review of the Flood Plain Administrator's interpretation of any provision of this Chapter or a request for a variance.

AREA OF SHALLOW FLOODING: A designated AO, AH or VO Zone on the Flood Insurance Rate Map (FIRM). The flood plains depth ranges from one to three feet (1' - 3'); a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and the velocity flow may be evident.

AREA OF SPECIAL FLOOD - RELATED EROSION HAZARD: An area subject to severe flood-related erosion losses. This area is designated Zone E on the FIRM.

AREA OF SPECIAL FLOOD HAZARD or SPECIAL FLOOD HAZARD AREA (SFHA): An area having special flood or flood-related erosion hazards and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, VO, V1-V30, VE or V.

AREA OF SPECIAL MUD SLIDE HAZARD: The area subject to severe mud slides. The area is designated as Zone M on the FIRM.

BASE FLOOD: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

BASEMENT: Any area of a building having its floor subgrade below ground level on all sides.

BREAKAWAY WALLS: Any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material, which is not part of a structure or the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters.

A breakaway wall shall have a safe design loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. The use of break away walls must be certified by a registered engineer or architect and shall meet the following conditions:

- A. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

B. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of a base flood.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

FLOOD or FLOODING: A general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of flood waters, the unusual and rapid accumulation of runoff surface waters from any source and/or the collapse or subsidence of land along the shore of the lake or other body of water as a result of erosion or undermining caused by wave or currents of water exceeding anticipated cyclical levels or suddenly caused by unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as flash floods or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.

FLOOD BOUNDARY AND FLOODWAY MAP: The official map on which the Federal Emergency Management Agency or Federal Insurance Agency has delineated both the areas of flood hazard and the floodway.

FLOOD INSURANCE RATE MAP (FIRM): The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the Flood Insurance Administration and includes flood profiles, the FIRM, the Flood Boundary and Floodway Map and the water service elevation of the base flood.

FLOOD PLAIN or FLOOD-PRONE AREA: Any land susceptible to being inundated by water from any source.

FLOOD PLAIN MANAGEMENT: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and flood plain management regulations.

FLOOD PLAIN MANAGEMENT REGULATIONS: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances and other, applications of police power. The term describes such State or local regulations in combination thereof which provide standards for the purpose of flood damage, prevention and reduction.

**FLOOD PROOFING:** Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damaged real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1'). The floodway is delineated on the Flood Boundary Floodway Map.

**FUNCTIONALLY DEPENDENT USE:** A use which cannot be performed in its intended purpose unless it is located or carried out in close proximity to water. Then the term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers and ship building and ship repair facilities but does not include long term storage or related manufacturing facilities.

**HIGHEST ADJACENT GRADE:** The natural elevation of the ground surface prior to construction next to the proposed walls of the structure.

**LOWEST FLOOR:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this Chapter.

**MANUFACTURED HOME:** Meaning is set forth in the Health and Safety Code; provided, "manufactured" includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

**MANUFACTURED HOME PARK OR SUBDIVISION:** Shall have the meaning set forth in the Health and Safety Code.

**MEAN SEA LEVEL:** The National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which flood base elevations shown on the City's FIRM are referenced.

**NEW CONSTRUCTION:** Structures for which the start of construction commenced on or after the effective date of a flood plain management plan adopted by the City.

**100-YEAR FLOOD:** A flood which has one percent (1%) annual probability of being equaled or exceeded. This term is identical to the term base flood.

**REMEDY OF VIOLATION:** To bring a structure or other development

into compliance with State or local flood plain management regulations or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this Chapter or otherwise deterring similar future violations or reducing Federal financial exposure with regard to the structure or other development.

RIVER LINE: Relating to, formed by or resembling a river, including tributaries, streams, brooks and so forth.

SAND DUNE: Naturally occurring accumulation of sand in ridges or mounds landward of a beach.

START OF CONSTRUCTION: The date a building permit is issued; provided, the actual construction, repair, reconstruction, placement or other improvement is within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a slab on a site, such as the pouring of a slab or footings, the installation of pilings, the construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and walkways, nor does it include excavation for a basement, footings, pilings or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structures.

STRUCTURE: A walled and roofed building, including the gas or liquid storage tank, that is principally above ground as well as a manufactured home.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

- A. Before the improvement or repair is started; or
- B. If the structure has been damaged and is being restored before the damage occurred.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not include either:

- A. Any project for the improvement of the structure to

comply with the existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

- B. Any alteration of a structure listed on the National Register of Historic Places or a California Inventory of Historic Places.

VARIANCE: A grant of relief from the requirements of this Chapter which permits construction in a manner which would otherwise be prohibited by this Chapter.

VIOLATION: The failure of a structure or other development to fully comply with this Chapter. A structure or other development without the elevation certificate or other certifications or other evidence of compliance required in this Chapter is presumed to be in violation until such time as that documentation is provided. (Ord. 198, 8-3-87)

5-9-3: ESTABLISHMENT OF ZONES: The areas of special flood hazard, areas of flood hazard, areas of flood related-erosion hazards and areas of mud slide (i.e., mudflow) hazards shall be identified by the Federal Emergency Management Agency or the Federal Insurance Administration in a scientific and engineering report entitled *Flood Insurance Study for the City*, with an accompanying Flood Insurance Rate Map. Such a report and map shall be adopted by reference and declared to be a part of this Chapter. The Flood Insurance Study will be the minimum area of applicability of this Chapter and may be supplemented by studies for other areas which allow implementation of this Chapter and which are recommended to the Council by the Flood Plain Administrator. (Ord. 198, 8-3-87)

5-9-4: COMPLIANCE WITH PROVISIONS; VIOLATION DECLARED MISDEMEANOR: No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the provisions of this Chapter and other applicable regulations. Violations of the provisions of this Chapter by failure to comply with any of its requirements shall constitute a misdemeanor. Nothing herein shall prevent the Council from taking such lawful action as is necessary to prevent or remedy any violation. (Ord. 198, 8-3-87)

5-9-5: DEVELOPMENT PERMITS:

- A. Permit Required: A development permit shall be obtained before construction or development begins within any area of special flood hazards, areas of flood related erosion hazards or areas of mud slides as established in conformance with this Chapter.

