City of Calabasas

Land Use & Development Code

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Title 17
LAND USE AND DEVELOPMENT

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USER’S GUIDE

A. Introduction.

This User’s Guide provides a basic orientation in the organization and use of the Calabasas Land Use and Development Code ("Development Code") contained within Title 17 of the Calabasas Municipal Code. The User's Guide is a reference document, and, as such, it is designed to assist in the location of the city’s zoning and subdivision regulations. The User’s Guide is not a part of the Development Code, and it does not supersede or replace it. In the event of conflict between the User’s Guide and the Development Code, the Development Code shall govern.

If, after consulting this User’s Guide, you cannot locate the information you desire regarding the Development Code or the City’s land use and development requirements, you should contact the city’s community development department.

B. Organization of the Development Code.

The Development Code contains the city’s zoning, subdivision and other land use regulations. Additional building construction requirements and other aspects of development and land use can be found in other titles of the Calabasas Municipal Code.

The Development Code regulations which cover related topics have been grouped together into articles. There are seven articles and each is summarized below.

1. Purpose and Effect of Development Code. Article I contains basic information on the legal framework of the Development Code. Article I describes the land uses and development-related activities that are regulated by the Development Code, and provides information on how to use the code.

2. Zoning Districts and Allowable Land Uses. Article II contains chapters on the different types of zoning districts (residential, commercial, etc.) that are applicable to public and private property within the city. These chapters list the specific types of land uses allowed in each zoning district (e.g., day care facilities, home occupations, multifamily housing, service stations, etc.), and the type of land use/development permit that must be obtained prior to initiating each use. This Article also contains basic development standards for each zoning district (e.g., maximum height limits and setback/yard requirements for new structures) and regulations for each land use.
3. Site Planning and Project Design Standards. Article III provides development standards that apply across zoning districts, including requirements for landscaping, off-street parking and loading, and signage. These chapters also contain regulations for specific land uses and development types that may be allowed in a variety of zoning districts (e.g., day care facilities, home occupations, multifamily housing, service stations, etc.). Within the zoning district chapters of Article II, there are references to the requirements in Article III. Article III’s regulations generally supplement those in Article II.

4. Subdivisions. Article IV comprises the city’s subdivision ordinance. This article provides both site planning/design regulations for new subdivisions, and the procedural requirements for subdivision approval, consistent with the mandates of the California Subdivision Map Act.

5. Land Use and Development Permits. Article V describes each type of land use and development permit required by this Development Code and the city’s requirements for the preparation, filing, processing and approval of each permit application. This article also sets time limits for exercising a permit, and time extension procedures. Some land use/development approvals may be granted by the director (e.g., zoning clearance, administrative plan review, sign permit, etc.), while others require review and approval by the commission and/or council (e.g., conditional use permit, development plan, oak tree permit, etc.).

6. Development Code Administration. Article VI provides information on the Development Code’s administrative framework and procedures including administration, amendments, enforcement, public hearings and appeals. This article also contains provisions governing nonconforming structures, uses, and lots.


C. Format of the Development Code.

1. Outline. The format of the Development Code follows the layout of the Calabasas Municipal Code. The chapter and section numbers use an expandable decimal numbering system. Major divisions within the Development Code are called articles. Major divisions within articles are called chapters. Chapters divide into sections and subsections. The format of the divisions in the Development Code is shown below.

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Title 17 - Land Use and Development Code

Article XX - Name of Article
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2. References and Citations. The Development Code often includes cross-references to other Municipal Code sections, city documents, or state and federal statutes. Cross-references and citations of other documents are handled as follows.

   a. Outside of the Same Section. When a cross-reference is to text outside of the same section being referenced, the cross-reference starts with a title number (i.e., “17”) followed by the chapter number (i.e. (“0.1”), the section number (i.e. “0.50”), and, if applicable, subsections (i.e. “(B)”) which are further subdivided by paragraphs (i.e., “2”). For example, “Section 17.01.050(B)” refers to paragraph 2 of subsection B of Section 17.01.050, of Chapter 17.01, of Title 17. Cross-references will include the applicable title, chapter or section number.

   b. Within the Same Section. When a cross-reference is to text within the same section, the cross-reference identifies the subsection with the applicable letter (i.e., “(D)” followed by a paragraph number (i.e. “2”). For example “See subsection (D) 2, of this section,” refers to paragraph 2, of subsection D, of the same section.

   c. External Documents. The Development Code references state statues by the name of the applicable state code, and specific section numbers (e.g., “Government Code Section 65091,” “Map Act Section 66749,” etc.). The reference will include the abbreviation “et seq.” (the Latin “et sequitur,” which means “and following”) when the Development Code also references other sections within the same article or chapter of the relevant state code when those sections relate to the same subject matter. For example, “Government Code Section 65090 et seq.” refers to Section 65090 of the California Government Code, and all sections within Chapter 2.7 of the Government Code entitled “Public Hearings”.


3. Terms. The Development Code has been written so that it can be easily understood by the general public. Most terms and phrases shall be interpreted so as to give them the meaning they have in common usage, except as specifically defined in the Development Code. Article VII (Definitions), defines words that have a specific meaning in the Development Code. Chapter 17.03 (Interpretation of Code Provisions) contains other information on how terms are used in the Development Code.

D. Using the Development Code.

1. Determining the Zoning Regulations for a Specific Site. To determine the zoning regulations applicable to a specific property, you must first find the site on the Calabasas zoning map. The zoning map will show the zoning applied to the site, and whether the site is subject to any overlay zoning districts or limitations on maximum residential density. After determining the site’s zoning, you use the Development Code to find regulations applicable to the development of the site.

a. Allowed Uses and Zone-Based Development Standards. Refer to Table 2-2 - Land Use Table in Article II (Zoning Districts and Allowable Land Uses) to determine which land uses are possible on the site. Where the Development Code provides unique standards and requirements for a particular land use (e.g., day care centers, home occupations, service stations, etc.), Table 2-2 also list the code section where the specific standards can be found.

Chapter 17.12 provides standards applicable to specific land uses and activities, such as the keeping of animals within the city, day care facilities, home occupations, service stations, and others.

Chapters 17.13, 17.14 and 17.15 include additional tables describing the basic standards for development in each zoning district: the minimum size for lots proposed in new subdivisions; the maximum allowed residential density; maximum floor area ratio; maximum site coverage; minimum setback/yard requirements; and maximum height for proposed structures.

b. Additional Development Standards. Refer to Article III to find the remaining development standards and regulations applicable to any proposed development or land uses (in addition to those established for each zoning
district in Article II). To assist with the foregoing, each chapter in Article III should be reviewed in the following order:

i. Chapter 17.20 - General Property Development and Use Standards. This chapter contains sections that each cover one topic and that apply to most land use types. Each section should be reviewed to determine whether it applies to a particular use.

ii. Chapter 17.22 - Affordable Housing. This chapter applies to residential development projects proposing five or more housing units.

iii. Chapter 17.24 - Art in Public Places. This chapter applies to commercial development projects.

iv. Chapter 17.26 - Landscaping. This chapter applies to all land uses and development.

v. Chapter 17.28 - Parking and Loading. This chapter applies to all land uses and development.

vi. Chapter 17.30 - Signs. This chapter contains the city’s sign ordinance, and applies to all land uses and development proposing signs.

vii. Chapter 17.32 - Oak Tree Regulations. This chapter contains the city’s oak tree ordinance and applies to all properties that contain oak trees.

viii. Chapter 17.34 – Green Development Standards. This chapter applies to commercial development projects with an area over five hundred (500) square feet.

ix. Chapter 17.36 – Historic Preservation Ordinance. This chapter contains the city’s historic preservation ordinance, and applies to all historical resources within the city.

x. Chapter 17.38 – Reasonable Accommodation. This chapter provides a process for disabled persons to request reasonable accommodations from existing standards in the Development Code.
Determining Where a Specific Use May Locate.

a. The Allowable Use Table. To determine in what zones a specific use may be located, review Table 2-2 - Land Use Table in Article II 1.010 (Permitted, conditional, temporary and accessory land uses – all zoning districts).

The left column of the Table 2-2 lists the land uses allowed in each zoning district, organized by broad land use types: agriculture and open space uses; recreation, education and public assembly uses; residential uses; retail trade uses; service uses; and transportation and communications uses. Under each land use type is a list of the individual land uses that may be allowed in each zoning district. The names of the individual land uses are intended to generally describe each use so that the lists do not need to exhaustively itemize every possible land use that may be allowed within the city. Each land use is then defined in detail in Article VII (Development Code Definitions), with examples of the specific land uses that are included under the general heading.

Each of the middle columns in Table 2-2 covers one zoning district, and the rows in the table corresponding to each land use show whether a particular use may be allowed in the zoning district, and what permit is required to obtain permission for the use.

The right column of the table shows whether any unique Development Code standards apply to the particular land use.

b. Using the Land Use Table. As mentioned above, review Table 2-2 to find the general type of land use applicable to your proposed land use. Next scroll down the list of specific uses to find your use. If your use cannot readily be found, try to find a use that looks similar, or appears to generally describe your use, and then speak with a community development staff member about the process of determination of similar use. If your use is not listed in the table for a particular zoning district, it is prohibited in that zoning district.

c. Checking Overlay Zone Requirements. In some cases, a site in a particular zoning district may also have an overlay zone applied to it in addition to the “base” zoning. For example, a site in the CR (commercial, retail) zoning district could also be located within a scenic corridor and be subject to the scenic corridor design guidelines. In this case, the zoning map would show the site within the “CR-SC” designation.
d. Checking Specific Use Standards. In some cases, the standards for specific land uses in Chapter 17.12 of Article II and a site’s characteristic (e.g. lot size) may have the effect of prohibiting a particular land use. For example, “Secondary Housing Units” as shown in Table 2-2 are conditionally allowed in the RS, RR and HM zoning districts. However, the specific requirements for secondary housing units in Section 17.12.170 allow these units only on parcels with a minimum area of ten thousand (10,000) square feet. The right column of Table 2-2 will show a section number if the Development Code provides unique standards for a particular use. The listed section should be carefully reviewed to determine whether a particular site and proposed project can qualify for approval.
Article I. Purpose and Effect of Development Code

Chapter 17.01 Enactment and Applicability

Sections:

17.01.010 Title.

This title is and may be cited as the Land Use and Development Code of the City of Calabasas, Title 17 of the Calabasas Municipal Code, hereafter referred to as “this Development Code.”

17.01.020 Purpose.

This Development Code implements the policies of the Calabasas General Plan by classifying and regulating the development and uses of land and structures within the city. This Development Code is adopted to protect and to promote the health, safety, comfort, convenience, prosperity, and general welfare of residents, and businesses. More specifically, the purposes of this Development Code are to:

A. Provide standards for the orderly growth and development of the city that will assist in maintaining a high quality of life without causing unduly high development costs or unduly restricting private enterprise, initiative or innovation in design;

B. Implement the Calabasas General Plan by encouraging the uses of land designated by the General Plan and avoiding conflicts between land uses;

C. Conserve and protect the natural resources of the city;
Enactment and Applicability | Chapter 17.01
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D. Create a comprehensive and stable pattern of development and land uses upon which to plan transportation, water supply, sewerage and other public facilities and utilities;

E. To provide regulations for the subdivision of land in accordance with the Subdivision Map Act, Title 7, Section 4, Division 2 of the California Government Code §66410-66499.58; and

F. To provide regulations consistent with State planning and zoning laws.

17.01.030 Authority - Relationship to General Plan.

A. This Development Code is enacted based on the authority vested in the city by the state of California, including the State Constitution; California Government Code Sections 65800 et.seq.; the California Environmental Quality Act, Housing Act, Subdivision Map Act, and the Health and Safety Code.

B. This Development Code is the primary tool used by the city to implement the goals, objectives and policies of the Calabasas General Plan. The Calabasas council intends that this Development Code be consistent with the Calabasas General Plan, and that any land use, subdivision or development approved in compliance with this Development Code will also be consistent with the Calabasas General Plan.

17.01.040 Applicability of the Development Code.

This Development Code applies to all land uses, subdivisions and development within the city as follows.

A. New Land Uses or Structures--Changes to Existing Land Uses or Structures. It is unlawful, and a violation of this Development Code, for any person to establish, construct, reconstruct, alter, maintain, or replace any use of land or structure, except in compliance with the requirements of this Code.

B. Building or Grading Permits. Building or grading permits may be issued by the city only when (i) the proposed land use and/or structure does not violate the prohibition in subsection A of this section, (ii) when the director determines that the site was subdivided in compliance with all applicable requirements of Article IV, and (iii) when proposed grading is in compliance with all applicable requirements of Title 15 of this Code.
No construction authorized by a building or grading permit shall be granted a final inspection approval or a certificate of occupancy, unless the construction and grading complies with the approved land use permit, and all applicable conditions of approval, as well as with all applicable regulations in Title 15 of this Code.

C. Subdivision of Land. Any subdivision of land proposed within the city after the effective date of this Development Code shall be consistent with the minimum lot size requirements of Article II, the subdivision requirements of Article IV, and all other applicable requirements of this Development Code.

D. Continuation of an Existing Land Use. An existing land use is, subject to the operation of Chapter 17.72, lawful and not in violation of subsequently adopted amendments to this Development Code only when established in compliance with the Development Code then in effect, and it continues to be conducted, operated and maintained in compliance with those regulations.

E. Effect of Development Code Changes on Projects in Progress. The enactment of this Development Code or any subsequent amendments may impose different standards on new land uses than those that applied to existing development (e.g., this Development Code or an amendment could require more off-street parking spaces for a particular land use than the former Development Code provisions). The following provisions determine how the requirements of this Development Code apply to projects in progress at the time requirements are changed:

1. Approved Projects not yet Under Construction. Any approved development project for which construction has not begun as of the effective date of this Development Code or amendment, may still be constructed as approved, as long as (i) required building permits have been obtained and remain active and construction work or (ii) activities at the site have begun before the expiration of any applicable land use permit (Section 17.64.050) or, (iii) where applicable, before the expiration of any approved time extension granted under Section 17.64.050.

2. Approved Projects not Requiring Construction. Any approved land use not requiring construction that has not been exercised as of the effective date of this Development Code or any subsequent amendment, may still be exercised in compliance with its approved permit, as long as the permittee exercised the permit or entitlement prior to the expiration of (i) the time limits set forth in subsection (A) of Section 17.64.050; or any approved time
extension granted pursuant to subsection (A) of Section 17.64.050. As used herein, "exercised" refers to an approved use that is substantially commenced or undertaken at a specific location prior to the date of expiration of the permit, or any extension thereof.

3. Approved Subdivisions not yet Recorded. Any approved subdivision for which a parcel or final map has not been recorded as of the effective date of this Development Code or amendment, may still have a parcel or final map recorded in compliance with the approved tentative map, as long as recordation occurs before (i) the expiration date of the tentative map as set forth in Sections 17.41.300 et seq.) or (ii) any approved time extension granted under Section 17.41.320.

4. Projects under Construction. If a permittee is constructing a structure on the effective date of this Development Code or any subsequent amendment, the permittee may continue to construct the structure as approved unless the applicable building permits expire or become invalid by operation of law.

F. Other Requirements may Still Apply. Nothing in this Development Code eliminates the need for obtaining any other permits, licenses, approvals, or entitlements required by the city, this Code, or any county, regional, state or federal agency.

G. Conflicting Permits and Licenses to be Void. All permits or licenses shall be issued by the city in compliance with the provisions of this Development Code. Any approval, permit or license issued in conflict with this Development Code shall be void.

H. Application Requirements. Except for a property owner(s) or an agent of a property owner, no person may file an application for a permit, license, approval, or other entitlement under this title. The director may require any applicant to submit proof of his or her interest in the real property for which he or she is seeking a permit, license, approval or other entitlement. The director may also require an agent to submit evidence of his or her authority to act on the behalf of the property owner. In instances where an application must be filed in connection with the abatement of a violation of this Development Code, or any other portion of the Calabasas Municipal Code, the director may require all owners of record for the property on which the violation is located to sign the application.
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17.01.050  Responsibility for administration.

This Development Code shall be administered by the Calabasas council, commission, director, development review committee, and the department, as provided in Chapter 17.70.