- B. Building Official to Administer: Building Official is hereby appointed to administer and implement this Chapter by granting or denying development permits in accordance with its provisions.
- C. Application for Permit: Applications for a development shall be made on forms furnished by the Building Official and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage and materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:
1. Proposed elevation in relation to mean sea level of the lowest habitable floor (including basement) of all structures; in Zone AO, the elevation of existing grade and proposed elevation of existing grade and proposed elevation of lowest floor of all structures;
  2. Proposed elevation in relation to mean sea level to which any structure will be floodproofed;
  3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria of the Federal Emergency Management Agency; and
  4. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development. (Ord. 198, 8-3-87)

5-9-6: ADMINISTRATION OF PROVISIONS:

- A. Review of Applications: The Building Official shall review all applications for development permits under this Chapter to determine whether:
1. The requirements of this Chapter have been satisfied;
  2. All other required State and Federal permits have been obtained;
  3. The site is reasonably safe from flooding; and
  4. The proposed development does not adversely affect the carrying capacity of the floodway. For the purposes of this Chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water service

elevation of the base flood by more than one foot (1') at any point.

- B. Review of Base Flood Data: If base flood elevation data has not been provided in accordance with this Chapter, the Building Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source in order to insure that adequate provision is made for flood hazard reduction. Any such information shall be submitted to the Council for adoption.
- C. Altering or Relocating Watercourse: If the watercourse is to be altered or relocated, the Building Official shall notify adjacent communities and the California Department of Water Resources prior to such alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administrator and the Building Official shall require that the flood carrying-capacity of the altered or relocated portion of the watercourse is maintained.
- D. Public Information: The Building Official shall obtain and maintain for public inspection and make available as needed:
  - 1. Certification;
  - 2. Certification of elevations in areas of shallow flooding;
  - 3. Certification of elevation or floodproofing of nonresidential structures;
  - 4. Certification of wet floodproofing standard;
  - 5. Certified elevation to comply with subdivision standards;
  - 6. Certification required for floodway encroachments;
  - 7. The information required for coastal construction; and
  - 8. The reports required for mud flow standards.
- E. Interpretation of Boundaries: The Building Official shall make interpretations where needed as to the exact location of the boundaries of special flood hazards, areas of flood related erosion hazards or areas of mud slide. Persons contesting the location of the boundary shall be given reasonable opportunity to appeal the interpretation.

F. Remedy Violations: The Building Official shall take action to remedy violations of this Chapter. (Ord. 198, 8-3-87)

5-9-7: STANDARDS OF CONSTRUCTION: In all areas of special flood hazards, the following standards are required:

A. Anchoring:

1. All new construction and substantial improvements shall be anchored to prevent floatation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. All manufactured homes shall meet the requirements set forth below.

B. Construction Materials and Methods:

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall use methods and practices that minimize flood damage.

3. All new construction and substantial improvements shall be constructed with electrical heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

4. Within Zones AH, AO or VO, adequate drainage paths around structures shall be required on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing:

1. New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. Nonresidential structures may meet the standards set forth in the next subsection. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or surveyor or verified by the Building Official that elevation requirements have been met.

2. New construction and substantial improvement of any structure in Zone AH, AO or VO shall have the lowest

floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM, or at least two feet (2') if no depth number is specified. Nonresidential structures may meet the standards below. Upon completion of the structure, the elevation of the lowest floor, including basements, shall be certified by a registered professional engineer or surveyor or verified by the Building Inspector to be properly elevated. Such certification or verification shall be provided to the Flood Plain Administrator.

3. Nonresidential construction shall either be elevated in conformity with the preceding subsection or together with attendant utility and sanitary facilities:

a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided to the Flood Plain Administrator.

4. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following criteria: a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of the enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers or other coverings or devices; provided, that they permit the automatic entry and exit of flood waters.

5. Manufactured homes shall also meet the requirements set forth herein. (Ord. 198, 8-3-87)

5-9-8: STANDARDS FOR UTILITIES:

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate

infiltration of flood waters into the system and discharge from systems into flood waters.

- B. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. 198, 8-3-87)

5-9-9: STANDARDS FOR SUBDIVISION:

- A. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.
- B. All final subdivision plans will provide the elevation of proposed structures and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and provided to the Flood Plain Administrator.
- C. All subdivision proposals shall be consistent with the need to minimize flood damage.
- D. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards. (Ord. 198, 8-3-87)

5-9-10: STANDARDS FOR MANUFACTURED HOMES: All new and replacement manufactured homes and additions to manufactured homes shall:

- A. Be elevated so that the lowest floor is at or above the base flood elevation; and
- B. Be securely anchored to a permanent foundation system to resist flotation, collapse or lateral movement. (Ord. 198, 8-3-87)

5-9-11: FLOODWAYS: No encroachments, including fill, new construction, substantial improvements and other development, shall occur within a floodway unless certification by a registered professional engineer or architect is provided demonstrating that the encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge. If the foregoing is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of this Chapter. (Ord. 198, 8-3-87)

5-9-12: MUD SLIDE AREAS:

- A. Determination of Location: The Flood Plain Administrator shall review permits for proposed construction or other development to determine if it is proposed within a mud slide area.
- B. Safety From Hazards: Permits shall be reviewed to determine that the proposed development is reasonably safe from mud slide hazards. Factors to be considered in making this determination include, but are not limited to:
1. The type and quality of soils;
  2. Evidence of ground water or surface water problems;
  3. The depth and quality of any fill;
  4. The overall slope of the site; and
  5. The weight that any proposed development will impose on the slope.
- C. Mud Slide Hazard Areas: Within areas which have mud slide hazards, the following requirements apply:
1. A site investigation and further review shall be made by persons qualified in geology and soils engineering;
  2. The proposed grading, excavation, new construction and substantial improvements shall be adequately designed and protected against mud slide damages;
  3. The proposed grading, excavations, new construction and substantial improvements do not aggravate the existing hazard by creating either on-site or off-site disturbances; and
  4. Drainage, planting, watering and maintenance shall not endanger slope stability.
- D. Drainage Ordinance for Zone M: Within Zone M on the Flood Insurance Rate Map, the community shall adopt a drainage ordinance which at least complies with the standards of Sections 7001 through 7006 and Sections 7008 through 7015 of the City's most recent amendment of the 1973 Uniform Building Code.<sup>1</sup>
1. The location of foundation and utility systems of new