17.01.060  Partial invalidation of Development Code.

If any article, section, subsection, paragraph, subparagraph, sentence, clause, phrase or portion of this Development Code is for any reason held to be invalid, unconstitutional or unenforceable, these decisions shall not affect the validity of the remaining portions of this Development Code. The council declares that this Development Code and each article, chapter, section, subsection, paragraph, subparagraph, sentence, clause, phrase and portion thereof would have been adopted irrespective of the fact that one or more portions of this Development Code may be declared invalid, unconstitutional or unenforceable.
Chapter 17.02 Land Use Permit Requirements

Sections:

17.02.010 Requirements for development and new land uses.
17.02.020 Exemptions from land use permit requirements.
17.02.030 Temporary uses.
17.02.040 Additional permits or approvals may be required.

17.02.010 Requirements for development and new land uses.

No form of development shall occur or be maintained and no new land use shall be established, allowed, or maintained unless both comply with the following requirements.

A. Allowable Use. Table 2-2 - Land Use Table in Chapter 17.11 identifies land uses authorized in each zoning district within the city.

B. Permit Requirements. Absent an applicable exemption under Section 17.02.020, any land use permit required by this Development Code and any permits required by Title 15 of this code shall be obtained before the proposed development or land use is constructed, established or put into operation. The land use permit requirements of this Development Code are established by Chapter 17.62.

C. Development Standards. Every development and/or use(s) shall comply with all other applicable requirements of this Development Code, including Article II, and the provisions of Article III.

D. Conditions of Approval. Development and/or use(s) shall comply with any applicable conditions imposed by any previously granted land use permit, unless those conditions are thereafter revoked or modified in accordance with the provisions in this Development Code. New development and/or uses shall, at all times, comply with all conditions of approval for a new land use permit that are imposed pursuant to this Development Code.

E. Development Agreements. The use and/or structures shall comply with any applicable development agreement approved by the city in compliance with Chapter 17.68 or by Los Angeles County prior to city incorporation.
17.02.020   Exemptions from land use permit requirements.

The land use permit requirements of this Development Code do not apply to the activities, land uses and structures identified by this section, which are allowed in all zoning districts subject to compliance with this section.

A. General Requirements for Exemption. The activities, land uses and structures identified by subsection (B) of this section are exempt from the land use permit requirements of this Development Code only when:

1. The activity, use or structure is established and operated and maintained in compliance with all applicable development standards of this title.; and

2. Any permit or approval required by regulations other than this Development Code is first obtained in compliance with Section 17.02.040 of this chapter.

B. Exempt Activities, Uses and Structures. The following activities, land uses and structures are exempt from the land use permit requirements of this Development Code when in compliance with subsection (A) of this section:

1. Decks, Paths and Driveways. Unenclosed decks, platforms, on-site paths, and driveways are exempt provided they (i) do not require a building permit or a grading permit under Title 15 of this code. (ii) are not over eighteen inches above natural grade and (iii) are not over any basement or story below.

2. Fences--Residential Zoning Districts. Except for those properties within the SC overlay zone, fences in the residential zoning district are exempt as set forth in Section 17.20.100 of this title.

3. Governmental Activities. Activities of the city are exempt. Activities of the state or the federal government on land owned or leased by a governmental agency are exempt to the extent required by state and federal law.

4. Interior Remodeling. Interior alterations that do not increase the number of rooms or the gross floor area within a structure, or do not change the permitted use of the structure.

5. Portable Spas, Hot Tubs and Fish Ponds. Portable spas, hot tubs and fish ponds and other similar structures, are exempt provided that do not (i) exceed one hundred twenty square feet in total area, including related
equipment; (ii) contain more than two thousand gallons of water; or (iii) exceed three feet in depth.

6. Repairs and Maintenance of Existing Lawful Structures. Repair and maintenance of existing lawful structures is exempt; provided it does not change, intensification or expansion of an approved land use of a site or structure, or does not add to, enlarge or expand a structure. Exterior maintenance and repair work shall, for structure exteriors, use the same materials and design as the original structure.

7. Small Residential Accessory Structures. Storage sheds and other small structures in residential zoning districts shall be exempt provided they (i) comply with the building permit requirements of Title 15 of this code, (ii) comply with the setback requirements of Section 17.20.180 F. (6) of this title, and (iii) are less than one hundred twenty square feet in gross floor area. Small residential accessory structures located within the scenic corridor shall also comply with the scenic corridor guidelines. Children's playground structures shall not be allowed in front yard setbacks in any residential zoning district.

8. Solar Collectors. The addition of solar collection systems to the roofs of existing structures provided the location of the collectors comply with Section 17.20.190 of this title.

9. Utilities. The erection, construction, alteration or maintenance of underground or overhead utilities by a public utility or public agency (e.g., water, gas, electric, telecommunication, supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, and other similar facilities.), shall be exempted from the requirements of this Development Code to the extent required by state and federal law. Notwithstanding the foregoing, the route of any electrical transmission line(s) having the potential of fifty thousand volts or more shall be subject to council review and approval prior to acquisition of rights-of-way. Satellite and cellular telephone antennas are subject to Section 17.12.050 of this title. Any construction activity within a public right-of-way shall first be reviewed by the city engineer and shall require the approval of a city encroachment permit.

10. Walls and Retaining Walls. Concrete and masonry walls less than forty-two inches in height located in residential zoning districts shall be exempt. Retaining walls retaining earth shall be exempt provided, the grade changes
Land Use Permit Requirements   Chapter 17.02

are thirty-six inches or less and Title 15 of this code do not require a grading permit. The foregoing exempt walls shall comply with all applicable provisions of Section 17.20.100 of this title.

17.02.030   Temporary uses.

Requirements for establishing a temporary use (e.g., construction yards, seasonal sales lots, special events, temporary office trailers, etc.) are in Section 17.62.030.

17.02.040   Additional permits or approvals may be required.

An allowed structure or land use that is exempt from a land use permit, or that has been granted a land use permit, may still be required to obtain other permits before construction or installation work for the structure is started, or the use or activity is established or put into operation. Nothing in this chapter shall eliminate the need to obtain any permits or approvals required by:

A. Other provisions of this Code, including: building, grading or other construction permits required by Title 15; a business licenses if required by Title 5; or subdivision approvals if required by Article IV;

B. Los Angeles County, any special district, or any regional, state or federal agency. All permits and approvals required by law from such agencies or districts having concurrent jurisdiction shall be obtained prior to the commencement of work on any allowed structures or establishing new uses.
Chapter 17.03 Interpretation of Code Provisions

Sections:

17.03.010 Purpose.
17.03.020 Rules of interpretation.
17.03.030 Procedures for interpretations.

17.03.010 Purpose.

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

17.03.020 Rules of interpretation.

A. Authority. The director is assigned the responsibility and authority to interpret the requirements of this Development Code.

B. Language.

1. Terminology. When used in this Development Code, the words “shall,” “must,” “will,” “is to” and “are to” are always mandatory. “Should” is not mandatory but is strongly recommended; and “may” is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words “includes” and “including” shall mean “including but not limited to…”

2. Number of Days. Whenever a number of days is specified in this Development Code, or in any permit, condition of approval or notice issued or given as provided in this Development Code, the number of days shall be construed as calendar days. Time limits will extend to the following working day where the last of the specified number of days falls on a weekend or holiday.
3. Minimum Requirements. When interpreting and applying the regulations of this Development Code, all provisions shall be considered to be minimum requirements, unless stated otherwise (e.g., height limits and site coverage requirements for structures, and the numbers and size of signs allowed are maximums, not minimums).

C. Zoning Map Boundaries. If there is uncertainty about the location of any zoning district boundary shown on the official zoning map, the following rules are to be used in resolving the uncertainty:

1. Where district boundaries approximately follow lot, alley or street lines, the lot lines and street and alley centerlines shall be construed as the district boundaries;

2. If a district boundary divides a parcel and the boundary line location is not specified by distances printed on the zoning map, the location of the boundary will be determined by using the scale appearing on the zoning map; and

3. Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley will be included within the zoning district of the adjoining property on either side of the centerline of the vacated or abandoned street or alley.

D. Allowable Uses of Land. If a proposed use of land is not specifically listed in Table 2-2 - Land Use Table of Chapter 17.11, the use is prohibited except as allowed by Section 17.11.020.

E. Conflicting Requirements.

1. Development Code and Municipal Code Provisions. If conflicts occur between requirements of this Development Code, or between this Development Code and other regulations of the city, the most restrictive shall apply.

2. Development Agreements or Specific Plans. If conflicts occur between the requirements of this Development Code and standards adopted as part of any development agreement or specific plan, the requirements of the development agreement or specific plan shall apply.
3. Private Agreements. This Development Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development, maintenance, or use of structures or land than a private agreement or restriction, without affecting the applicability of any agreement or restriction. The city shall not enforce any private covenant or agreement unless it is an express party and signatory to the covenant or agreement.

17.03.030 Procedures for interpretations.

Whenever the director determines that the meaning or applicability of any of the requirements of this Development Code are subject to interpretation generally or as applied to a specific case, the director may issue an official interpretation. Interpretations may also be requested, by any interested party, in compliance with this section. Notwithstanding any provision in this chapter, a determination by the director or department staff, pursuant to Section 17.80.020 or another section, that a person is violating this Development Code is not subject to a request for interpretation, nor is that determination appealable to the commission or to the council, or subject to a call for review.

A. Request for Interpretation. A request shall be written and filed within ten days of any action by the department involving the provision which is the subject of the request. The written request shall specifically state the provision(s) in question, and may provide any additional information to assist in the review of the request.

B. Record of Interpretations. If the director determines that a provision of this Development Code requires refinement or revision, an amendment to this Development Code should be made as soon as is practical. Until amendments can occur, the director will maintain a complete record of all official interpretations, which shall be available for public review, and indexed by the section number. Official interpretations shall be:

1. In writing, and shall quote the provisions of this Development Code being interpreted, and explain their meaning or applicability in the particular or general circumstances that caused the need for interpretation; and

2. Distributed to the council, commission, city attorney, city clerk and department staff.

C. Appeals and Referral. Any interpretations of this Development Code by the director may be appealed to the commission as provided by Chapter 17.74. The
director may also refer any interpretation to the commission for a determination. Any interpretation by the director may be called up for review by the commission or council in accordance with Chapter 17.74.
ARTICLE II. ZONING DISTRICTS AND ALLOWABLE LAND USES

Chapter 17.10 Establishment of Zoning District and Allowable Land Uses

Sections:

17.10.010 Purpose.
17.10.020 Zoning districts established.
17.10.030 Zoning map adopted.
17.10.040 Zoning district regulations.

17.10.010 Purpose.

This chapter establishes the zoning districts to be applied to property throughout the city, adopts the city’s zoning map, and determines how the regulations of each zoning district apply to property.

17.10.020 Zoning districts established.

Calabasas shall be divided into zoning districts which consistently implement the General Plan. The following zoning districts are established, and shall be shown on the official zoning map (Section 17.10.030).

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Zoning Map Symbol</th>
<th>General Plan Land Use District Implemented by Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Zones</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential, Single-Family</td>
<td>RS</td>
<td>R-SF Residential - Single-Family</td>
</tr>
<tr>
<td>Residential, Multifamily</td>
<td>RM</td>
<td>R-MF Residential - Multiple-Family</td>
</tr>
<tr>
<td>Residential, Mobilehome</td>
<td>RMH</td>
<td>R-MH Residential - Mobilehome</td>
</tr>
<tr>
<td>Residential, Rural</td>
<td>RR</td>
<td>RR Rural Residential</td>
</tr>
<tr>
<td>Rural Community</td>
<td>RC</td>
<td>RC Rural Community</td>
</tr>
<tr>
<td>Commercial Zones</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial, Limited</td>
<td>CL</td>
<td>B-LI Business - Limited Intensity Commercial</td>
</tr>
</tbody>
</table>
Establishment of Zoning Districts and Allowable Land Uses

Chapter 17.10

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Zoning Symbol</th>
<th>Map Symbol</th>
<th>General Plan Land Use District Implemented by Zoning District</th>
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</thead>
<tbody>
<tr>
<td>Commercial, Retail</td>
<td>CR</td>
<td>B-R</td>
<td>Business - Retail</td>
</tr>
<tr>
<td>Commercial, Office</td>
<td>CO</td>
<td>B-PO</td>
<td>Business - Professional Office</td>
</tr>
<tr>
<td>Commercial, Mixed Use</td>
<td>CMU</td>
<td>MU</td>
<td>Mixed Use</td>
</tr>
<tr>
<td>Commercial, Business Park</td>
<td>CB</td>
<td>B-BP</td>
<td>Business Park</td>
</tr>
<tr>
<td>Commercial, Old Town</td>
<td>CT</td>
<td>B-OT</td>
<td>Business - Old Town</td>
</tr>
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<td><strong>Special Purpose Zones</strong></td>
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</tr>
<tr>
<td>Planned Development</td>
<td>PD</td>
<td>PD</td>
<td>Planned Development</td>
</tr>
<tr>
<td>Hillside/Mountainous</td>
<td>HM</td>
<td>HM</td>
<td>Hillside - Mountainous</td>
</tr>
<tr>
<td>Open Space</td>
<td>OS</td>
<td>OS-R</td>
<td>Open Space - Resource Protection</td>
</tr>
<tr>
<td>Open Space-Development Restricted</td>
<td>OS-DR</td>
<td>OS-R</td>
<td>Open Space - Resource Protection</td>
</tr>
<tr>
<td>Public Facility</td>
<td>PF</td>
<td>PF-I</td>
<td>Public Facilities - Institutional</td>
</tr>
<tr>
<td>Recreation</td>
<td>REC</td>
<td>OS-R</td>
<td>Open Space - Recreational</td>
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<tr>
<td></td>
<td></td>
<td>PF-R</td>
<td>Public Facilities - Recreational</td>
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<td><strong>Overlay Zones</strong></td>
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<td>Development Plan</td>
<td>-DP</td>
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<td>Multiple districts</td>
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<td>Scenic Corridor</td>
<td>-SC</td>
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<td>Old Topanga</td>
<td>-OT</td>
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<td></td>
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<td>Hillside/Mountainous</td>
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<td>OS-R</td>
<td>Open Space-Resource Protection</td>
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<td>Calabasas Highlands</td>
<td>-CH</td>
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<td></td>
<td></td>
<td>OS-R</td>
<td>Open Space-Resource Protection</td>
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</tbody>
</table>

17.10.030 Zoning map adopted.

A. Inclusion by Reference. The zoning map, together with all legends, symbols, notations, references, zoning district boundaries, map symbols, and other information on the map has been adopted by the council in compliance with Government Code sections 65800 et seq., and is incorporated into this Development Code by reference as though it were fully set forth herein.

B. Zoning District Boundaries. The boundaries of the zoning districts established by Section 17.10.020 shall be shown upon the map designated as the “City of
Establishment of Zoning Districts and Allowable Land Uses    Chapter 17.10

Calabasas zoning map” (hereafter referred to as the “zoning map”), on file with the city clerk, and available at the department.

C. Relationship to General Plan. The zoning map shall implement the General Plan, including the Land Use Plan.

D. Zoning Map Amendments. Amendments to the zoning map shall follow the process established in Chapter 17.76.

E. Interpretation of Zoning Map. The zoning map shall be interpreted in compliance with Section 17.03.020(C).

17.10.040    Zoning district regulations.

A. Purpose. Chapter 17.11 determines which land uses are allowed in each zoning district established by Section 17.10.020 and Chapter 17.62 specifies what land use permit is required to establish each use. Chapters 17.13 through 17.17 provide the basic development standards that apply to allowed land uses in each zoning district.

B. Determination of Allowable Land Uses. Any questions about whether a proposed land use is allowed in a particular zoning district by Section 17.11.010 shall be resolved by the director in compliance with Section 17.11.020.

C. Development Standards--Conflicts Between Provisions.

1. In the event of any conflict between the zoning district regulations of this article and the provisions of Article III, the provisions of Article III shall control;

2. In the event of any conflict between the zoning district regulations of this article and the provisions of any applicable development agreement, specific plan, or master plan, the provisions of the development agreement, specific plan or master plan shall control.

D. Single Parcel in Two Zoning Districts. In the event two or more parcels are consolidated through the approval of a lot line adjustment, parcel or tentative map in compliance with Article IV such that a single parcel is covered by two or more zoning districts, the consolidated parcel shall be rezoned to a single zoning district.
In the event that an existing parcel is covered by two or more zoning districts, the location of the main structure shall determine which zoning district standards shall apply to the project. In cases where the proposed main structure would straddle a zone district boundary line, the most restrictive zoning district standards shall apply.

E. Partial Coverage of Parcel by Overlay Zone. In the event the boundaries of two or more parcels are affected through the approval of a lot line adjustment, parcel map or tentative map in compliance with Article IV (Subdivisions) such that a parcel resulting from such approval is not entirely within an existing overlay zone, the resulting parcel shall be rezoned pursuant to Chapter 17.76 so that the entire resulting parcel is within the overlay zone. In the case where portions of the resulting parcel are within more than one overlay zone, the director shall determine which overlay zone shall apply to the entire resulting parcel and the resulting parcel shall be rezoned accordingly pursuant to Chapter 17.76. The property owner may apply for a tentative map, parcel map, or conditional use permit (if applicable) to have the overlay zone designation removed from the resulting parcel, the approval of which may be subject to conditions consistent with Chapter 17.18 and Chapter 17.76.
Chapter 17.11 Allowable Land Uses

Sections:

17.11.010 Permitted, conditional and accessory land uses – all zoning districts.
17.11.020 Determination of similar use.

17.11.010 Permitted, conditional and ancillary land uses – all zoning districts.

A. Land Use Permit Requirements. The uses of land allowed by this development code in the commercial zoning districts are identified in the following table as being:

1. A permitted use (identified with a “P” in the table), means that the use is permitted in the particular zoning district as long as all other zoning district and special criteria are met.

2. An accessory use (identified with an “A” in the table) means that the use is allowed as long as it is ancillary to another permitted use and as long as all other zoning district and special criteria are met.

3. A conditional use (identified with a “C” in the tables), means that a use is allowed subject to approval of a conditional use permit (Section 17.62.060).

4. A temporary use (identified with a “TUP” in the tables), means that a use is allowed subject to prior approval and issuance of a temporary use permit (Section 17.62.030).

B. Uses Not Listed. Land uses that are not listed on the table or when a space in the table is blank in a particular zoning district, the land use is prohibited, except where provided by Section 17.11.020.

C. Additional Permit/Approval Requirements. A use of land allowed in compliance with subsection (A) of this section, as well as any proposed development related thereto, shall also comply with the following where applicable:

1. A site plan review (Section 17.62.020), administrative plan review (Section 17.62.090), or development plan review (Section 17.62.070) is required for all new development and a scenic corridor permit (Section 17.62.050) is required for new development in a scenic corridor. Where no other
authorization is required, a request for zoning clearance (Section 17.62.110) shall be required.

2. Design review (Chapter 2.40 of the Municipal Code) where required by the General Plan, or any specific plan, master plan, or design guidelines; and

3. A building or grading permit if required by Title 15, or any other permit or approval required by the Municipal Code.

The review or clearance discussed in Subsection C.1 and 2. Above shall be completed and approved by the review authority before the proposed use of land is commenced or established and before site work on any proposed development is started. Proposed uses shall also comply with all other applicable provisions of this Development Code.

D. Standards for Specific Uses. Where the last column in the following table (“See Section”) includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Development Code may apply as well.

E. All processes and activities related to a permitted or conditional use are to be conducted within a completely enclosed building or structure with the following exceptions: temporary uses (Section 17.62.030), outdoor storage of materials and finished product (where permitted), and outdoor dining areas.

F. Land Use Table. Land uses listed in the following table shall be defined using the North American Industry Classification System (NAICS) unless otherwise defined in Article VII. Specific land uses within the table are grouped under the following major headings:

AGRICULTURE

RESIDENTIAL

INSTITUTIONAL
Educational
Medical
Public
Religious
Non-profit / Service Organizations – 501(c) (3)
Utilities
COMMERCIAL
Alcohol
Automobile Related Services
Automobile Repair
Communications
Day Care Facilities
Eating / Drinking Places and Food Services
Entertainment and Recreation
Lodging
Offices
Retail
Services
Transportation

INDUSTRIAL
Light Industrial
Manufacturing
Warehousing/Storage
Wholesale

TEMPORARY AND INTERIM USES
### TABLE 2-2 - LAND USE TABLE

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>ZONE</th>
<th>RS</th>
<th>RM</th>
<th>RMH</th>
<th>RR</th>
<th>RC</th>
<th>PD</th>
<th>HM</th>
<th>OS</th>
<th>OS-DR</th>
<th>PF</th>
<th>REC</th>
<th>CL</th>
<th>CR</th>
<th>CO</th>
<th>CMU</th>
<th>CB</th>
<th>CT</th>
<th>See standards in section</th>
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<td>AGRICULTURE</td>
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<td>17.12.030 D.&amp; E.</td>
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<td>Equestrian Facilities</td>
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<td>Farm Animals</td>
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<td>Kennels and animal boarding</td>
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<td>Apartments, Condominiums, Duplexes and other Multi-Family Dwellings</td>
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<td>Planned Development - Residential</td>
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<td>Residential care homes, seven or more clients</td>
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</table>

**KEY:** P=Permitted Use (See Chapter 17.62 for required permit), C=Conditionally Permitted (CUP required), A=Allowed as an Accessory Use, TUP=Temporary Use (TUP required)
Calabasas Land Use and Development Code  
January 2010

Land Use Requirements

Chapter 17.11

### TABLE 2-2 - LAND USE TABLE

KEY: P=Permitted Use (See Chapter 17.62 for required permit), C=Conditionally Permitted (CUP required), A=Allowed as an Accessory Use, TUP=Temporary Use (TUP required)

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>ZONE</th>
<th>RS</th>
<th>RM</th>
<th>RMH</th>
<th>RR</th>
<th>RC</th>
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<th>HM</th>
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<tbody>
<tr>
<td>Rooming and boarding houses</td>
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## TABLE 2-2 - LAND USE TABLE

KEY: P=Permitted Use (See Chapter 17.62 for required permit), C=Conditionally Permitted (CUP required),
A=Allowed as an Accessory Use, TUP=Temporary Use (TUP required)

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### TABLE 2-2 - LAND USE TABLE

**KEY:** P=Permitted Use (See Chapter 17.62 for required permit), C=Conditionally Permitted (CUP required), A=Allowed as an Accessory Use, TUP=Temporary Use (TUP required)

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### TABLE 2-2 - LAND USE TABLE

**KEY:** P=Permitted Use (See Chapter 17.62 for required permit), C=Conditionally Permitted (CUP required), A=Allowed as an Accessory Use, TUP=Temporary Use (TUP required)

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*Note: C(1) indicates additional conditions or requirements.*

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*Table 33*
### TABLE 2-2 - LAND USE TABLE

KEY: P=Permitted Use (See Chapter 17.62 for required permit), C=Conditionally Permitted (CUP required), A=Allowed as an Accessory Use, TUP=Temporary Use (TUP required)

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**TABLE 2-2 - LAND USE TABLE**

KEY: P=Permitted Use (See Chapter 17.62 for required permit), C=Conditionally Permitted (CUP required),
A=Allowed as an Accessory Use, TUP=Temporary Use (TUP required)

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### TABLE 2-2 - LAND USE TABLE

**KEY:**
- **P**=Permitted Use (See Chapter 17.62 for required permit), **C**=Conditionally Permitted (CUP required), **A**=Allowed as an Accessory Use, **TUP**=Temporary Use (TUP required)

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### INDUSTRIAL

**Light Industrial**
- Recycling Collection Facilities
  - Small (to 500 Sq. Ft.) C C C 17.12.160
  - Large (500+ Sq. Ft.) C 17.12.160
- Reverse vending machine A A A A 17.12.160

**Manufacturing**
- Apparel Manufacturing C
- Chemical Manufacturing C
- Computer and Home Electronic Manufacturing C
- Electrical Equipment Manufacturing C
- Food Manufacturing C
## TABLE 2-2 - LAND USE TABLE

**KEY:** P=Permitted Use (See Chapter 17.62 for required permit), C=Conditionally Permitted (CUP required), A=Allowed as an Accessory Use, TUP=Temporary Use (TUP required)

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<td>Seasonal Sale (Christmas Tree, Pumpkin, and similar Lots)</td>
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### TABLE 2-2 - LAND USE TABLE

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<td>Storage – Temporary Portable Containers</td>
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<td>Temporary Structures (i.e. subdivision sales office, etc.)</td>
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Notes:

1. Use allowed only where in compliance with the Old Town Calabasas Master Plan and Design Guidelines.
2. Use falls under Residential Care Homes and is subject to applicable standards and conditions.
3. Allowable only in conjunction with a primary allowable use (e.g., convenience store, grocery store, restaurant, etc.).
17.11.020 Determination of Similar Use.

A. Allowable Uses of Land. When a use is not specifically listed in this Development Code, the use is prohibited except as follows:

1. It is recognized that every conceivable use cannot be identified by this Development Code, and new uses will develop over time. This section authorizes the director to fit an unidentified use within a use or uses identified in this Development Code; provided, the unidentified use has similar impacts, functions and characteristics. The director may make a "determination of similar use" decision, which is a determination that the proposed use is similar to one or more other permitted and listed uses. In making a determination of similar use the director shall identify the similar use or uses and shall consider the following:

   a. Volume and type of sales (retail or wholesale), the size and type of items sold and nature of inventory on the premises;

   b. Processing, assembly, manufacturing, warehousing, shipping and distribution done on the premises; and dangerous, hazardous, toxic or explosive materials used in processing;

   c. Nature and location of storage and display of merchandise (enclosed, open, inside or outside the principal building), and the predominant types of items stored (business vehicles, work-in-progress, inventory and merchandise, construction materials, scrap and junk);

   d. Type, size and nature of buildings and structures supporting the use;

   e. Number and density of employees and customers, business hours and employment shifts;

   f. Transportation requirements by volume, type and characteristics of traffic generation to and from the site and trip purposes;

   g. Parking characteristics, turnover and generation, and the ratio of the number of spaces required per unit area or activity; and

   h. Amount and nature of potential nuisances generated on the premises (smoke, noise, odor, glare, vibration, radiation, fumes, etc.)
2. In making a determination of similar use, the director may attach reasonable conditions and restrictions to the use, in addition to those required by this Development Code, which will ensure that the use:

   a. Will not endanger the public health, safety or general welfare;

   b. Will not injure the value of adjoining or abutting property;

   c. Will not result in any significant environmental impacts;

   d. Will be in harmony with the area in which it is located; and

   e. Will be in conformity with the General Plan and/or applicable specific plan(s).

B. Application. An application for a determination of similar use shall be submitted on forms provided by the department. The application shall include a description of use for which a determination is requested, together with the reasons why the applicant believes the determination is justified.

C. Findings. In making a determination of similar use, the director shall clearly establish the following findings of fact:

   1. The proposed use meets the intent of, and is consistent with, the goals, objectives and policies of the adopted General Plan;

   2. The proposed use meets the stated purpose and general intent of the zoning district in which the use is proposed to be located;

   3. The proposed use will not adversely impact the public health, safety or general welfare of the city’s residents; and

   4. The proposed use shares characteristics common with, and is not of a greater intensity, density or generate more environmental impact than, those listed in the zoning district in which it is to be located.

D. Applicable Standards and Permit Requirements. When the director determines that a proposed, but unlisted, use is similar to a permitted use, the proposed use will be treated in the same manner as the permitted use in determining where it is allowed, what permits are required and what other standards and requirements
of this Development Code apply. Each determination of similar use shall be site specific and shall not apply district wide.

No person shall allow, conduct, establish or maintain an unlisted use in any district in the city, or start site work on a related proposed development prior to obtaining a written determination of similar use from the director and complying with all other requirements in this Development Code.

No person shall allow, conduct, establish or maintain a use in violation of conditions that accompany a determination of similar use. No person shall expand or intensity a use that has been approved pursuant to a determination of similar use without prior written approval from the director.

E. Commission Review or Determination. The director shall report determinations of similar land uses in compliance with this subsection to the commission at the next regularly scheduled commission meeting, either orally or as part of the commission’s consent calendar. The director may forward questions about equivalent uses directly to the commission for a determination at a public meeting.

F. Appeals. The decision of the director is appealable to the commission and decisions by the commission are appealable to the council pursuant to Chapter 17.74.
Chapter 17.12 Standards for Specific Land Uses

Sections:

17.12.010 Purpose and applicability.
17.12.020 Accessory retail uses.
17.12.025 Adult entertainment businesses.
17.12.030 Agricultural uses.
17.12.035 Alcohol sales
17.12.040 Animal raising and keeping.
17.12.050 Antennas—Wireless communication facilities.
17.12.060 Cemeteries, columbarium’s and mortuaries.
17.12.070 Day care facilities.
17.12.080 Drive-in and drive-through facilities.
17.12.090 Emergency shelters.
17.12.100 Heliports.
17.12.110 Hobby farms.
17.12.115 Home occupations.
17.12.120 Kennels and animal boarding
17.12.125 Medical marijuana dispensary.
17.12.130 Mixed use projects.
17.12.135 Mobilehome parks/subdivisions.
17.12.140 Mobilehomes.
17.12.145 Multifamily housing.
17.12.150 Outdoor merchandise display and activities.
17.12.155 Personal services--Massage therapy.
17.12.160 Recycling facilities.
17.12.165 Residential accessory uses and structures.
17.12.170 Secondary housing units.
17.12.180 Senior residential projects.
17.12.190 Service stations--Retail sales.
17.12.195 Shopping centers--Restaurants
17.12.200 Storage--Outdoor.
17.12.220 Storage--Temporary portable containers.
17.12.230 Veterinary clinics and animal hospitals.
17.12.240 Warehouse retail stores.
17.12010  Purpose and applicability.

A. Purpose. This chapter provides site planning and development standards for land uses that are allowed by Article II of this Development Code in multiple zoning districts (e.g., in residential and commercial districts) and set forth herein.

B. Applicability. Land uses covered by this chapter shall conform with the provisions applicable to the specific use, in addition to other applicable provisions of this Development Code.

17.12020  Accessory retail uses.

Retail sales and services, including restaurants, pharmacies, and the sale of retail merchandise, are allowed accessory to a primary use where authorized by Article II, and as follows:

A. General Standard. Accessory retail uses are permitted, provided there will be no external evidence of any commercial activity other than the primary use of the site (e.g., no signs, or windows with merchandise visible from adjoining streets), nor access to any space used for the accessory retail use other than from within the structure.

B. Commercial Zoning Districts. Restaurants and retail sales as an accessory use are permitted in the commercial zoning districts ancillary and accessory to offices, hospitals and other medical facilities; pharmacies are permitted accessory to hospitals and other medical facilities.

C. Residential and Special Purpose Zoning Districts. Social or recreational establishments may engage in retail sales for members or guests members only.

D. Director Review and Approval Required. All accessory retail uses shall be subject to review and approval by the director as provided in Section 17.620.090. In order to approve an accessory retail use, the director shall first find that there will be no harm to adjacent existing or potential residential development due to excessive traffic, noise or other adverse effects generated by the accessory use.

17.12025  Adult entertainment businesses.

Where allowed by Chapter 17.11 in the CR zoning district, any bookstore, hotel or motel, motion picture arcade or theater, cabaret, model studio, video rental store, or
other business or establishment that is operated as an adult business as defined by Article VII of this Development Code shall be subject to the provisions of this section.

A. Purpose. The purpose of this section is to provide reasonable regulations to prevent the adverse effects of the concentration or clustering of adult entertainment establishments. These uses have serious objectionable characteristics when several are located in close proximity to each other, and tend to create a skid row atmosphere, resulting in a detrimental effect upon the adjacent area. Regulation of the locations of these uses is necessary to ensure that their adverse effects will not contribute to the blight or downgrading of neighborhoods or deter or interfere with the development and operation of other businesses that are needed and desirable in the city.

B. Applicability. The provisions of this section apply to uses operated as adult entertainment establishments in addition to all other applicable requirements of this Development Code.

C. Permit. A conditional use permit shall be required for adult entertainment businesses. The applicant shall be required to obtain an adult entertainment license from Los Angeles County as a condition of approval.

D. Location Requirements. Adult entertainment establishments shall be located no closer than:

1. Five hundred feet to any property in a residential zoning district, CMU zoning district where a commercial project incorporates residential uses, child day care facility, school attended by minor children, park, playground, public building or other public facility likely to be used by minors; or

2. One thousand feet to any other adult entertainment establishment.

Distance between properties shall be measured from the property line of one property to that of another utilizing a straight line method.