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<sup>1</sup> See Chapter 5, Article B of this Title.

constructions and substantial improvements;

2. The location, drainage and maintenance of all excavations, cuts and fills and planted slopes;

3. Protective measures, including but not limited to retaining walls, buttress fills, subdrains, diverter terraces, benchings, etc.; and

4. Engineering drawings and specifications to be submitted for all corrective measures, accompanied by supporting soils engineering and geology reports. (Ord. 198, 8-3-87)

5-9-13: FLOOD-RELATED EROSION-PRONE AREAS:

- A. Permit Required: The Building Official shall require permits for proposed construction and other development within all flood-related erosion-prone areas.
- B. Review of Permits: Such permits shall be reviewed to determine whether the proposed site alterations and improvements will be reasonably safe from flood-related erosion and will not cause flood-related erosion hazards or otherwise aggravate the existing hazard.
- C. Relocation of Improvement: If a proposed improvement is found to be in the path of flood-related erosion or would increase the erosion hazard, such improvement shall be relocated or adequate protective measures shall be taken to avoid aggravating the existing erosion hazard.
- D. Setback from Body of Water: Within Zone E on the FIRM, a setback is required for all new development from any lake, bay or river front or other body of water to create a safety buffer consisting of natural vegetation or a contour strip. This buffer shall be designated according to the flood-related erosion hazard and erosion rate in relation to the anticipated useful life of structures and depending upon the geologic, hydrologic, topographic and climatic characteristics of the land. The buffer may be used for suitable open space purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat areas and for other activities using temporary and portable structures only. (Ord. 198, 8-3-87)

5-9-14: CONDITIONS FOR VARIANCES:

- A. Historic Building Rehabilitation: Variances may be issued for the reconstruction, rehabilitation or

restoration of structures listed in the National Register of Historic Places or the California Inventory of Historic Places, without regards to the procedures set forth in the remainder of this Section.

- B. Flood Level Consideration: Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- C. Minimum Necessary Variance: Variances shall only be issued upon a determination that the variance is the minimum necessary, considering flood hazard, to afford relief.
- D. Required Evidence: Variances shall only be issued upon:
  - 1. A showing of good and sufficient cause;
  - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or the victimization of the public or conflict with existing City laws or ordinances.
- E. New Construction and Substantial Improvements: Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use; provided, that the factors listed above in this Section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- F. Notice to Applicant: Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest flood elevation below the regulatory flood elevation and at the cost of flood insurance will be commensurate with the increase risk resulting from the reduced floor elevation. A copy of the notice shall be recorded by the Commission in the office of the Los Angeles County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land. (Ord. 198, 8-3-87)

5-9-15: APPEALS:

- A. Variances: The Planning Agency shall hear and decide

appeals and requests for variances from the requirements of this Chapter.

- B. Errors: The Planning Agency shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination by the Building Official in the enforcement or administration of this Chapter. (Ord. 198, 8-3-87; 1994 Code)
- C. Consideration of Appeals: In reviewing an appeal, the Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Chapter and:
1. The danger that materials may be swept onto other lands to the injury of others;
  2. The danger to life and property due to flooding or erosion damage;
  3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  4. The importance of services provided by the proposed facility to the community;
  5. The necessity to the facility of a water front location, where applicable;
  6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  7. The compatibility of the proposed use with existing and anticipated developments;
  8. The relationship of the proposed use to the General Plan and flood plain management program for that area;
  9. The safety of access to property in time of flood for ordinary and emergency vehicles;
  10. The expected heights, velocity, duration, rate of rise and sediment transportation of the flood waters expected at the site; and
  11. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.
- D. Variance Issuance Criteria: Generally, variances may be

issued for new construction and substantial improvements to be erected on a lot of one-half ( $1/2$ ) acre or less in size contiguous to it surrounded by lots with existing structures constructed below the base flood level; provided, the ongoing items have been fully considered. As the lot size increases beyond one-half ( $1/2$ ) acre, the technical justification required for issuing the variance increases.

- E. Conditions for Variance: Upon consideration of the factors listed above and the purposes of this Chapter, the Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.
- F. Records of Actions: The Building Official shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administrator upon request. (Ord. 198, 8-3-87)

5-9-16: EFFECTIVE DATE: This Chapter is effective upon adoption of the maps described in Section 5-9-3 of this Chapter. (Ord. 198, 8-3-87)

CHAPTER 10

WATER EFFICIENT LANDSCAPING

SECTION:

- 5-10-1: Purpose
- 5-10-2: Application of Provisions;  
Exceptions
- 5-10-3: Definitions
- 5-10-4: Provisions for New Landscapes
- 5-10-5: Irrigation Design Criteria
- 5-10-6: Education
- 5-10-7: Enforcement

5-10-1: PURPOSE: The purpose of this Chapter is to promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible and to establish a structure for designing, installing and maintaining water efficient landscapes in new projects. (Ord. 259, 1-11-93)

5-10-2: APPLICATION OF PROVISIONS; EXCEPTIONS:

- A. Except as set forth in subsection B of this Section, this Chapter shall apply to:
  - 1. All new commercial development projects; and
  - 2. Developer installed landscaping in residential projects.
- B. This Chapter shall not apply to:
  - 1. Recreational areas;
  - 2. Community gardens;
  - 3. Arboreta and botanic gardens;
  - 4. Cemeteries;
  - 5. Ecological restoration projects that do not require a permanent irrigation system; or
  - 6. Any project with a landscaped area less than two thousand five hundred (2,500) square feet. (Ord. 259, 1-11-93)

5-10-3: DEFINITIONS: When used in this Chapter the following words or terms shall have such meanings herein ascribed to them:

ANTI-DRAIN VALVE: A valve located in a lateral or under a sprinkler head to hold water in the system so it minimizes drainage from the lower portions of the system.

APPLICATION RATE: The depth of water applied to a given area, usually measured in inches per hour.