17.12.030 Agricultural uses.

A. The purpose of this section is to establish development standards for agricultural uses. This section is to be carried out by allowing only such development that can be achieved without adverse effects to the environment and which will be subordinate to the resources of the particular site and area.
B. An agricultural management plan shall be required for the proposed establishment of new or enlarged existing agricultural uses and any proposed development that relates thereto. The agricultural management plan shall contain, at a minimum, the following elements:

1. Location map;
   a. Scale site plan showing the entire parcel with topography, and proposed and existing structures (including accessory and agricultural structures and residences), roads, fences, contours, wells, water lines, septic tanks and leach lines;
   b. Scale plan showing the entire parcel, and existing land uses, areas presently under and proposed for cultivation, areas of vegetation type, location of any perennial or intermittent streams, areas to be cleared, and areas to be graded for the development;
   c. Soils analysis, discussing soils conditions (including erosion potential and erosion control) and their relationship to appropriate agricultural management on the parcel;
   d. Water availability and demand, and the relationship to appropriate agricultural management on the parcel;
   e. Description and analysis of existing and proposed agricultural activities on the parcel, including types of crops and acres under cultivation, geographic distribution of crops over the parcel, rotation of crops, and related agricultural activities, including agricultural goods and equipment storage, packing and processing;
   f. Erosion control plan;
   g. Hydrologic report;
   h. Pesticide usage and storage report; and
   i. Description of recommended agricultural management techniques for the parcel and proposed development or development alternatives to (1) reduce erosion, (2) conserve water, (3) protect water quality, and (4) minimize impacts to plant and animal habitats. The use of biodiversity to
control pests and diseases and enhance wildlife habitat is strongly encouraged.

C. The director may require that the plan be revised to include additional information or assessment as deemed necessary. A third party review by a biologist or similar expert may also be required at the applicant’s expense.

D. No clearing of land for agricultural uses shall take place within one hundred feet from the outer edge of the riparian vegetation canopy of perennial or intermittent streams. Where riparian vegetation is not present, the one hundred foot buffer shall be measured from the outer edge of the bank of the subject stream. As used herein, “clearing of land” means the removal of existing vegetation. No clearing of land or other activities shall occur within the protected zone of an oak tree, nor shall any oak tree be cut, trimmed, altered or removed, except with prior and complete compliance with all oak tree regulations in this Development Code.

E. To minimize the risks associated with project development in areas characterized by steep slopes, high erosion potential, unstable soils, combustible vegetation and other sensitive environmental resource areas, no construction improvement, grading, earthmoving activity or vegetation removal associated with the development or use of land shall take place on slopes of thirty percent or greater.

17.12.035 Alcohol Sales

A. Standards for all sales operations. Proposed alcoholic beverage sales operations (both for on premises and off premise consumption) shall be allowed pursuant to Table 2-2 – Land Use Table of Chapter 17.11 and shall be designed, constructed and operated to:

1. Avoid contributing to an overconcentration of businesses that sell alcoholic beverages in an area where additional ones would be undesirable, with enhanced consideration given to the area’s function and character, problems of crime and loitering, and traffic problems and capacity;

2. Avoid any adverse impact on religious facilities, schools, parks, or playgrounds located within six hundred feet as measured to the nearest property line; and

3. Avoid disruption of residents’ sleep between 10:00 p.m. and 8:00 a.m. through design, operational conditions, and limitations on operating hours when the use is proposed in close proximity to residential uses.
B. Alcohol Sales in Conjunction with a Restaurant Use. Where allowed by Section 17.11.010 (F), alcoholic beverages may be sold for on-premises consumption at an establishment where the primary use is a restaurant, provided that a conditional use permit is obtained for the establishment and sales are conducted in compliance with the Alcoholic Beverage Control Act of the State of California.

C. Bar and Cocktail Lounge. Where allowed by Section 17.11.010 (F), alcoholic beverages may be sold for on-premises consumption at a bar/cocktail lounge provided that a conditional use permit is obtained for the establishment and sales are conducted in compliance with the Alcoholic Beverage Control Act of the State of California.

D. Drug Stores, Grocery Stores, and Convenience Markets. Less than fifty percent of the sales floor shall be devoted to the display of alcoholic beverages in drug stores, grocery stores, and convenience markets. The alcoholic beverage display in convenience markets that are part of a service station, where gasoline and other motor vehicle related products are sold, is limited to twenty-five percent of the sales floor.

E. Retail sale of wine or beer only. Pursuant to Section 17.11.010 (F), a specialty store, where the predominant product sold is wine or beer (up to one hundred percent of the sales floor), may be permitted through approval of a conditional use permit for the establishment and must be conducted in compliance with the Alcoholic Beverage Control Act of the State of California.

F. Wine tasting. The sampling or tasting of wine offered for retail sale may be allowed if approved as an element of the conditional use permit for the establishment and conducted in compliance with the Alcoholic Beverage Control Act of the State of California. Sampling shall be under the supervision of the license holder or duly authorized agent and be conducted in a manner which will confine the consumption on the premises solely for the purpose of providing samples in connection with anticipated sales.

17.12.040 Animal raising and keeping.

The keeping of animals in the residential, HM and OS zoning districts is allowed as follows:

A. Farm Animals. In compliance with the following requirements, small farm animals are allowed as an accessory use with a zoning clearance (Section 17.62.090)
and large farm animals are allowed as an accessory use with a minor use permit (Section 17.62.060). Both small and large farm animals are allowed only on parcels of one acre or larger. Additional animals may be allowed with conditional use permit approval (Section 17.62.060).

1. Large Animals. The keeping of large animals including cows, goats, horses, pigs, and sheep, for grazing, breeding, or boarding, shall be limited to a density of one animal for each twenty thousand square feet of site area. The keeping of large animals as defined in this section shall be classified as a hobby farm. Hobby farms (17.12.110) shall be allowed as an accessory use with minor use permit approval (Section 17.62.040) and a primary use with conditional use permit approval (Section 17.62.060).

2. Small Animals. Up to three small animals (including birds, chickens, ducks, and rabbits) are permitted accessory to each dwelling. Accessory dwelling units shall not be considered separate dwelling units for the purpose of this section. Up to four small animals are permitted on lots of at least twenty thousand square feet and one additional small animal is permitted for each five thousand square feet of lot area in excess of twenty thousand square feet. Small animals are allowed on a lot provided that:

   a. The animals are solely for the domestic use of the residents of the site and are not kept for commercial purposes; and

   b. The keeping of the animals is not injurious to the health, safety, or welfare of the neighborhood and does not create offensive noise or odor as determined by the director.

3. Animal Enclosures. No animal enclosure (e.g., barn, coop, corral, paddock, stable, etc.) shall be located on any site less than one acre in area. No animal enclosure shall be located closer than:

   a. Fifty feet from any habitable structure on a site under different ownership from the site of the animal enclosure;

   b. Thirty feet from any street right-of-way;

   c. Twenty feet from side or rear property lines; and

   d. One hundred feet from the outer edge of the riparian vegetation canopy of a perennial or intermittent stream. Where riparian vegetation is not
Standards for Specific Land Uses

Chapter 17.12

present, the one hundred foot buffer shall be measured from the outer edge of the bank of the subject stream.

B. Household Pets. The keeping of dogs and cats in zoning districts where residences are allowed shall be limited to three adult dogs and three adult cats and one litter of each species on any single parcel. Other smaller household pets are not limited by this Development Code.

C. Exotic Animals. The keeping of non-domesticated animals that are carnivorous, poisonous, otherwise dangerous to humans and household pets, or not native to North America, and/or commonly displayed or found in zoos are not allowed.

17.12.050 Antennas/Wireless communication facilities.

A. Purpose and Intent. The purpose of this section is to control the installation of antennas and related wireless communication facilities. It is the city’s intent to encourage new and more efficient technology in enhancing telecommunications within the city. It is recognized that unrestricted installations are contrary to the city’s efforts to stabilize economic and social aspects of neighborhood environments, and the city’s efforts to promote safety and aesthetic considerations, family environments and a basic residential character within the city. It is the intent of this section to permit wireless communication facilities where they can be installed without creating an adverse economic, safety and aesthetic impact on nearby properties and the overall community.

B. Applicability. This section applies to all proposed antennas and related wireless communication facilities, as follows:

1. All facilities for which applications were received by the department but not approved prior to the effective date of this section, shall comply with the regulations and guidelines of this section;

2. All facilities for which applications were approved by the city on or prior to the effective date of the ordinance codified in this title shall be exempt from the regulations and guidelines of this section, except for the validation, monitoring, and abandonment requirements of subsections (C)(5), (C)(6), (C)(7) and (C)(8) of this section;

3. All facilities which have been previously approved, but are now or hereafter modified, expanded, reduced, or for which the permit of approval is now or
hereafter subject to renewal shall comply with the regulations and guidelines of this section.

C. Standards for wireless communication facilities not located within the public right-of-way. All wireless communication facilities not located within the public right-of-way shall comply with the following requirements:

1. Permit Requirements. No wireless communication facility shall be installed without first having obtained (i) approval from the commission; (ii) a building permit; and (iii) any other permits required by the city. Submittal of an application does not guarantee approval of the proposed facility. All wireless communication facilities shall require commission approval of a conditional use permit prior to issuance of a building permit.

2. Application Content. Applications for the approval of wireless communication facilities shall include the following information, in addition to all other information required by the city for a conditional use permit application:

   a. Written documentation demonstrating a good faith effort in locating facilities in accordance with the location requirements in subsection 3(d) of this section; and

   b. Scaled visual simulations showing the proposed facility superimposed on photographs of the site and surroundings, to assist the commission in assessing visual impacts of the proposed facility and its compliance with the provisions of this section;

   c. A master plan which identifies the location of the proposed facility in relation to all existing and potential facilities maintained by the operator within the city. The master plan shall reflect all potential locations that are anticipated for construction within one year of submittal of the application. Applicants are prohibited from filing applications that are not consistent with the master plan for a period of one year from approval of a conditional use permit unless the applicant can demonstrate that conditions have changed materially which could not have been reasonably anticipated or known to justify the need for a wireless communication facilities site not shown on a master plan submitted to the city within the prior year.

3. Location Requirements. In order to minimize their aesthetic and visual impact on the surrounding community, to the extent feasible, the placement of all wireless communication facilities shall comply with the following standards:
a. General Requirement. Ground-mounted facilities shall be located only in proximity to existing above ground utility poles (which are not scheduled for eventual undergrounding), light poles, structures, or trees of comparable height. All requested placements must be consistent with the locations presented in the master plan, except as set forth in subsection (C)(2)(c) of this section.

b. Restricted Locations. Wireless communication facilities located in any of the following locations must be designed as a camouflaged facility:

i. Within any nonresidential zoning district on a site that contains a legally established residential use;

ii. Within the Old Town overlay zone;

iii. On any property that is designated historic by the council; and,

vi. Within the area subject to the Calabasas Park Centre Master Plan;

v. Within a city designated scenic corridor.

c. Prohibited Locations. No wireless communication facility shall be established on any ridgeline or within any residential zoning district described in subparagraphs (i) and (ii) herein. Notwithstanding the foregoing, wireless communication facilities may be located within these locations if the applicant (i) files a conditional use permit application with the city; and (ii) provides technically-sufficient conclusive proof that the proposed location is necessary for the provision of personal wireless services to substantial areas of the city. Conditional use permit applications shall be subject to city approval as set forth in Section 17.62.060 of this Development Code.

i. Ridgelines. No wireless communication facility shall be placed on or near a ridgeline so that it appears silhouetted against the sky when viewed from Las Virgenes Road, Mulholland Highway, Old Topanga Canyon Road or the Ventura Freeway.

ii. Residential Zoning Districts. No facility shall be located within a residential zoning district, including areas set aside for open space, parks or playgrounds.
d. Guidelines for Placement on Structures. Antennas shall be mounted on structures utilizing the methods indicated in subsections (i) and (ii) herein. If a wireless communication facility cannot be mounted as set forth in these subsections, such facility may be mounted in accordance with subsection (iii):

i. A camouflaged facility mounted on an existing structure or to a façade, roof or co-located tower;

ii. A camouflaged facility mounted on an existing steel or concrete pole, including a light standard; or

iii. A camouflaged facility mounted on a new steel, wood or concrete pole.

4. Design and Development Standards. Wireless communication facilities shall be designed and maintained as follows:

a. The facilities shall have subdued colors and nonreflective materials which blend with the materials and colors of the surrounding area and structures. The height of the facility shall also be consistent with surrounding structures.

b. Building-mounted facilities shall be designed and constructed to be fully screened in a manner to be compatible with the existing architecture, of the building the facility is mounted to, in color, texture and type of material.

c. Ground-mounted facilities shall be designed and constructed to be fully screened, to the maximum extent possible, through the use of landscaping as recommended and approved by the director.

d. The facilities shall not bear any signs or advertising devices other than certification, warning or other signage required by law or permitted by the city.

e. All accessory equipment associated with the operation of the wireless communication facility shall be located within a building, enclosure or underground vault that complies with the development standards of the zoning district in which the accessory equipment is located.
5. Validation of Proper Operation. For any wireless communication facility site that is not “categorically excluded” as that term is defined in FCC Office of Engineering and Technology Bulletin 65 (“FCC OET Bulletin 65”), as may be amended, the applicant facility shall provide the director a technically detailed report prepared by a qualified engineer verifying that the operation of the facility is in conformance with the uncontrolled/general population RF exposure standards established by FCC OET Bulletin 65 prior to the commencement of unattended operations at the site. The city reserves the right to require that a city-representative be present for that verification testing, and that the applicant reimburse the city for its actual costs in observing and verifying that testing.

6. Monitoring Requirements. Every approved wireless communication facility shall, every five years or sooner upon any replacement or alteration of any transmitter or antenna or material RF emission increase, submit to the city a technically sufficient report stating the compliance of the facility with FCC OET Bulletin 65. This report shall be prepared by a qualified engineer.

7. Abandonment. Wireless communication facilities that were lawfully installed and are no longer operating shall be removed from a property, at the applicant, the operator or property owner’s expense, no later than ninety days after the discontinuation of its use. Abandonment for a period in excess of ninety days shall also constitute a voluntary termination of the conditional use permit by the applicant. A written notice of the determination of abandonment shall be sent or delivered to the operator of the wireless communication facility. The operator shall have ninety days to remove the facility or provide the planning director with evidence that the use has not been discontinued. All facilities not removed within the required ninety-day period shall be in violation of the code and the applicant, operator, and property owner shall be subject to subsection (C)(8) of this section. In the event that the city is required to remove the facility, the city shall be reimbursed, by the applicant, the operator, or the property owner for all expenses incurred for the removal. The applicant, operator, and property owner shall be jointly and severally liable for the payment of all costs and expenses related to the removal of the facilities.

Operators of a facility shall notify the city, in writing, of their intent to abandon a permitted site. Removal shall comply with applicable health and safety regulations. Upon completion of the abandonment, the site shall be restored to its original condition at the applicant, operator or property owner’s expense.
8. Violations. The city may terminate a conditional use permit for any wireless communication facility in violation of this section in accordance with Section 17.80.070 of this Development Code. The remedies specified in this section shall be cumulative and the city may resort to any other remedy available at law or in equity and resort to any one remedy shall not cause an election precluding the use of any other remedy with respect to a violation.

D. Standards for Wireless Communication Facilities located within the public right-of-way. All wireless communication facilities located within the public right-of-way shall comply with the following requirements to the fullest extent permitted by state and federal law:

1. Applicability: In addition to new wireless communication facilities, the criteria set forth in this subsection shall also apply to any modifications to existing wireless communication facilities located within the public right-of-way to the fullest extent permitted by state and federal law.

2. Permit Requirements: A request to construct or modify a wireless telecommunication facility located within the public right-of-way shall require all of the following: (i) a zoning clearance from the department, (ii) an encroachment permit from the public works department, and (iii) any other permit required by applicable provisions of the city code including a building permit, an electrical permit, or an oak tree permit. All new facilities and substantial modifications to existing facilities shall be first reviewed by the development review committee. All zoning clearance applications will be scheduled for a public hearing with the director in accordance with Section 17.78 of this Development Code. Facilities that do not meet the guidelines in subsection (D)(4), of this section may be approved only upon issuance of a conditional use permit pursuant to Chapter 17.62.060 of this development code.

3. Application Content. To permit the city to decide wireless communication facilities siting based on substantial evidence in the administrative record as required by federal law, applications for the approval of wireless communication facilities shall include the following information, in addition to all other information required by the city for a zoning clearance and conditional use permit application:

   a. Written documentation demonstrating a good faith effort in locating facilities in accordance with the location requirements in subsection 3(d) of this section; and
b. Scaled visual simulations showing the proposed facility superimposed on photographs of the site and surroundings, to assist the commission in assessing visual impacts of the proposed facility and its compliance with the provisions of this section;

c. A master plan which identifies the location of the proposed facility in relation to all existing and potential facilities maintained by the operator within the city. The master plan shall reflect all potential locations that are anticipated for construction within one year of submittal of the application. Applicants are prohibited from filing applications that are not consistent with the master plan for a period of one year from approval of a conditional use permit unless the applicant can demonstrate that conditions have changed materially which could not have been reasonably anticipated or known to justify the need for a wireless communication facilities site not shown on a master plan submitted to the city within the prior year.

4. Guidelines. All wireless communication facilities located within the public right-of-way shall be designed as follows:

a. Facilities shall have subdued colors and non-reflective materials which blend in with the surrounding area as recommended and approved by the director.

b. Ground-mounted equipment shall be screened, to the fullest extent possible, through the use of landscaping, walls, or other decorative feature, as recommended and approved by the director.

c. Facilities located within a designated scenic corridor shall be of a camouflage design, with all equipment, excluding required electrical meter cabinets, to be located underground, or pole-mounted. Required electrical meter cabinets shall be screened as recommended and approved by the director.

d. Pole-mounted equipment shall not exceed six cubic feet.

e. Antennas must be installed on existing utility or light poles. No new poles may be installed except as replacement for existing poles. An exception to this requirement shall be where an operator shows that it cannot otherwise close a significant gap in its radio frequency coverage from any other site or combination of sites. All installations shall be properly
engineered to withstand high wind loads. An evaluation of high wind load capacity shall include the impact of an additional antenna installation on a pole with an existing antenna.

i. Utility poles: The maximum height of any antenna shall not exceed twenty-four inches above the height of the existing utility pole, nor shall any portion of the antenna or equipment mounted on a pole be less than sixteen feet above any drivable road surface. All installations on utility poles shall fully comply with California Public Utilities Commission General Order 95.

ii. Light poles: The maximum height of any antenna or antenna radome shall not exceed six feet above the existing height of a light pole. Any portion of the antenna or equipment mounted on a pole shall be no less than sixteen feet above any drivable road surface.

f. Wireless communication facilities not located within a designated scenic corridor should place all equipment underground, excluding required electrical meters. However, if such facilities cannot be placed underground, ground-mounted equipment may be installed such that it shall not exceed a height of five feet and a total footprint of fifteen square feet.

g. Equipment shall be located so as not to cause (i) any physical or visual obstruction to pedestrian or vehicular traffic, (ii) an inconvenience to the public’s use of the public right-of-way, or (iii) safety hazards to pedestrians and motorists. In no case, shall ground-mounted equipment, walls, or landscaping, be less than eighteen inches from the front of the curb.

h. Facilities shall not be located within five hundred feet of another wireless facility on the same side of the street.

i. All facilities shall be built in compliance with the Americans with Disabilities Act (ADA).

5. Findings. No proposed wireless communication facility within the public right-of-way may be approved unless the following findings are made:

a. The facility is necessary in order for the operator to close a significant gap in its radio frequency coverage and provide sufficient service coverage to the general public.
b. The location of the proposed facility represents the best possible location in order for the applicant to provide the service coverage needed by the operator.

c. The proposed facility has been designed to blend in with the surrounding environment, with minimal visual impact to the public right-of-way.

d. The proposed facility will not have an adverse impact to the normal use of the public right-of-way, including but not limited to, the movement and visibility of vehicles and pedestrians.

6. Conditions of Approval: In addition to compliance with the guidelines outlined in subsection (D)(4), of this section, all facilities shall be subject to the following conditions:

a. Facilities shall not bear any signs or advertising devices other than legally required certification, warning, or other required seals or signage, or as authorized by the city.

b. For any wireless communication facility site that is not "categorically excluded" as that term is used in FCC Office of Engineering and Technology Bulletin 65 (“FCC OET Bulletin 65”), as may be amended, an applicant shall provide the director a technically detailed report prepared by a qualified engineer verifying that the operation of the facility is in conformance with the uncontrolled/general population RF exposure standards established by FCC OET Bulletin 65 prior to commencement of unattended operations of the site. The city reserves the right to require that a city-representative be present for that verification testing, and that the applicant reimburse the city for its actual costs in observing and verifying that testing.

c. Wireless communication facilities that were lawfully installed and are no longer operating shall be removed from the public right-of-way no later than ninety days after the discontinuation of its use. Operators of the facility shall notify the city, in writing within ten days, of their intent to abandon a permitted site. Removal shall comply with all applicable health and safety regulations of the city, state, or federal government. Upon completion of abandonment, the site shall be restored to its original state. A written notice of the determination of abandonment shall be sent or delivered to the operator of the wireless communication facility. The
operator shall have thirty days to remove the facility or provide the director with evidence that the use has not been discontinued. All facilities not removed within thirty days shall be removed by the city and the city shall pursue cost recovery to the fullest extent possible. The applicant and operator and shall be jointly and severally liable for the payment of all costs and expenses related to the removal of the facilities from the public right-of-way.

d. Each wireless communication facility that has been issued an encroachment permit shall be subject to review for public health, safety and general welfare. In the event of non-compliance, the director may require modifications of existing conditions in order to bring the site into compliance.

e. The applicant and operator of the facility shall defend, indemnify and hold the city and its elective and appointed boards, commissions, officers, agents, consultants and employees harmless from and against all demands, liabilities, costs (including attorneys’ fees), or damages claimed by third parties against the city which were incurred by said third parties as a result of the city’s review and or approval of the design, construction, operation or maintenance of the approved project described herein and/or arising out of or connected with any work done or use of the public right-of-way by applicant or operator under any permit granted hereunder. In the event a legal challenge is made to the city’s approval of the encroachment permit, the applicant and operator of the facility shall indemnify, hold harmless, pay all costs, including attorneys’ fees, and provide a defense for the city and its elective and appointed boards, commissions, officers, agents and employees in such action.

f. If, at any time after ten years of the issuance of an encroachment permit, or a shorter period as permitted by Government Code Section 65964(b), any wireless communication facility or any portion thereof within the public right-of-way becomes incompatible with public health, safety or welfare or the public’s use of the public right-of-way, the applicant or operator of the facility will, at its own expense, remove and such facilities in cases where such removal is necessary or in cases where relocate such facility to a location approved by the city.

g. Wireless communication facilities shall not be located within any portion of the public right-of-way interfering with access to fire hydrants, fire stations,
fire escapes, water valves, underground vaults, valve housing structures, and all other vital public health and safety facilities.

h. Any approved wireless communication facility within the public right-of-way shall be subject to such conditions, changes or limitations as are from time to time deemed necessary by the public works director for the purpose of (i) protecting the public health, safety, and welfare; (ii) preventing interference with pedestrian and vehicular traffic; or (iii) preventing damage to the public right-of-way or any property adjacent to it. Prior to the director of public works imposing additional conditions, changes, or limitations, he or she shall notify the applicant or operator, in writing, either by mail to the address set forth in the application or other address on file with the city. Such change, new limitation or condition shall be effective twenty-four hours after deposit of the notice in the United States Mail.

i. An applicant shall not transfer the permit to any person prior to completion of construction of a wireless communication facility

j. The applicant or operator of the wireless communication facility shall not move, alter, temporarily relocate, change, or interfere with any existing facility without the prior consent of the owner of that facility. No structure, improvement or facility owned by the city shall be moved to accommodate a wireless communication facility unless (i) the city determines, in sole and absolute discretion, that such movement will not adversely affect the city or any surrounding residents or businesses, and (ii) the applicant or operator pays all costs and expenses related to the relocation of the city’s facilities. Every applicant operators of any wireless communication facility shall assume full liability for damage or injury caused to any facilities or persons by his, her, or its facility. Prior to commencement of any work pursuant to an encroachment permit issued for any wireless communication facility within the public right-of-way, the applicant shall provide the city with documentation establishing to the city’s satisfaction that he applicant has the legal right to use or interfere with any other facilities within the public right-of-way to be affected by applicant’s facilities.

k. Should any utility company offer electrical service that does not require the use of a meter cabinet, the applicant or operator of the facility agrees at its sole cost and expense to remove the meter cabinet and any foundation thereof and reasonably restore the area to its prior condition.
7. Construction: These standards are intended to exert the maximum authority available to the city in the regulation of wireless communications facilities under applicable state and federal law but not to exceed that authority. Accordingly, this section shall be construed and applied in light of any such limits on the city’s authority.

E. Standards for Satellite Antennas. Satellite antennas, including portable units and dish antennas, shall be designed, installed and maintained in compliance with the regulations of the Federal Communications Commission. Satellite antennas with a diameter larger than one meter in residential areas and two meters in commercial or industrial areas shall also comply with the following requirements; provided these provisions are not in conflict with applicable state and federal regulations.

1. Permit Requirement. Zoning clearance shall be required for satellite antennas with a diameter of one meter or less; administrative plan review approval shall be required for antennas larger than one meter. A conditional use permit shall be required for antennas greater than one meter that are located within a designated scenic corridor.

2. Application – Plans. Plans for satellite antennas shall be submitted with each application for a building permit, and shall include a site plan and elevation drawings indicating the height, diameter, color, setbacks, foundation details, landscaping, and method of screening. The plans shall be subject to approval of the director.

3. Location. No satellite antenna shall be located within any required front or street side yard setbacks in any zoning district. In addition, no portion of a satellite antenna shall extend beyond property lines.

4. Color. A satellite antenna and its supporting structure shall be painted a single, neutral, non-glossy color, such as, earth-tones, gray, or black, and, to the extent possible, be compatible with the appearance and character of the surrounding neighborhood.

5. Wiring. All electrical and antenna wiring shall be placed underground whenever possible.

6. Residential districts. In any residential zoning district, all satellite antennas shall be subject to the following standards:
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a. Only ground-mounted satellite antennas shall be permitted. Ground mounted antennas shall as much as is technically possible be located in the rear yard of any property;

b. The height of the satellite antennas shall not exceed fifteen feet;

c. Only satellite one antenna may be permitted on any single family residential site. At multiple family residential sites, only one antenna shall be permitted per dwelling unit.

d. The satellite antenna shall be separated from adjacent properties by at least a six-foot high solid wall or fence or by plants or trees of equal minimum height;

e. Any satellite antenna that is taller than adjacent property line fences shall be located away from the side or rear property line at a distance equal to or greater than the height of the antenna;

f. The diameter of the satellite antenna shall not exceed two meters. This provision may be modified by the director if the applicant provides a technically sufficient study prepared by a qualified engineer demonstrating to the director’s satisfaction that strict compliance would result in no satellite reception; and,

g. The satellite antenna shall be used for private, noncommercial, purposes only.

7. Nonresidential districts. In any nonresidential zoning district, satellite antennas may be roof or ground-mounted. These antennas shall be subject to the following:

a. If roof-mounted, the satellite antennas shall be screened from ground view by a parapet or other type of city–approved screening. The minimum height and design of the parapet, wall, or screening shall be subject to the approval of the director;

b. If ground-mounted, the satellite antennas shall not be located between a structure and an adjacent street and shall be screened from public view and neighboring properties;
c. The location and height of the satellite antennas shall comply with all requirements of the underlying zoning district; and

d. If the subject site abuts a residential zoning district, all antennas shall be set back a minimum distance from the property line equal to the height of the antenna, unless otherwise screened from view.

F. Standards for Amateur Radio Antennas. All amateur radio antennas shall be designed, constructed and maintained in the following manner:

1. The maximum height shall not exceed forty feet, measured from finished grade;

2. Any boom or other active element/accessory structure shall not exceed twenty-five feet in length;

3. The antennas may be roof or ground mounted; and

4. May not be located in any front or side yard setbacks;

5. These standards in this subsection G are subject to modification or waiver by the director on a case-by-case basis where required for the city to comply with FCC PRB-1 and California Government Code 65850.3 regulations, and where such modification or waiver is based on technically sufficient information provided in writing by the applicant at the direction of the city.

G. Effects of Development on Antenna Reception. The city shall not be liable if development within the city after installation of the antenna impairs to any degree antenna reception, transmission, utility, or function.

17.12.060 Cemeteries, columbarium’s and mortuaries.

Any cemetery, columbarium, mausoleum, crematorium and/or mortuary shall be planned and designed as follows:

A. Access. An entrance to the facility shall be provided on a major street or secondary thoroughfare with ingress and egress designed to minimize traffic congestion.
B. Screening Required. When located within or adjacent to any residential zoning district, these facilities should be screened on the side and rear property lines by: a wall or fence six feet in height; a six-foot high, three-foot thick evergreen hedge; or a twenty foot wide, permanently maintained planting strip.

17.12.070 Day care facilities.

This section establishes standards for the city review of day-care facilities, in conformance with state law, including the limitations on the city’s authority to regulate these facilities. These standards apply in addition to all other applicable provisions of this Development Code and any requirements imposed by the California Department of Social Services through its facility licensing procedures. No day care facility shall be allowed or operated within the city unless it acquires a license by the Department of Social Services.

A. Application Requirements. Land use permit applications for day care facilities shall include a copy of its license issued by the California Department of Social Services, in addition to all other information and materials required by the department.

B. Small Family Day Care Homes. Small family day care homes are allowed within any single-family residence pursuant to Table 2-2 in Chapter 17.11.

C. Large Family Day Care Homes. This use is allowed within any single-family residence pursuant to Table 2-2 in Chapter 17.11 and, subject to the following requirements:

1. Permit Requirement-Public Notice. A large family day care home shall require the approval of a non-discretionary administrative plan review by the director. Notwithstanding the public noticing requirement of Chapter 17.78, notice of the filing of an application for a large family day care home shall be provided to all property owners within one hundred feet of the proposed facility at least ten days prior to the date of the director’s decision on the application. No public hearing shall be held unless requested in writing by the applicant or other affected person.

2. Criteria for Approval. Administrative plan review approval shall be granted if the director determines that the proposed large family day care home will comply with the standards in subsection (E) of this section.
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D. Child Day Care Centers. Child day care centers are allowed in commercial zoning districts pursuant to Table 2-2 and subject to the standards in following subsection (E).

E. Standards for Day Care Facilities. Approvals of large family day care homes and child day care centers are subject to the following:

1. Spacing/Concentration. A large day care home or child day care center is prohibited when it causes a residential property to be bordered on more than one side by a day care facility.

2. Traffic Control. A drop-off and pickup area shall be established to ensure that people are not placed at risk and street traffic is not unduly interrupted. The driveway of a large family day care home may serve as its drop-off area.

F. Employer Child Day Care Facilities. Child day care offered by an employer to his/her employees shall be allowed as an accessory use within places of employment.

17.12.080 Drive-in and drive-through facilities.

The establishment of new drive-in or drive-through sales or service facilities is prohibited within the city because these facilities create problems or detrimental impacts of noise, air pollution, excessive pavement, traffic congestion, litter, unsightliness, and the inefficient use of energy resources.

Notwithstanding the foregoing, in order to facilitate senior access to medications and other vital health services, pharmacies with accessory drive-through facilities may be permitted subject to a conditional use permit.

17.12.090 Emergency shelters.

Emergency shelters may be located where allowed by Article II of this Development Code, subject to the following standards:

A. The maximum number of occupants to be served shall not exceed twenty.
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B. A minimum distance of one thousand feet shall be maintained from any other emergency shelter.

C. The shelter shall have not less than one parking space for each two hundred fifty square feet of gross floor area.

D. Maximum stay at the facility shall not exceed one hundred and eighty consecutive days.

E. Clients shall only be on-site and admitted to the facility between five p.m. and eight a.m.

F. An interior waiting and intake area shall be provided which contains a minimum of two hundred square feet. No exterior waiting area shall be allowed either on-site or off-site.

G. Security personnel shall be provided during the hours the emergency shelter is in operation.

H. Exterior lighting shall be provided for the entire outdoor area of the site consistent with the provisions of Chapter 17.27.