AUTOMATIC CONTROLLER: A mechanical or solid state timer, capable of operating control valves and usually capable of setting the frequency, days and length of time of a water application.

BILLING UNIT: One hundred (100) cubic feet of water (748 gallons) and is the unit of volume used by the Las Virgenes Municipal Water District as a basis for charging its customers.

CONVERSION FACTOR: A number that converts values from one unit to another. Conversion factors used in this document are:

0.00083 = (inches)/(12 inches per foot)/(100)  
[Converts acre-inches to billing units.]

0.62 = (325,851 gallons/43,560 square feet)/12 inches  
[Converts acre-inches to gallons.]

43,560 [Converts acres to square feet or ft.<sup>2</sup>.]

7.48 [Converts ft.<sup>3</sup> to gallons.]

325,829 = (43,560 ft.<sup>2</sup>) (7.48 gallons/ft.<sup>3</sup>)  
[Converts acre foot to gallons.]

748 = (7.48 gallons/ft.<sup>3</sup>) (100)  
[Converts billing unit (abbreviated CCF or HCF) or 100 ft.<sup>3</sup> to gallons.]

DEVELOPER INSTALLED LANDSCAPING: Landscaping installed by a builder in conjunction with the construction of a residential project. "Developer installed landscaping" shall not include landscaping installed by an owner/occupant building in conjunction with the construction of a single-family residence.

ECOLOGICAL RESTORATION PROJECT: A project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

ESTABLISHED LANDSCAPE: A landscape planting in which the

plants have developed a substantial portion of their root structure into the native soil.

**ESTABLISHMENT PERIOD:** The first year after installing the plant in the landscape.

**HYDROZONE:** A portion of the landscaped area having plants with similar water needs.

**IRRIGATION WATER ALLOWANCE:** The upper limit of annual applied water for the landscaped area. It is based upon the region's reference evapotranspiration, the Landscape Allocation Coefficient, and the size of the landscaped area.

**LANDSCAPE ALLOCATION COEFFICIENT:** Is 0.8 for established landscape and may be increased to 1.3 during the establishment period.

**OPERATING PRESSURE:** The pressure at which a system of sprinklers is designed to operate, usually indicated at the base of a sprinkler.

**OVERSPRAY:** Water which is delivered beyond the landscaped area, wetting pavements, walks, structures or other nonlandscaped areas.

**RAIN SENSING DEVICE:** A system which automatically shuts off the irrigation system when it rains.

**RECLAIMED WATER:** Treated or recycled wastewater of quality suitable for nonpotable uses, such as landscape irrigation; not intended for human consumption.

**RECREATIONAL AREAS:** Areas of active play or recreation, such as sports fields, school yards, picnic grounds, riding rings, tennis courts, parks or other areas with intense foot traffic.

**REFERENCE EVAPOTRANSPIRATION or ETo:** A standard measurement of environmental parameters which affect the water use of plants. ETo is given in inches per unit of time (i.e., day, month or year). For purposes of this Chapter, an ETo factor of 51.0 shall be employed.

**RESIDENTIAL PROJECT:** The construction of one or more homes.

**RUNOFF:** Water which is not absorbed by the soil or landscape to which it is applied and flows from the area. For example, runoff may result from water that is applied at too great a rate or where there is a severe slope.

**SPRINKLER HEAD:** A device which sprays water through a nozzle.

**VALVE:** A device used to control the flow of water in the irrigation system. (Ord. 259, 1-11-93)

5-10-4: PROVISIONS FOR NEW LANDSCAPES:

A. Landscape Documentation Package: A landscape documentation package shall be submitted to the City for review and approval pursuant to subsection B of this Section shall contain the following elements:

1. Irrigation Water Allowance (IWA) Calculation: The irrigation water allowance prepared for individual projects shall be calculated using the following formula:

$$IWA = (ET_o) (LAC) (LA) (0.00083)$$

Where:

IWA = Irrigation Water Allowance (billing units per year).

ET<sub>o</sub> = Reference Evapotranspiration (51.0 inches per year).

LA = Landscaped Area (square feet).

0.00083 = Conversion Constant (converts inches of applied water to billing units [to convert to gallons use 0.62]).

LAC = Landscape Allocation Coefficient (0.8 for established landscape; up to 1.3 for the establishment period)

2. Planting Plan: A planting plan prepared in compliance with the standards and requirements set forth in the City-approved permit application package shall be submitted as part of the landscape documentation package.

3. Irrigation Plan: An irrigation plan prepared in compliance with the standards and requirements set forth in the City-approved permit application package shall be submitted as part of the landscape documentation package.

4. Grading Plan: A grading plan prepared in compliance with the standards and requirements set forth in the City-approved permit application package shall be submitted as part of the landscape documentation package.

B. Compliance Procedures:

1. The landscape documentation package shall be submitted to the City for review and approval prior to the issuance of discretionary or building permits and shall comply with all provisions of this Chapter.

2. The application fee, established by City Council resolution, shall accompany the landscape documentation package.

3. A landscape documentation package not meeting the strict provisions of this Chapter may be permitted by the Planning Director pursuant to the issuance of a discretionary permit; provided, the Planning Director finds that the permit will not be contrary to the intent of this Chapter, and that the permit is necessary for the project to make reasonable use of the proposed landscaped area. (Ord. 259, 1-11-93)

5-10-5: IRRIGATION DESIGN CRITERIA:

A. Runoff and Overspray: All irrigation systems shall be designed to avoid runoff, low head drainage, overspray or other similar conditions where water flows or drifts onto adjacent property, nonirrigated areas, walks, roadways or structures.

B. Reclaimed Water: For those sites where the installation of reclaimed water systems are feasible and meet all regulatory requirements, the installation of reclaimed water irrigation systems (dual distribution systems) shall be required to allow for the current and future use of reclaimed water and shall be designed and operated in accordance with all local and State codes.

C. Equipment:

1. Separate landscape water meters on sub-meters shall be installed for all projects, except for single-family residential projects or for any project with a landscaped area of less than five thousand (5,000) square feet.

2. Automatic control systems shall be required for all irrigation systems and must be able to accommodate all aspects of the design.