17.12. 100 Heliports.

Heliports may be located where allowed by Article II of this Development Code, for emergency purposes only, subject to the following standards:

A. State Permit Required. A land use permit or exemption shall be obtained from the California Department of Transportation, Division of Aeronautics, and evidence of the permit or exemption shall be presented to the department, before establishing any heliport.

B. Location Criteria. A proposed heliport may be located on the site of an emergency services facility, subject to the following standards:

1. Minimum Site Area: five acres.

2. Proximity to Residential Uses. The heliport shall be located so that aircraft taking-off and landing do not pass directly over dwellings at an altitude of less than five hundred feet.
C. Nuisance Mitigation. A proposed heliport shall be located so that neither air nor related surface traffic constitutes a nuisance to neighboring uses. The applicant shall demonstrate to the city that adequate controls or measures will be taken to mitigate offensive noise, vibration, dust or bright lights.

17.12.110 Hobby farms.

Hobby farms may be allowed subject to the following standards:

A. Hobby farms for agricultural uses shall be allowed as an accessory use with a conditional use permit subject to the following standards.
   
   1. On-site sales of agricultural produce shall be prohibited.

   2. Hobby farms for agricultural uses are limited to twenty thousand square feet in agricultural use area on parcels two and one-half acres or less in size or forty-three thousand five hundred sixty square feet one acre) on parcels over two and one-half acres.

   3. Hobby farms for agricultural uses cannot be located on slopes greater than approximately three to one nor may hobby farms involve activities which require the issuance of a commercial license by the Department of Alcoholic Beverage Control (ABC) or the Bureau of Alcohol, Tobacco and Firearms (ATF).

   4. Minor deviations from these general standards may be granted by the planning commission through an approval of a conditional use permit.

   5. Hobby farms for agricultural uses shall be subject to the standards in Section 17.12.030.

   6. Hobby farms for agricultural uses shall utilize organic farming methods to the extent feasible.

B. Agricultural uses that do not meet the size limitations for a hobby farm may be allowed with a conditional use permit subject to the standards in Section 17.12.030.
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C. Hobby farms for farm animals (shall be a subject to the permits and standards in Section 17.12.040. In addition, all uses shall be designed to avoid significant adverse effects to surrounding area resources including increases in erosion, slope failure or sedimentation on adjacent or downstream watershed properties.

17.12.115 Home occupations.

A. Applicability. The provisions of this section allow for business activities within a dwelling unit that are subordinate to the primary residential use of the site, and compatible with surrounding residential uses. This section does not address day care facilities, which are instead subject to Section 17.12.070.

B. Limitations on Use.

1. Allowed Home Occupations. An allowed home occupation is a business activity within a dwelling unit that is subordinate to the primary residential use of the site; provided, there is compliance with this section, including the acquisition of a home occupation permit, and the activity is any of the following.

   a. Art work (ceramics, painting, photography, sculpture and such other similar use;)

   b. Dress making, millinery, sewing, and similar activities;

   c. Small handcraft; and

   d. An office for an architect, attorney, consultant, insurance agent, tutor, or writer.

   The director may also issue a home occupation permit for other business activities as home occupations, where the director first determines that the business activity is substantially similar to the above uses in its operational characteristics, and will result in no greater impacts on the site or surrounding properties than the above uses.

2. Prohibited Home Occupation Uses. Business activities that are not compatible with or incidental to surrounding residential uses are prohibited as home occupations. The following may not be issued a home occupation
permit as they are examples of incompatible or non-incidental business activities:

a. Adult entertainment businesses;

b. Commercial photo/film processing labs;

c. Night clubs;

d. Gun or ammunition sales;

e. Medical and dental offices, clinics, and laboratories (not including counselors/psychotherapists);

f. Mini storage;

g. RV storage except for a personally owned vehicle registered to an occupant of the premises.

h. Storage of equipment, materials, and other accessories for the construction and service trades, as well as other business enterprises;

i. Vehicle maintenance and repair (body or mechanical), upholstery, automobile detailing and painting;

j. Welding and machining;

k. Woodworking, cabinetry manufacturing; and

l. Any other use determined by the Director not to be incidental to or compatible with residential activities as set forth in the operating standards.

C. Application. A home occupation permit is required for any allowed home occupations. This permit is subject to the requirements of Section 17.62.100. A statement of continued compliance with the operating standards in subsection D shall be signed by the property owner and all adult occupants who shall engage in the home occupation prior to issuance of a home occupation permit.

D. Operating Standards. Home occupations shall comply with all of the following operating standards:
1. Accessory Use Only. The home occupation shall be clearly secondary and incidental to the full-time use of the structure as a dwelling unit;

2. Activities, Equipment and Materials. Activities conducted and equipment or material used in connection with an allowed and permitted home occupation shall not change the fire safety or occupancy classifications of the premises. The use shall not involve the storage of flammable, explosive or hazardous materials. No use shall create noise, dust, light, vibration, odor, gas, fumes, toxic/hazardous materials, smoke, glare, electrical interference, or other hazards or nuisances;

3. Exterior Evidence of Use. The use shall not require any modification not customarily found in a dwelling, nor shall the use be visible from the street or from neighboring properties. There shall be no window display, advertising sign, or other identification of the home occupation on the premises;

4. Limitation on Employees. The home occupation shall involve no more than two employees or independent contractor on the site other than full-time residents of the dwelling unit. This limitation applies only to an employee or independent contractor of the home occupation and does not regulate the use of housekeeping, gardening, child care, or cooking personnel which are unrelated to the home occupation;

5. Limitation on Clients. No more than one client or patron shall be allowed on the premises at any time for counseling, music lessons, tutoring, or other purposes related to the home occupation;

6. Location of Home Occupation. The home occupation shall be located entirely within an enclosed structure, and shall not be allowed in a trailer or other temporary structure. Further, no home occupation shall be established, operated, conducted, or maintained in a garage in such a manner to reduce the required number of parking spaces therein at any time; and

7. Vehicles and Traffic. Vehicles used by the permittee or by others, or in connection with the home occupation and traffic generated by the home occupation shall not exceed the type or number of vehicles and traffic volume normally generated by a home in a residential neighborhood that does not have an ongoing home occupation. All parking needs of the home occupation shall be met off the street and on the same site as the permitted home occupation.
17.12.120 Kennels and animal boarding.

Kennels and animal boarding shall be located at least five hundred feet from any residential zoning district.

17.12.125 Medical marijuana dispensary.

A medical marijuana dispensary (defined by Article VII) is not an allowed use in any zoning district in the city and is prohibited as a home occupation in all districts. No other definition or term herein should be interpreted to allow such use.

17.12.130 Mixed use projects.

This section provides design criteria and development standards for mixed use projects, where allowed by Chapter 17.11 (Allowable Land Uses). A mixed use project combines residential and commercial uses (vertical mixed use). Residential units may be also allowed at ground level behind street-fronting commercial uses (horizontal mixed use) only under limited circumstances specified by this section.

A. Design Considerations. A mixed use project shall be designed to achieve the following objectives:

1. The design shall provide for internal compatibility between the residential and commercial uses on the site;

2. Potential glare, noise, odors, traffic, and other potentially significant impacts on residents shall be minimized to allow a compatible mix of residential and commercial uses on the same site;

3. The design shall take into consideration potential impacts on adjacent properties and shall include specific design features to minimize potential impacts;

4. The design shall ensure that the residential units are of a residential character, and that appropriate privacy between residential units and other uses on the site is provided; and
5. Site planning and building design shall provide for convenient pedestrian access from the public street into the commercial portions of the project, through courtyards, plazas, walkways, or similar features.

B. Mixed Use Standards

1. Zoning district standards. The density, floor area ratio (FAR), height, and street setbacks for a mixed-use development project shall be determined by the underlying zoning district.

2. Commercial setbacks. When the residential units are located above the commercial uses, the structure shall be treated as a commercial type of structure for front and side setbacks. No rear yard setback is required unless specified for commercial uses. Floors above the ground floor shall incorporate offsets and design features to break up the vertical mass of the building.

3. Commercial uses along street frontages.
   a. Commercial uses shall be located along street frontages and have a minimum depth of fifty feet. The director may reduce the minimum depth for commercial uses for a secondary street.
   b. On corner lots, the commercial space shall turn (wrap around) the corner for a minimum depth of fifty feet.
   c. The director shall determine the primary frontage for purposes of compliance with this Subsection.

4. Ground floor residential units allowed. If a structure is located on a corner lot, ground floor residential dwelling units are allowed only on the secondary street/frontage as determined by the director.

5. Community space requirements.
   a. Community Space Defined.
      i. Community space shall include both indoor/interior space and outdoor open space.
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ii. Community space can be in the form of private open space (e.g., balconies) or common open space (e.g., pool or side or rear setback areas.)

iii. An indoor recreational room of up to six hundred square feet may be credited toward fulfilling community space requirement in subsection (B)(5)(b) of this section.

b. Minimum space per unit. Each development project shall provide a minimum of one hundred fifty square feet of community space for each dwelling unit.

c. Required front and/or side setbacks do not count toward the community space requirement in subsection (B)(5)(b) of this section.

d. Private open space.

i. Private open space shall not exceed thirty percent of the total requirement for community space.

ii. Each private open space shall have a minimum dimension of six feet by six feet.

iii. The private open space requirement contained herein may be modified by not more than five percent if determined to be necessary by the reviewing authority.

e. Community space. Each community space shall have at least one minimum dimension of fifteen feet and the other dimensions shall be at least six feet, except for private open space (e.g., balconies or patios).

f. Balconies and patios shall have a minimum dimension of six feet by six feet in order to count as required community space.

6. Lighting. Lighting for commercial uses shall be appropriately shielded to not cause light spillover onto the residential units and shall conform to Chapter 17.27.

7. Off-street loading. Off-street loading areas shall be located as far as possible from the residential units and shall be completely screened from view from the residential portion of the project.
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8. Refuse and recycling areas. Areas for the collection and storage of refuse and recyclable materials shall be located on the site in locations that are convenient for both the residential and commercial uses.

17.12.135 Mobilehome parks/subdivisions.

The following standards are intended to ensure that new, expanded or redeveloped mobilehome parks and new mobilehome subdivisions are located and established so as to be compatible with adjacent residential neighborhoods and commercial areas. The planning and design of mobilehome parks, including lots and other areas within parks, and the permitting of individual mobilehomes within mobilehome parks is regulated by the California Department of Housing and Community Development (HCD), and is not subject to the provisions of this section.

A. Site Planning and Design Standards. Mobilehome parks and subdivisions shall conform to the following minimum standards.

1. Minimum site area: five acres.

2. Density: a maximum of eight mobilehome spaces per acre.

3. Setbacks. All structures, including mobilehomes, shall be set back from property lines as follows:

   a. Street frontage: thirty feet.

   b. Exterior park lot lines not abutting streets: ten feet

4. Landscaping. The perimeter of mobilehome parks shall be landscaped as follows:

   a. Street Frontages. Street frontage setback areas shall be provided with a landscaped buffer at least fifteen feet wide, except where cut by access driveways. Landscaping shall occupy a minimum of sixty percent of the required street frontage setback area required by subsection (A)(3) of this section.

   b. Other setback areas. Other setback areas shall be landscaped with screen planting strips.
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c. Interior Street Trees. Each mobilehome lot shall be provided at least one street tree of fifteen gallon size or larger.

d. Interior Landscaping. All open areas of a mobilehome park not occupied by paving or common facilities shall be landscaped, including a minimum of twenty percent of the total site area for each mobilehome, and a minimum of forty-five (percent of the total common area(s) of the park.

5. Fencing. The perimeter of a mobilehome park or subdivision shall be enclosed by a six foot high solid masonry wall (or alternate material approved by the director), located at the setback line along street frontages, and adjacent to property lines not abutting streets.

6. Signs. Sign area shall be limited to one identification sign of fifty square feet and one directional sign of twenty-five square feet, subject to director approval.

B. Accessory Commercial Uses Permitted. A mobilehome park may contain commercial uses for the convenience of park residents. This uses shall include coin-operated laundry, soft drink dispensers, cigarette dispensers and similar machines, provided that these uses shall be located in the interior of the park and shall not occupy more than five hundred square feet cumulatively for each fifty mobilehomes or fraction thereof.

C. Use of Mobilehome Lots. No more than one occupied mobilehome shall be allowed on any one lot. No travel trailer, camper or other recreational vehicle shall be placed on any mobilehome lot, either for occupancy or storage.

D. Recreational Vehicle Areas. Mobilehome parks may include recreational vehicle storage areas, provided that the location, number and size of spaces shall be authorized as part of the conditional use permit approval.

E. Conversion of Mobilehome Park to another Use. Any subdivision of an existing mobilehome park or conversion of an existing mobilehome park to another land use is subject to the following requirements:

1. Permit Requirement. Conditional use permit approval (Section 17.62.060).

2. Application Content. The conditional use permit application shall include any report required by Government Code Section 66427.4 or 65863.7, as applicable, in addition to all information required by Section 17.60.030.
F. Special Notice Requirement. As required by Government Code Section 65863.8, at least thirty days before the public hearing on the conditional use permit to convert the mobilehome park to another use, the department shall notify the applicant in writing of the provisions of Section 798.56 of the Civil Code regarding the responsibility of the applicant to notify residents and mobilehome owners of the mobilehome park of the proposed change in use. No hearing on a proposed mobile home park conversion shall be scheduled until the applicant has verified this notification to the satisfaction of the Director.

17.12.140 Mobilehomes.

Mobilehomes (identified as manufactured homes by the National Manufactured Housing Construction and Safety Standards Act of 1974) on lots zoned for conventional single-family dwellings, and the storage of mobilehomes are subject to the requirements of this section. Mobilehomes placed in mobilehome parks (Section 17.12.125), that are regulated by the California Department of Housing and Community Development, are not subject to the provisions of this section. Modular (also known as factory-built) housing units are considered the same as single-family dwellings for the purposes of this Development Code, and are not subject to the provisions of this section.

Mobilehomes to be used as permanent dwellings in compliance with this section are subject to the following requirements:

A. Certified Mobilehomes. Mobilehomes that are certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC Section 5401, et seq.), are subject to the following standards:

1. Location. As required by Government Code Section 65852.3, mobilehomes for permanent occupancy are considered the same as single-family dwellings, and are permitted by Chapter 17.11 in all zoning districts that allow single-family housing units;

2. Foundation System. The mobilehome shall be placed on a foundation system in compliance with Section 18551 of the Health and Safety Code; and

3. Architectural Standards. Mobilehomes shall be designed and constructed with roof eave and gable overhangs of not less than one foot measured from the vertical side of the structure.
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B. Non-certified Mobilehomes. Mobilehomes that are not certified under the National Mobile Home Construction and Safety Act of 1974, and that do not meet the requirements of subsection (A) of this section shall be placed only in mobilehome parks.

C. Density. The number of certified mobilehomes (as described in subsection (A) of this section) that may be placed on a single parcel shall be the same as the number of single-family dwellings permitted by Section 17.12.030. The number of mobilehomes that may be placed in a mobilehome park is determined by Section 17.12.125.

D. Storage of Unoccupied Mobilehomes. Unoccupied mobilehomes or portions thereof that are not fixed to a foundation shall be stored only in a mobilehome sales lot, or an approved storage yard.

17.12.145 Multifamily housing.

Multi-family housing projects shall comply with the following requirements, in addition to all other applicable provisions of this Development Code. The requirements of this section may be modified through the development plan approval process as set forth in Section 17.62.070.

A. Setbacks. A proposed building shall be separated from any other building on the site by a minimum of twenty feet. Proposed buildings shall be set back from internal roads and driveways a minimum of ten feet.

B. Common Outdoor Space. Common outdoor space shall be provided at a ratio of four hundred square feet per housing unit. Common outdoor space does not include (i) required front or street side setback areas, and (ii) areas usable for passive or active recreation.

C. Private Outdoor Space. Each multifamily housing unit shall be provided with private outdoor open space in the form of patios, decks, fenced yard areas, and other similar amenities, with the following minimum areas:

1. Studio and one-bedroom units: seventy-five square feet.

2. Two bedroom units: one hundred fifty square feet.
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3. Three bedroom and larger units: two hundred twenty-five square feet.

D. Fencing. The development of more than two multifamily housing units shall include the installation of solid wood or masonry fencing along the site perimeter side and rear property lines, in compliance with Section 17.20.100, to the maximum height allowed.

17.12.150 Outdoor merchandise display and activities.

Permanent outdoor sales, displays and rental establishments which do not entirely conduct business within a structure shall comply with the standards of this section. These establishments include but are not limited to automobile dealerships, automobile rental establishments, equipment sales or rental establishments, and other similar uses. Temporary outdoor sales, storage and display are subject to Section 17.62.030.

A. Outdoor Merchandise Display. The outdoor display of merchandise shall comply with the following standards:

1. Screening Required. Except for automobile sales and rentals, an outdoor sales/activity area shall be screened from adjacent streets by decorative solid walls, fences or landscaped berms, a minimum of thirty-six inches high, in a ten-foot landscaped area adjacent to the street property line;

2. Location of Merchandise. Displayed merchandise shall occupy a fixed, specifically approved and defined location that does not disrupt the normal function of the site or its circulation, and does not encroach upon required parking spaces, driveways, pedestrian walkways, or required landscape areas. These displays shall also not obstruct sight distance or otherwise create hazards for vehicle or pedestrian traffic; and

3. Signs. Generally, there shall be no signs in addition to that allowed by Chapter 17.30 that are visible from the street. Pricing signs shall be no larger than necessary to be read by on-site shoppers as determined by the director.

B. Outdoor Storage Areas. Where permitted by Article II all outdoor storage areas shall be entirely enclosed and screened by a solid wall or fence at least six feet in height.
17.12.155 Personal services-Massage therapy.

A. Massage therapy or services which are offered at a beauty salon as incidental activities that occupy no more than a maximum of twenty-five percent of the floor area of the facility shall be allowed with zoning clearance. As used herein, a beauty salon means a facility or establishment that offers any services that are regulated by, or subject to, the California Barbering and Cosmetology Act and pertinent sections of the California Code of Regulations.

All persons who offer incidental massage therapy or services in a beauty salon shall hold a valid and current license from the California Department of Consumer Affairs - Board of Barbering and Cosmetology that authorize the licensee to perform such activities.

B. Massage therapy or services which occupy more than twenty-five percent of the floor area of a day spa shall require a conditional use permit.

C. All businesses offering massage therapy shall maintain on the premises at all times all applicable county and state licenses and permits.

D. All business owners and persons, whether as agents, assistants, employees or independent contractors, who provide massage services to another person in a facility or establishment shall, at all times, also be certified by the National Certification Board for Therapeutic Massage and Bodywork, as well as professional members in good standing of the American Massage Therapy Association. An applicant may present certifications and proof of membership in other qualified, established and recognized entities or associations for consideration by the director.

17.12.160 Recycling facilities.

A. Purpose and applicability. The following provisions establish standards and procedures for the siting and operation of various types and sizes of commercial recycling facilities. Any recycling facility intending to operate in the city shall comply with all provisions of this section:

B. Permit Requirements. Recycling facilities in all commercial zoning districts shall first obtain the required permit according to the following schedule:
C. Development and Operating Standards. All recycling facilities shall comply with the following specific standards:

1. Reverse Vending Machines. Reverse vending machine(s) located on a commercial site shall not require additional parking spaces for recycling customers, and may be permitted in all commercial zoning districts, subject to administrative plan review and compliance with the following standards.

   a. Accessory Use Only. The machines shall be installed as an accessory use.

   b. Location Requirements:

      i. If located inside a structure, the machines shall be within thirty feet of the entrance and shall not obstruct pedestrian circulation; and

      ii. If located outside a structure, the machines shall not occupy parking spaces required by the main use.

   c. Maximum Size. The machines shall occupy no more than fifty square feet for each installation, including any protective enclosure, and shall be no more than eight feet in height.

   d. Signs. The machines shall have a maximum sign area of four square feet per machine, exclusive of operating instructions.

   e. Lighting. Reverse vending machines shall be illuminated to ensure comfortable and safe operation, if operating hours are between dusk and dawn.

   f. Materials. If located outside a structure, the machines shall be constructed of durable waterproof and rustproof material.

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<table>
<thead>
<tr>
<th>Type of facility</th>
<th>Districts permitted</th>
<th>Permit required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reverse vending machine(s)</td>
<td>All commercial</td>
<td>Administrative plan review for up to five reverse vending machines</td>
</tr>
<tr>
<td>Small collection</td>
<td>CR, CMU, CB</td>
<td>Conditional use permit</td>
</tr>
<tr>
<td>Large collection</td>
<td>CB</td>
<td>Conditional use permit</td>
</tr>
</tbody>
</table>
g. Hours of Operation. The machines shall have operating hours consistent with the operating hours of the main use.

2. Small Collection Facilities. Small collection facilities are permitted within the CR, CMU and CB zoning districts, subject to conditional use permit approval and compliance with the following standards.

a. Location Requirements. Small collection facilities shall:

   i. Be set back at least forty-five feet from any public right-of-way, and not obstruct pedestrian or vehicular circulation;

   ii. Not be located in any required parking, access, or sight distance area of any required setback;

   iii. Not be located within fifty feet of any parcel zoned or planned for residential use; and

   iv. Permanently locate any containers provided for after-hours donation of recyclable materials at least thirty feet from any property zoned or occupied for residential use.

b. Maximum Size. Shall be no larger than five hundred square feet and occupy no more than three parking spaces not including space that will be periodically needed for removal of materials or exchange of containers.

c. Appearance of Facility. Collection containers, site fencing, and signs shall be of a color and design so as to be both compatible and harmonious with the surrounding uses and neighborhood and any scenic corridor requirements.

d. Landscaping and Screening. The facility shall:

   i. Not reduce or elimination the landscaping required by Chapter 17.26 for any concurrent use allowed by these regulations;

   ii. Be screened from view from adjacent public rights-of-way through the use of fencing, landscaping, or other approved materials, in compliance with Section 17.20.100; and
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iii. Be subject to landscaping and/or screening as determined through conditional use permit.

e. Parking Requirements.

i. No additional parking space shall be required for customers of a small collection facility located in the established parking lot of the main use. One space shall be provided for the attendant, if needed;

ii. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present; and

iii. Use of parking spaces by the facility and by the attendant shall not reduce available parking spaces below the minimum number required for the main use unless a parking study shows that existing capacity is not fully utilized during the time the recycling facility will be on the site.

f. Signs. Signs may be provided as follows:

i. Recycling facilities may have identification signs with a maximum area of fifteen percent or twelve square feet per side of the structure whichever is greater. In the case of a wheeled facility, the side shall be measured from the ground to the top of the container;

ii. The sign shall contain only the hours of operation, redemption values, and the name of the operator, owner or beneficiary; and

iii. Directional signs, in compliance with Chapter 17.30, bearing no advertising message, may be installed with prior approval of the director if found necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way.

g. Operating Standards. Facilities shall:

i. Accept only glass, metal or plastic containers, paper and reusable items;
ii. Use no power-driven processing equipment except for reverse vending machines;

ii. Use containers that are constructed with durable waterproof and rustproof material, covered when the site is not attended, secured from unauthorized removal of material, and shall be of a capacity sufficient to accommodate materials collected and the collection schedule;

iii. Store all recyclable materials in containers or in the mobile unit vehicle, and shall not leave materials outside of containers when attendant is not present; and

iv. Be maintained free of litter and any other waste materials, and the site for mobile facilities, at which truck(s) or containers are removed at the end of each collection day, shall be swept at the end of each collection day.

h. Hours of Operation. Attended facilities located within one hundred feet of a property zoned or occupied for residential use shall operate only between the hours of nine a.m. and seven p.m. on any day except legal holidays.

3. Large Collection Facilities. A large collection facility which is larger than three hundred fifty square feet, or on a separate parcel not accessory to a primary use, which has a permanent structure may be allowed in the CB zoning district subject to conditional use permit approval and the following standards.

a. Location Requirements. The facility shall not abut a parcel zoned or planned for residential use.

b. Container Location. Any containers provided for after-hours donation of recyclable materials shall be permanently located at least one hundred feet from any property zoned or occupied for residential use, constructed of sturdy, rustproof materials, with sufficient capacity to accommodate materials collected, and secured from unauthorized entry or removal of materials.

c. Screening. The facility shall be screened from the public rights-of-way, within an enclosed structure, or behind fences, walls or landscape screening.
d. Setbacks and Landscaping. Structure setbacks and landscape requirements shall be those provided for the applicable zoning district.

e. Outdoor Storage. All exterior storage of material shall be in sturdy containers which are secured, and maintained in good condition at all times. No storage, excluding truck trailers, shall be visible above the height of the wall or other screening barrier.

f. Operating Standards. The facility shall be operated and maintained in compliance with the following:

i. The site shall be maintained clean, sanitary and free of litter and any other waste materials, and shall be cleaned of loose debris on a daily basis. Temporarily stored materials shall be moved to an approved processing site as soon as practical; and

ii. No dust, fumes, odor, smoke, noise or vibration above ambient levels shall be detectable from adjacent parcels.

4. Time Limits. Any permit issued in compliance with this section shall have a maximum term established by the approved land use permit. Prior to permit renewal, the director shall consider the permittee’s history of compliance with the established conditions of approval, as well as the provisions of this section and the Municipal Code in determining whether the permit shall be renewed.

E. General Standards. All recycling facilities shall comply with the following standards:

1. Signs. Facilities shall be provided identification and informational signs, as follows, provided that all signs shall meet the standards of the applicable zoning district.

a. All collection containers and reverse vending machines shall be clearly marked to identify the type of material which may be deposited, and display a notice stating that no material shall be left outside the recycling enclosure or machine; and

b. The facility shall be clearly marked to identify the name and telephone number of the operator and the hours of operation.
Identification and informational signs and directional signs bearing no advertising message may be installed with the approval of the director, if necessary to facilitate traffic circulation.

2. Refuse Disposal. The facility shall maintain adequate on-site refuse containers for the disposal of non-recyclable, non-hazardous waste.

17.12.165 Residential accessory uses and structures.

When permitted in the zoning district applicable to a site, pursuant to Section 17.11.010 of this Development Code, specific residential accessory uses are subject to the provisions of this section. Residential accessory uses include any use that is customarily related to a residence including swimming pools, workshops, studios, storage sheds, greenhouses and garages. Residential accessory structures for the purpose of this section shall not include secondary housing units which are regulated by Section 17.12.170.

A. General Requirements. All accessory uses and structures are subject to the following standards, except where more restrictive requirements are established by other provisions of this section for specific uses.

1. Relationship of Accessory Use to Principal Use. Accessory uses and structures shall be incidental to and not alter the character of the site from that created by the principal use.

2. Setback requirements: as provided by Section 17.13.020.

B. Antennas. Antennas are subject to the provisions of Section 17.12.050.

C. Decks. Decks are subject to the setback requirements of Section 17.20.180(E). The walking surface of a deck shall not exceed a height of five feet above finished grade.

D. Garage/Yard Sales. The sale of miscellaneous items by residents from a yard or open garage is permitted up to four times per year per property, for a maximum of three days per sale.

E. Garages. A garage shall provide at all times the minimum space required to accommodate the number of off-street parking spaces required by this title. A
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f. greenhouses. an accessory greenhouse may occupy up to five hundred square feet per dwelling unit or ten percent of the lot, whichever is smaller. larger greenhouses shall be considered to be plant nurseries, and are permitted only in the cl zoning district.

g. home occupations. home occupations are subject to the requirements of section 17.12.100.

h. swimming pools/spas/hot tubs. private swimming pools, spas and hot tubs are permitted accessory to approved residential uses on the same site, subject to the following provisions:

1. limitation on use. the pool is to be used solely by occupants of the dwelling(s) on the same site and their guests.

2. setbacks. except where title 15 requires greater setbacks, a pool/spa/hot tub shall be located at least five feet from any property line and at least five feet from the main residence. the setback shall be measured from the water line of a pool or spa or from the structure of an above-ground pool/spa hot tub. the setback for an infinity pool shall be measured from the edge of the catch basin (figure 3-10). related equipment shall be located at least three feet from the property line.

3. except where title 15 requires greater setbacks, all pool related structures including waterfalls, grottos and slides, when attached to the pool or intended to serve the pool, shall be located at least five feet from any property line.

4. fencing. the swimming pool shall be secured by fencing or building walls to prevent uncontrolled access by children, in compliance with title 15. chain link fencing is not permitted around private swimming pools; and

5. for pools and spas, a two foot minimum setback from the rear or side property line is allowed under special circumstances, and subject to administrative plan review approval, where:
a. The property line in question abuts an open space area of at least ten feet in width, as measured from the property line, and said open space area is permanently protected or dedicated (through an easement or other dedication) for drainage, slope maintenance and management, or other open space purposes.

I. Outdoor recreational features. Outdoor recreational features such as fireplaces, pizza ovens, barbeque grills and fountains not exceeding six feet in height shall be a minimum of three feet from a side property line. Outdoor recreational features over six feet in height shall be a minimum of seven and one half feet from a side property line and ten feet from a rear property line.

J. Tennis and Other Recreational Courts. Noncommercial outdoor tennis courts and courts for other sports (e.g., racquetball) accessory to a residential use are subject to the following requirements:

1. Fencing. Fencing shall be subject to the design criteria of Section 17.20.110 and shall not exceed a maximum height of twelve feet. Fences between six feet and twelve feet in height shall be subject to administrative plan review approval; and

2. Lighting. Court lighting shall not exceed a maximum height of fourteen feet, measured from the court surface. The lighting shall be directed downward, shall only illuminate the court, shall not illuminate adjacent property and is subject to the standards in Chapter 17.27.

K. Trash Enclosure. Any trash enclosure visible from the public right-of-way shall meet the following requirements:

1. The area shall be enclosed with an opaque wall that is compatible, in material, color and texture with the primary or main building. The wall shall be at least four feet high, or the height of the enclosure door in the closed position, whichever is greater.

2. The enclosure shall be large enough to accommodate at least three 95 gallon carts for trash, recycling and organic waste. Minimum inside dimensions are four feet by ten feet (or forty square feet). The requirement increases sixteen square feet for each additional container.

3. The storage area must be paved and sufficiently impervious to contain leaks and spills.
L. Vehicle Storage. The storage of vehicles, including incidental restoration and repair, is subject to Section 17.12.200.

M. Workshops, Studios, Pool houses, and other similar structures.

1. An accessory structure may be constructed or used as a workshop or studio in any residential zoning district solely for (i) noncommercial hobbies or amusements; (ii) for maintenance of the principal structure or yards; (iii) for artistic endeavors, (e.g. painting, photography or sculpture; (iv) maintenance or mechanical work on vehicles owned or operated by the occupants; or (v) for other similar purposes. Any use of such accessory structures for any commercial activity shall meet the standards for home occupations (Section 17.12.100).

2. An accessory structure may be constructed or used as a pool house in conjunction with a swimming pool. Unless there is an existing pool, the pool shall be constructed and completed prior to pool house construction.

3. A workshop, studio, pool house or other accessory structure shall not contain a kitchen and/or any other facilities for a kitchen.

17.12.170 Secondary housing units.

Where allowed by Section 17.11.010, this section establishes standards for secondary housing units.

A. Legislative Findings. In compliance with Government Code Section 65852.2(a)(4), the city finds that secondary housing units are consistent with the allowable density and with the General Plan and zoning designation.

B. Development Standards. A secondary housing unit may be allowed on a site in the RS, RR, HM and OS zoning districts in addition to a primary dwelling subject to a non-discretionary administrative plan review, as follows:

1. Primary Dwelling Required. The site shall be developed with one detached single-family dwelling;

2. Secondary Housing Unit Appearance. The design of the unit shall conform in general to the design of the primary dwelling; and
3. Site Layout and Design Standards. The location and design of a secondary housing unit shall comply with the following requirements:

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot area</td>
<td>Lot area shall not be less than 10,000 sq. ft.</td>
</tr>
<tr>
<td>Gross floor area</td>
<td>Maximum 700 sq. ft. of habitable floor area not including garage.</td>
</tr>
<tr>
<td>Detached unit: Rear half of lot.</td>
<td></td>
</tr>
<tr>
<td>Site coverage, detached rear-yard units</td>
<td>Maximum of 30% of the rear yard, including any other accessory structures, and projections of the primary dwelling.</td>
</tr>
<tr>
<td>Setbacks</td>
<td>Side: 5 ft. minimum, 12 ft. total.</td>
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<tr>
<td></td>
<td>Rear: 10 ft. minimum.</td>
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<tr>
<td></td>
<td>Interior: 10 ft. minimum, from primary dwelling or other structure, if detached.</td>
</tr>
<tr>
<td>Height limit - Detached units</td>
<td>One story, 15 ft. maximum (see 17.20.140 for height measurement), as allowed by zoning district when located above a garage.</td>
</tr>
<tr>
<td>Parking</td>
<td>One space</td>
</tr>
</tbody>
</table>

4. All secondary units shall also comply with any additional requirements in any overlay zone.

17.12.180 Senior residential projects.

The following provisions apply to senior residential projects:

A. Allowed Density. A senior housing project in the RM, CR, CT and CMU zoning district shall comply with the density requirements of the underlying zone.