3. Different hydrozones shall be irrigated by separate valves.

4. Sprinkler heads shall be selected for proper area coverage, application rate, operating pressure, adjustment capability and ease of maintenance. Sprinklers shall have consistent application rates

within each control valve circuit. All sprinkler heads shall incorporate an integral anti-drain valve.

5. Rain-sensing devices shall be required on all irrigation systems. (Ord. 259, 1-11-93)

5-10-6: EDUCATION:

- A. Publications: The Planning Director shall cooperate with the Las Virgenes Municipal Water District to provide information to owners of new single-family residential projects regarding the design, installation and maintenance of water-efficient landscapes.
- B. Model Homes: In any new residential project where there are two (2) or more model homes, at least one model home shall include landscape in conformance with the principles of this Chapter. Signs shall be used to identify the model as an example of a water-efficient landscape, featuring elements such as hydrozones, irrigation equipment and other features which contribute to the overall water efficient theme. Information shall be provided describing the design, installation and maintenance of water-efficient landscapes. (Ord. 259, 1-11-93)

5-10-7: ENFORCEMENT: The enforcement sections set forth in the Zoning Code shall apply to violations of the provisions of this Chapter.<sup>1</sup> (Ord. 259, 1-11-93)

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<sup>1</sup> See Chapter 2, Article J of this Title.

CHAPTER 11

COMMERCIAL USE OF PUBLIC PROPERTY

SECTION:

- 5-11-1: Purpose and Scope
- 5-11-2: Permit Required
- 5-11-3: Application for Permit
- 5-11-4: Conditions of Permit; Fees
- 5-11-5: Issuance of Permit
- 5-11-6: Revocation of Permit
- 5-11-7: Appeals

5-11-1: PURPOSE AND SCOPE: The City wishes to adopt a permit system to regulate the commercial use of City property so that such uses do not unduly interfere with free, public use of the facilities. This Chapter is adopted for such purpose and constitutes the City's regulations in this regard. (Ord. 182, 2-17-86)

5-11-2: PERMIT REQUIRED: No person shall conduct commercial activity on property owned by the City, except under a permit (herein referred to as a "commercial use permit") issued by the City. As used herein, the term "commercial" includes all activities undertaken by a person for direct or indirect consideration. (Ord. 182, 2-17-86)

5-11-3: APPLICATION FOR PERMIT: A person who desires to obtain a commercial use permit for the commercial use of City property shall apply for the permit by filing an application with the City Clerk. The application shall: describe the proposed activity, the times and the place where the activity is to occur and such further information as the City Clerk may deem to be reasonably required. (Ord. 182, 2-17-86)

5-11-4: CONDITIONS OF PERMIT; FEES:

- A. Conditions: Each commercial use permit shall be conditioned upon the payment of the required fees, indemnification of the City, its officers, agents and employees and the naming of the indemnified parties as added or co-insured on a policy of general liability insurance.
- B. Fees: Each applicant for a commercial use permit shall pay an application fee at the time the application is

submitted in an amount established, from time to time, by resolution, and each permittee shall pay a permit fee in an amount established, from time to time, by the City Council.<sup>1</sup> (Ord. 182, 2-17-86)

5-11-5: ISSUANCE OF PERMIT: The City Clerk shall determine whether the proposed commercial activities will interfere with the public use of the facilities. If the City Clerk determines that no interference will occur, the Clerk shall issue the use permit upon the deposit of the required fees and insurance certificates. If the City Clerk determines that interference will occur, the Clerk shall deny the commercial use permit unless the applicant revises the application to eliminate such interference. The Clerk may also issue a permit with conditions necessary to eliminate such interference. (Ord. 182, 2-17-86)

5-11-6: REVOCATION OF PERMIT: A commercial use permit may be revoked by the City Clerk if any of the permit conditions are violated or if any of the required fees are not paid in a timely manner. The City Clerk shall notify the permittee, in writing, of the reasons for the revocation at least five (5) days prior to the effective date thereof. (Ord. 182, 2-17-86)

5-11-7: APPEALS: An applicant who is denied a commercial use permit or a permittee whose permit is revoked may request the Planning Agency to review the decision of the City Clerk by filing a written notice of appeal within ten (10) days of the Clerk's decision. The Planning Agency shall consider the appeal by conducting a public hearing not less than fifteen (15) days nor more than forty five (45) days after the written appeal is filed. The Planning Agency's decision shall be final. (Ord. 182, 2-17-86)

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<sup>1</sup> See Title 2, Chapter 1 of this Code for collection procedures.

CHAPTER 12

RADIO AND TELEVISION ANTENNAS AND WIRELESS  
TELECOMMUNICATIONS ANTENNA FACILITIES

SECTION:

- 5-12-1: Purpose and Intent
- 5-12-2: Defined Terms
- 5-12-3: Regulation of Satellite Earth Station Antennas
- 5-12-4: Regulation of Amateur Radio Station Antennas
- 5-12-5: Regulation of Wireless Telecommunications Antenna Facilities
- 5-12-6: Variances
- 5-12-7: Nonconforming Antennas
- 5-12-8: Enforcement
- 5-12-9: Definitions

5-12-1: PURPOSE AND INTENT: The City Council finds, determines and declares as follows:

A. The purpose of the regulatory provisions set forth in this chapter is to establish development standards for the installation and maintenance of antennas and wireless telecommunications antenna facilities within specified land use zones of the City. These standards are intended to ensure that the design and location of those antennas and facilities are consistent with previously adopted policies of the City to promote the public health, safety, comfort, convenience, and general welfare of the City's residents, and to enhance the aesthetic quality and appearance of the City by maintaining architectural and structural integrity and by protecting views and vistas from obtrusive and unsightly accessory uses and facilities.

B. In adopting and implementing the regulatory provisions of this chapter, it is the intent of the City Council to further the objectives specified above in paragraph A without unnecessarily burdening the federal interests in ensuring access to satellite services, in promoting fair and effective competition among competing communications service providers, and in eliminating local restrictions and regulations that, with regard to antennas, preclude reception of an acceptable signal quality or unreasonably delay, prevent, or increase the cost of installation, maintenance, or use of such antennas.

5-12-2: DEFINED TERMS: The following terms and phrases are defined below in Section 5-12-9:

Amateur radio station antenna; Antenna or antenna array; Co-location; FCC; Mast; Satellite earth station antenna; Support structure; Wireless telecommunications antenna facility; and Wireless telecommunications services.

5-12-3: REGULATION OF SATELLITE EARTH STATION ANTENNAS:

A. Permitted Accessory Uses. Satellite earth station antennas described below in this paragraph A may be installed as permitted accessory uses without site plan review and without obtaining a building permit, provided that they comply with all applicable development standards set forth in paragraph B, as well as all applicable building codes, electrical codes, and fire codes:

1. An antenna located in any zoning district that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one meter (39") or less in diameter and that is either building-mounted or, if elevated by a mast, does not extend above the roofline.

2. An antenna that is designed to receive video programming services and that is located in any zoning district where commercial or industrial uses are generally permitted, which antenna is two meters (78") or less in diameter and is either building-mounted or, if elevated by a mast, does not extend above the roofline.

3. An antenna located in any zoning district that is designed to receive video programming services by means of multipoint distribution services, including multichannel multipoint distribution services, which antenna is one meter (39") or less in diameter or diagonal measurement and which is either building-mounted or, if elevated by a mast, does not extend above the roofline.

4. An antenna located in any zoning district that is designed solely to receive television broadcast signals, which antenna, whether building-mounted or ground-mounted, does not extend above the roofline.

B. Development Standards.

1. The following development standards apply in all zoning districts to the siting, construction, and operation of satellite earth station antennas referenced above in paragraph A, and to all satellite earth station antennas that are subject to site plan review and to the issuance of a building permit:

a. Only one satellite earth station antenna is allowed on any lot or parcel.

b. The height of a ground-mounted satellite earth station antenna may not extend above the roofline.

c. No satellite earth station antenna may be installed in any zoning district if it will impede normal vehicular or pedestrian circulation, ingress to, or egress from any building, structure, or parking facility.

d. Satellite earth station antennas, whether ground-mounted or building-mounted, including any guy-wires, masts, and accessory equipment, must be located and designed so as to mitigate adverse visual impacts from adjacent properties and from public streets, which mitigation may involve screening by means of landscaping or the addition of new architectural elements that are compatible with the design of adjacent buildings. This screening requirement may be modified if the antenna's reception is impaired.

e. Satellite earth station antennas must be finished in a non-metallic finish or painted in a color that is compatible with the surrounding environment.

f. Any mast that will be used to elevate a satellite earth station antenna must be constructed of noncombustible and corrosive-resistant materials.

g. All satellite earth station antennas must be installed with adequate ground wire to protect against a direct strike of lightning. The ground wire must be of a type approved by the electrical code for grounding masts and lightning arrestors.

h. All satellite earth station antennas must be located away from utility lines by a 12-foot vertical distance and a 6-foot horizontal distance. Any mast that will be used to elevate a satellite earth station antenna must be secured by a separate safety wire in a direction away from adjacent power lines or other potential hazards.

i. To the extent feasible, all cables, wires, or similar electrical transmission devices that connect with a satellite earth station antenna must be placed underground.

j. If footings are required for the installation of a satellite earth station antenna, engineering calculations for those footings must be signed by a licensed structural or civil engineer.

k. All connectors on a satellite earth station antenna, and on any mast to be used for elevation, must be capable of sustaining a wind-load of at least 20 pounds.

1. No satellite earth station antenna, nor any of its component parts or accessory facilities, may encroach into the public right-of-way unless that encroachment is authorized by the Director of Public Works as provided for in this Code.

m. All satellite earth station antennas must be properly maintained.

2. In addition to the development standards set forth above in subsection 1, the following development standards apply in all residential zones to the siting, construction, and operation of satellite earth station antennas:

a. No satellite earth station antenna may be mounted on the roof of a building.

b. The height of a ground-mounted satellite earth station antenna may not extend above the roofline.

c. The diameter of a satellite earth station antenna that is subject to site plan review may not exceed 10 feet.

d. A satellite earth station antenna must be located in the side yard or rear yard and at least 5 feet from any property line.

3. In addition to the development standards set forth above in subsection 1, the following development standards apply in all nonresidential zones to the siting, construction, and operation of satellite earth station antennas:

a. All ground-mounted satellite earth station antennas must be located at least 5 feet from any property line.

b. No ground-mounted satellite earth station antenna may be located in the area between the front property line and the main building or structure.

c. If roof-mounted, a satellite earth station antenna must not extend more than 6 feet above the roofline, and must either be affixed to a flat portion of the roof structure having parapets, or it must be integrated with the architectural design of the building in accordance with a plan that is approved by the Planning Director.

d. The height of a ground-mounted satellite earth station antenna may not extend above the roofline.

C. Site Plan Review Required.

1. If a proposed satellite earth station antenna will exceed the applicable height limitations referenced above in subsections 1 through 4 of paragraph A, or if the diameter or

diagonal measurement of the proposed satellite earth station antenna exceeds the one or two meter limitation specified in subsections 1 through 3 of paragraph A, then an application for site plan review must be submitted in accordance with Chapter 2H of Title 5 of this Code, and, if the application is approved, a building permit must be obtained.

2. The City Council expressly finds and determines that these regulatory requirements relating to site plan review are necessary, desirable, and in the best interests of the community in order to protect the public health, welfare and safety, to promote aesthetic objectives, and to maintain property values. The City Council further finds and determines that these regulatory requirements are applicable only to the proposed installation of satellite earth station antennas that are not permitted accessory uses and that do not meet the criteria for exemption from local regulation established by the FCC under the Telecommunications Act of 1996.

3. In addition to the requirements set forth in Chapter 2H of Title 5 of this Code, the application for site plan review must include the following:

a. Construction drawings that show the proposed method of installation and the manufacturer's specifications.

b. A plot plan showing the proposed location of the satellite earth station antenna.

c. Engineering data evidencing that the satellite earth station antenna will be in compliance with all structural requirements of the Building Code.

5-12-4: REGULATION OF AMATEUR RADIO STATION ANTENNAS:

A. Site Plan Review Required. The proposed installation of an amateur radio station antenna in any zoning district must be preceded by an application for site plan review in accordance with Chapter 2H of Title 5 of this Code, and, if the application is approved, a building permit must be obtained.

B. Application for Site Plan Review. In addition to the requirements set forth in Chapter 2H of Title 5 of this Code, the application for site plan review must include the following:

1. Construction drawings that show the proposed method of installation and the manufacturer's specifications.

2. A plot plan showing the proposed location and dimensions of the amateur radio station antenna.

3. Engineering data evidencing that the amateur radio station antenna will be in compliance with all structural requirements of the Building Code.

4. Copies of all licenses issued to the applicant by the FCC to engage in amateur radio service operations and to use the site as an amateur radio station.

C. Factors Considered in the Site Plan Review Process.

1. In conducting site plan review for a proposed amateur radio station antenna, the reviewing authority must consider the following factors:

a. The proposed height of the amateur radio station antenna, and the applicant's representations as to the technological necessity of that height to engage in amateur radio service operations of the nature contemplated.

b. Proximity of the proposed amateur radio station antenna to inhabited buildings and structures.

c. The nature of existing uses on adjacent and nearby properties.

d. Surrounding topography, tree coverage, and foliage, and their effect on the proposed height of the amateur radio station antenna.

e. Design of the proposed amateur radio station antenna, with particular reference to design features that provide for retraction of the antenna when not in use and design features that may reduce or eliminate visual obtrusiveness, particularly in residential zones.

2. In making any determination during the site plan review process to deny or to condition the application for an amateur radio station antenna, the reviewing authority must adhere to the following guidelines:

a. The imposition of conditions or restrictions relating to the placement, screening, or height of a proposed amateur radio station antenna, which conditions or restrictions are based upon protection of the public health, welfare, and safety, aesthetic considerations, or the preservation of property values, must be considered on a case-by-case basis, taking into account the unique features of the proposed site, the factors specified above in subsection 1, and the reasonable accommodation required under subparagraph b below.

b. The site plan review process must be conducted so as to (1) reasonably accommodate the paramount federal interest in

promoting amateur radio communications as voluntary, noncommercial communications services, particularly with respect to emergency communications; and (2) impose the minimum practical restrictions, limitations, and conditions in order to achieve the City's legitimate regulatory objectives.

5-12-5: REGULATION OF WIRELESS TELECOMMUNICATIONS ANTENNA FACILITIES:

A. Applicability of Regulations. The regulatory provisions of Title 5 of this Code are applicable to the siting of wireless telecommunications antenna facilities on all land, buildings and right-of-way located within all nonresidential zoning districts. The siting and construction of wireless telecommunications antenna facilities in all nonresidential districts is subject to site plan review and to approval by the Planning Agency.

B. Application For Site Plan Review. In addition to the requirements set forth in Chapter 2H of Title 5 of the Code, the application for site plan review must include the following:

1. A site plan, drawn to scale, showing the proposed location of the wireless telecommunications antenna facility, the height of any existing or proposed new support structure, accessory equipment facility, guy-wires, above and below ground wiring and connection cables, existing or proposed easements on the property, the height above ground of any panels, microwave dishes, or whip antennas, and the distance between the antenna facility and any existing or proposed accessory equipment facility.

2. A location map showing existing wireless telecommunications antenna sites within the City that are owned or operated by the applicant and any proposed sites in the City that may be required for future area coverage.

3. Detailed engineering calculations for foundation and wind loads, plus documentation that the electromagnetic fields (EMFs) from the proposed wireless telecommunications facility will be within the limits approved by the FCC.

4. A preliminary environmental review, with special emphasis placed upon the nature and extent of visual impacts.

5. Evidence of any required licenses and approvals to provide wireless telecommunications services in the City.

C. Factors Considered In the Site Plan Review Process. The Planning Agency must consider the following factors in determining whether to approve a site plan for a wireless telecommunications antenna facility:

1. Height of the proposed facility.
2. Proximity of the proposed facility to residential structures and to boundaries of residentially-zoned districts.
3. The nature of existing uses on adjacent and nearby properties.
4. Surrounding topography.
5. Surrounding tree coverage and foliage.
6. Design of the proposed facility, with particular reference to design features that have the effect of reducing or eliminating visual obtrusiveness, such as a camouflaged facility, a facility screened by natural or artificial vegetation, or a facility located or co-located on an existing building or an existing support structure.
7. Proposed ingress and egress.
8. Availability of suitable existing buildings or support structures, as set forth below in paragraph D.

D. Development Standards.

1. Antenna arrays on wireless telecommunications antenna facilities that are proposed to be sited on an existing nonresidential building or support structure must be integrated with the architectural design and coloring of that existing building or support structure.

2. The siting of new support structures is subject to the following additional requirement:

No new support structure will be permitted unless the Planning Agency makes the additional finding that, based upon evidence submitted by the applicant, no existing building or support structure can reasonably accommodate the proposed wireless telecommunications antenna facility. Evidence supporting this finding will be reviewed by the Planning Agency and may consist of any of the following:

a. No existing buildings or support structures are located within the geographic area proposed to be served by the applicant's facility.

b. Existing buildings or support structures are not of sufficient height or structural strength to meet the applicant's operational or engineering requirements.

c. The applicant's proposed facility would create

electromagnetic interference with another facility on an existing structure, or the existing antenna array on an existing building or support structure would create interference with the applicant's proposed antenna array.

d. The costs, fees, or contractual provisions required by a property owner, or by an incumbent wireless telecommunications service provider, in order to co-locate a new antenna array on an existing building or support structure, or to adapt an existing building or support structure for the location of the new antenna array, are unreasonable.

e. There are other limiting factors that render existing buildings and support structures unsuitable for use by the applicant.

3. If co-location of the proposed facility cannot be accomplished, the proposed facility must be sited at least 1500 feet from any existing facility unless the Planning Agency determines that a shorter distance is required for technological reasons, or that it would result in less visual obtrusiveness in the surrounding area.

4. If a new support structure for a facility will be visible from adjacent residential properties or from major arterial streets, the Planning Agency may require that the support structure be screened or camouflaged to mitigate adverse visual impacts.

5. Protective structures housing accessory equipment must not exceed 10 feet in height, must comply with all applicable set-back requirements, and must be screened from public view or be made compatible with the color and architectural design of adjacent structures.

6. If a proposed facility will be visible from a residential area or an arterial street, any required fencing must be of wrought iron or similar decorative materials.

7. No new support structure may project from the roof of a building. A new, freestanding support structure must be a minimum of 10 feet from a building on the same site unless that building houses equipment accessory to the support structure.

8. A new support structure that is to be located near a residential use or the boundary of a residential zoning district must be set back from the nearest residential lot line or boundary a distance that is at least equal to the height of that support structure.

9. The exterior of a new support structure must have a noncorrosive, nonmetallic finish that is not conducive to reflection or glare. The support structure, the antenna

array, and the accessory equipment facility must all be of a neutral color.

10. Buildings and support structures may not be illuminated unless specifically required by the Federal Aviation Administration or other governmental agencies.

11. No off-premises or on-premises signs may be placed by a wireless telecommunications service provider on a building or support structure to which a wireless telecommunications antenna facility is attached.

12. The applicant and the property owner must sign an agreement, in a form to be provided by the City, that consents to the future co-location of facilities on the building or support structure to be used by the applicant, unless technical considerations preclude that co-location.

E. Maintenance and Cessation of Use. The following requirements apply to wireless telecommunications antenna facilities located on existing buildings or support structures and on new support structures:

1. The site must be maintained in a condition free of trash, debris, and refuse. All graffiti must be removed within 72 hours.

2. If a support structure, or an antenna array affixed to a building or to a support structure, becomes inoperable or ceases to be used for a period of 6 consecutive months, the permittee must give written notice of such inoperability or nonuse to the Planning Director. The antenna array and, if applicable, the support structure, must be removed within a 90-day period. If such removal does not occur, the City may remove the antenna array and, if applicable, the support structure, at the permittee's expense; provided, however, that if other antenna arrays owned or operated by other service providers are affixed to the same support structure, then only the antenna array that has become inoperable or has ceased to be used is required to be removed, and the support structure may remain in place until all service providers cease to use it.

5-12-6: VARIANCES:

A. In accordance with the provisions of Chapter 2I-4 of Title 5 of this Code, application may be made for a variance from the restrictions and limitations imposed by this chapter upon satellite earth station antennas and wireless telecommunications antenna facilities that are subject to site plan review.

B. A variance may be issued if, in addition to the general

variance standards, the following requirements are met:

1. The applicant submits evidence satisfactory to the Planning Agency that location of the satellite earth station antenna or the wireless telecommunications antenna facility in the manner required by this chapter would (a) obstruct the antenna's reception window or otherwise interfere with reception, and such obstruction or interference involves factors beyond the applicant's control; or (b) the cost of meeting the requirements of this chapter is excessive in relation to the cost of the proposed antenna or antenna facility.

2. The applicant submits a certification, signed by a registered structural or civil engineer, that the proposed installation will be in compliance with all applicable requirements of the Building Code, including load distributions upon any proposed mast or other support structure.

C. A variance may be revoked if the applicant or property owner fails to comply with any conditions that are imposed upon the issuance of that variance.

5-12-7: NONCONFORMING ANTENNAS:

Any antenna constructed in violation of this chapter, or in violation of any prior ordinance or regulation, is subject to the provisions of Chapter 2I-1 of Title 5 of this Code.

5-12-8: ENFORCEMENT:

A. All satellite earth station antennas, amateur radio station antennas, and wireless telecommunications antenna facilities are subject to periodic inspection by the City to determine whether they are in compliance with all applicable provisions of this Chapter 12.

B. If any condition is discovered that may result in a danger to life or property, the City will give written notice to the permittee or to the property owner, or both, at their last known address, describing the dangerous condition and demanding that the same be corrected within 10 days after that notice.

C. Failure to comply with any applicable provision of this Chapter 12, or with conditions that may be imposed under site plan review or in connection with any variance, will constitute a public nuisance and will be subject to immediate abatement.

5-12-9: DEFINITIONS:

As used in this chapter, the following terms and phrases have the meanings set forth below:

A. "Amateur radio station antenna" means any antenna, and its accompanying support structure, that is used solely for the purpose of transmitting and receiving radio signals in connection with the operation of an amateur radio station in accordance with licenses issued by the FCC.

B. "Antenna," "antenna array," or "wireless telecommunications antenna array," means one or more rods, poles, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antennas (whip), directional antennas (panel), and parabolic antennas (disc), but excluding any support structure as defined below.

C. "Co-location" means the use of a common wireless telecommunications antenna facility, or a common site, by two or more providers of wireless telecommunications services, or by one provider of wireless telecommunications services for more than one type of telecommunications technology.

D. "FCC" means the Federal Communications Commission.

E. "Mast" means a support structure that is designed and constructed for the specific purpose of elevating a satellite earth station antenna in order to receive broadcast signals of an acceptable quality.

F. "Satellite earth station antenna" means a parabolic or dish-shaped antenna or other apparatus or device that is designed for the purpose of receiving radio or television broadcast signals.

G. "Support structure," or "wireless telecommunications antenna array support structure," means a freestanding structure that is designed and constructed for the specific purpose of supporting an antenna array and that may consist of a monopole, a mast, a self-supporting lattice tower, a guy-wire support tower, or other similar structures.

H. "Wireless telecommunications antenna facility," or "wireless communications antenna facility," means an unstaffed facility for the transmission or reception of wireless telecommunications services, commonly consisting of an antenna array, connection cables, a support structure to achieve the necessary elevation, and an equipment facility to house accessory equipment, which may include cabinets, pedestals, shelters, and similar protective structures.

I. "Wireless telecommunications services," or "wireless communications services," means any personal wireless services

as defined in the federal Telecommunications Act of 1996, including federally-licensed wireless telecommunications services consisting of cellular services, personal communications services (PCS), specialized mobile radio services (SMR), enhanced specialized mobile radio services (ESMR), paging, and similar services that currently exist or that may be developed in the future. (Ord. 293, 6-8-98)