B. Density Bonus or Other Incentive. A senior housing project shall qualify for a residential density bonus or other incentive, in compliance with Section 17.22.030.
C. Planning and Location Criteria. The planning and location of the project shall comply with the following requirements:

1. Site Location. Projects shall be within walking distance (one quarter mile) of available transit, major transportation routes, shopping facilities and medical facilities. If existing transit is not available, transportation services may be provided by the project to comply with this standard.

2. Land Uses within the Project. Land uses within the project shall be limited to residential, and where allowed by the applicable zoning district, assisted living facilities and accessory retail uses.

3. Age Limit. Projects shall limit the purchase, lease or occupancy of the dwelling units therein to persons fifty-five years of age and older, unless a different age is required by state or federal law.

D. Development Standards. Senior residential projects located in commercial zoning districts shall comply with Section 17.12.145. Development standards not established in Section 17.12.145 shall be determined as part of the site plan review process.

E. Common areas. Senior residential projects shall include a common area for the use of residents, which may include a sitting room, social areas and a central meeting area of adequate size to accommodate a majority of residents.

17.12.190 Service stations-Retail sales.

The retail sales of food and beverage products and other general merchandise in conjunction with a gasoline service station is allowed subject to conditional use permit approval in compliance with Section 17.62.060, and the following standards:

A. Sales Area. Conditional use permit approval may restrict the sales area determined by the review authority to be appropriate because of site characteristics or surrounding traffic patterns.

B. Permitted Products. Retail sales of non-automotive products shall be limited to items for the convenience of travelers, including film, personal care products, packaged food items, and beverages.
Standards for Specific Land Uses

Chapter 17.12

C. Signs. No exterior signs are allowed to advertise specific items for sale or to advertise products or services offered by persons or entities located off-site.

D. Parking. On-site parking shall comply with the requirements of Chapter 17.28 and shall include sufficient spaces for all employees on a single shift.

E. Restrooms. Restrooms shall be provided, and shall be available to customers at all times during business hours.

F. Facility Upgrading. Applications involving existing stations shall include proposed measures to upgrade the facility to comply with all current applicable provisions of this Development Code.

17.12.195 Shopping centers-Restaurants.

Restaurants located in shopping centers may occupy up to a total of ten percent of the gross leasable floor area, while the shopping center maintains a parking requirement of one parking space per two hundred fifty square feet of gross floor area, pursuant to Chapter 17.28. Restaurant space exceeding ten percent of the gross leasable floor area of a shopping center may be allowed subject to a conditional use permit, and only when sufficient off-street parking is provided. In such cases the parking requirement shall be one space per one hundred square feet of gross leasable floor area or as determined by a parking study prepared by a registered traffic engineer or similar professional.

17.12.200 Storage-Outdoor.

A. Screening Required. Outdoor storage areas shall be effectively screened so as not to be viewed from the public rights-of-way. This screening shall consist of fences, walls, or landscaping as determined by the review authority.

B. Vehicles for Sale. No vehicles may be stored or displayed for sale on any vacant site or at any vacant commercial/industrial location except in compliance with the land use permit requirements of Section 17.11.010.

C. Building Materials. Building materials for use on the same premises may be stored on the site only during the time that a valid building permit is in effect for construction.
Standards for Specific Land Uses

Chapter 17.12

17.12.220 Storage – temporary portable containers

The use of portable storage containers including portable on-demand storage containers, steel shipping containers, and other similar storage containers are allowed under the following conditions:

A. The portable storage container shall be permitted only after obtaining a temporary use permit in compliance with Section 17.62.030.

B. There must be no more than one portable storage container per property.

C. The portable storage container must be no larger than eight feet wide, sixteen feet long and eight feet high and one thousand twenty four cubic feet in volume.

D. The portable container must not remain at a property in any zoning district in excess of fifteen consecutive days, and must not be placed at any one property in a zoning district in excess of thirty days in any calendar year, except as allowed under Subsection I below.

E. The portable storage container must be set back a minimum of five feet from all property lines.

F. The portable storage container must be set back a minimum of five feet from the nearest wall of a building.

G. The portable storage container must be placed on an asphalt or concrete surface.

H. The portable storage container must be in good repair and remain free of graffiti at all times.

I. Portable storage containers associated with the construction at a site where a building permit has been issued and the site is currently vacant are permitted for the duration of construction and shall be removed from the site within fourteen days of the end of construction. Portable storage containers associated with construction, as allowed under this section, are exempt from subsections A to G.
Standards for Specific Land Uses

Chapter 17.12

17.12.230  Veterinary clinics and animal hospitals.

Veterinary clinics and animal hospitals shall be located at least one hundred feet from any residential zoning district, and all facilities for keeping animals during diagnosis or treatment shall be located entirely within a structure.

Veterinary clinics and animal hospitals, which keep animals overnight or for longer periods of time, shall provide an outside area adjacent to the facility for walking or exercising the animals.

17.12.240  Warehouse retail stores.

Warehouse-type retail stores shall be designed and located in compliance with the following standards:

A. Building and Site Design. Building and site design shall complement surrounding commercial or industrial development. Structures shall be comparable to the architectural and design quality expected of new structures in the area, including quality of materials, structure design and orientation, site design, landscaping and buffering. The structure shall reflect the retail aspect of the use by incorporating storefront features, (e.g., facade ornamentation and special detailing) which identify the entryway and provide pedestrian-level interest to the facade.

B. Buffering and Screening. These facilities shall be screened or buffered, as appropriate, to ensure compatibility with adjacent land uses. Particular attention shall be given to screening or providing buffers for parking, loading and storage areas, solid waste containers, auto service areas, areas with high noise levels, and other features that are visible or can be heard anywhere off the site.

C. Development near Residential Zoning Districts. When evaluating applications for warehouse retail stores near residential zoning districts, the review authority shall give particular attention to the potential traffic, noise, visual and other effects of warehouse retail uses on residential uses.

D. Traffic and Parking.

  1. Parking Lot Layout. The review authority shall specifically consider the impacts of the use and parking of shopping carts on the parking lot design.
2. Pedestrian Requirements. Because of high on-site pedestrian and auto activity, the design shall include clearly defined structure entrances, specially designated areas to accommodate customer pickup, and pedestrian walks from parking areas to the structure.

3. Site Location. The use shall be located only on streets determined by the director to have adequate traffic capacity for patrons and product suppliers of such stores.
Chapter 17.13 Residential Districts

Sections:

17.13.010 Purpose.
17.13.020 Residential district general development standards.

17.13.010 Purpose.

The purposes of the individual residential zoning districts are as follows:

A. RS (Residential, Single-Family) District. The RS zoning district is intended for detached, single-family homes, including large lot estates, typical suburban tract developments, small detached single-family homes, and similar and related uses compatible with a quiet, family living environment. The RS zoning district is consistent with the R-SF, residential-single-family, land use district of the General Plan. The designation of an area in the RS zoning district may include establishing a minimum lot area for new subdivisions, expressed as a suffix to the RS zoning map symbol (e.g., RS-8, RS-10, etc.).

B. RM (Residential, Multifamily) District. The RM zoning district is intended for multiple-family housing developments, including apartments, small detached single-family homes, condominiums, townhomes, duplexes, and related compatible uses. The RM zoning district is consistent with the R-MF, residential-multiple-family, land use districts of the General Plan. The designation of an area in the RM zoning district may include establishing a minimum lot area for new subdivisions, expressed as a suffix to the RM zoning map symbol (e.g., RM-10, RM-20, etc.).

C. RMH (Residential, Mobile Home) District. The RMH zoning district is intended to accommodate the existing mobilehome park within the city by establishing a specific district enabling the operation of the site and recognizing its contribution to the mix of housing types in the city. The RMH zoning district is consistent with the R-MH, residential mobilehome, land use district of the General Plan.

D. RR (Rural Residential) District. The RR zoning district is intended to provide for single-family detached housing in a low-intensity, rural setting. The RR zoning district is consistent with the RR, rural residential, land use district of the General Plan.
E. RC (Rural Community) District. The RC zoning district is applied to areas of older semi-rural residential development with established and clearly evident community character, characterized by semi-rural residential uses. The RC zoning district is consistent with the RC, rural community, land use district of the General Plan.

17.13.020 - Residential district general development standards.

A. General Site Planning and Development Standards. Subdivisions, new land uses and structures, intensifications and alterations to existing land uses and structures, shall be designed and constructed in compliance with the following requirements:
### Table 2-5

**Residential District General Development Standards**

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Requirement by Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>RS</strong></td>
</tr>
<tr>
<td></td>
<td><strong>RM</strong></td>
</tr>
<tr>
<td></td>
<td><strong>RR</strong></td>
</tr>
<tr>
<td></td>
<td><strong>RC</strong></td>
</tr>
<tr>
<td></td>
<td><strong>RMH</strong></td>
</tr>
<tr>
<td>Minimum Lot Size Width (1)</td>
<td>Minimum lot area and width required for new parcels.</td>
</tr>
<tr>
<td></td>
<td>5,000 sq. ft. (1)</td>
</tr>
<tr>
<td></td>
<td>1 acre (1)</td>
</tr>
<tr>
<td></td>
<td>5 acres for a mobile home park</td>
</tr>
<tr>
<td></td>
<td>50 feet for interior lots, 65 feet for corner lots.</td>
</tr>
<tr>
<td></td>
<td>75 feet</td>
</tr>
<tr>
<td>Residential Density (3)</td>
<td>1 dwelling per lot, except where a secondary housing unit is allowed by Sections 17.11.010 and 17.12.17-0. In new subdivisions, 2 dwellings per acre minimum; 6 dwellings per acre maximum. (4)</td>
</tr>
<tr>
<td></td>
<td>2 dwellings per acre minimum, 20 dwellings per acre maximum, except where a suffix to the Zoning Map symbol applies, and Section 17.12.020B allows a higher maximum density. (4) (5)</td>
</tr>
<tr>
<td></td>
<td>1 dwelling per lot except where a secondary housing unit is allowed by Sections 17.111.010 and 17.12.170. In new subdivisions, 1 dwelling per 10 acres, minimum; 1 dwelling per acre, maximum. (4)</td>
</tr>
<tr>
<td></td>
<td>8 mobile homes per acre</td>
</tr>
<tr>
<td>Site Coverage</td>
<td>50% of net site area, maximum, on lots less than 1/3 acre; 35% of net site area on lots of 1/3 acre or more or 7,260 square feet, whichever is greater, on lots of 1/3 acre or more</td>
</tr>
<tr>
<td></td>
<td>55% of net site area, maximum</td>
</tr>
<tr>
<td></td>
<td>30% of net site area, maximum</td>
</tr>
<tr>
<td></td>
<td>35% of net site area, maximum</td>
</tr>
<tr>
<td></td>
<td>55% of net site area, maximum</td>
</tr>
<tr>
<td>Setbacks Required (6)</td>
<td>Front 20 feet minimum</td>
</tr>
<tr>
<td></td>
<td>30 feet minimum</td>
</tr>
<tr>
<td></td>
<td>30 feet minimum (2)</td>
</tr>
<tr>
<td></td>
<td>Sides (each) 10 feet minimum</td>
</tr>
<tr>
<td></td>
<td>10 feet minimum</td>
</tr>
<tr>
<td></td>
<td>10 feet minimum (2)</td>
</tr>
<tr>
<td></td>
<td>Street side 15 feet minimum</td>
</tr>
<tr>
<td></td>
<td>20 feet minimum</td>
</tr>
<tr>
<td></td>
<td>30 feet minimum (2)</td>
</tr>
</tbody>
</table>
Table 2-5
Residential District General Development Standards

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Requirement by Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RS</td>
</tr>
<tr>
<td><strong>Distance Between Structures</strong></td>
<td>10 feet minimum</td>
</tr>
<tr>
<td><strong>Rear</strong></td>
<td>20 feet minimum</td>
</tr>
<tr>
<td><strong>Height Limits (7)</strong></td>
<td>35 feet maximum</td>
</tr>
<tr>
<td><strong>Hillside Development</strong></td>
<td>See Section 17.20.150 (Hillside and Ridgeline Development)</td>
</tr>
<tr>
<td><strong>Landscaping</strong></td>
<td>As required by Chapter 17.26 (Landscaping)</td>
</tr>
<tr>
<td><strong>Parking</strong></td>
<td>As required by Chapter 17.28 (Parking and Loading)</td>
</tr>
</tbody>
</table>

1) Except where a suffix to the Zoning Map symbol applies, and Section 17.12.030B requires a larger minimum lot area or overall density.
2) Where mobilehome lots rented to tenants in a mobilehome park are proposed to be converted to separate lots or parcels, the minimum lot area and setbacks of the proposed lots or parcels may correspond to those of the mobile home lots existing prior to the conversion.
3) Maximum number of dwellings allowed on an existing lot and maximum density for subdivisions.
4) Densities greater than the minimum may be permitted up to the maximum only if the impacts of the proposed development are less than those identified in Table 6-2 (Development Impacts of Individual Development Projects) in Chapter 17.60 and are consistent with the performance standards in Chapter 17.20.
5) Allowed density will be determined through the Conditional Use Permit process, and the maximum density may be approved only where the project complies with all applicable provisions of the Development Code.
6) See Section 17.20.180 for setback measurement, exceptions, and encroachments.
7) See Section 17.20.140 for measurement and exceptions.
B. Minimum Lot Area and Residential Density. The minimum area for each parcel proposed in a new subdivision and the maximum density of residential development is determined by subsection (A) of this section, except in areas of special limitations.

1. Minimum Lot Area for Subdivisions. When determined by this section, the minimum area for each parcel proposed in a new subdivision shall be as established by a numerical suffix to the residential zoning map symbol (e.g., RS-8, RR-20, etc.), as follows:

<table>
<thead>
<tr>
<th>Suffix to Zoning Map Symbol</th>
<th>Minimum Lot Area Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>-8</td>
<td>8,000 sq. ft.</td>
</tr>
<tr>
<td>-9.5</td>
<td>9,500 sq. ft.</td>
</tr>
<tr>
<td>-10</td>
<td>10,000 sq. ft.</td>
</tr>
<tr>
<td>-12</td>
<td>12,000 sq. ft.</td>
</tr>
<tr>
<td>-15</td>
<td>15,000 sq. ft.</td>
</tr>
<tr>
<td>-20</td>
<td>20,000 sq. ft.</td>
</tr>
</tbody>
</table>

2. Maximum Density for Residential Development. When determined by this section, the maximum residential density (dwellings per net acre) allowed for development of an existing lot and the maximum number of dwellings allowed in a new subdivision shall be as established by a numerical suffix to the residential zoning map symbol. The form of the suffix shall consist of a number specifying the maximum allowable number of dwelling units per acre of site area, followed by the letter "D." For example, “RS-0.6D” means the subject site in the RS (residential, single-family) zoning district may be allowed a maximum of 0.6 dwellings per acre or RM-12D means that the subject site in the RM (residential, multi-family) zoning district may be allowed a maximum of 12 dwellings per acre.
Chapter 17.14  Commercial Districts

Sections:

17.14.010  Purpose.

17.14.010  Purpose.

The purposes of the individual commercial zoning districts are as follows:

A.  CL (Commercial, Limited) District. The CL zoning district is applied to areas with access problems, or sensitive environmental features that cannot support the full range of business uses allowed in the CR, commercial, retail, district. Appropriate land uses in the CL zoning district include limited retail and commercial services, restaurants, plant nurseries, business and professional offices, and similar and related compatible uses. The CL zoning district is consistent with the business-limited intensity commercial land use district of the General Plan.

B.  CR (Commercial, Retail) District. The CR zoning district is intended for a broad range of general shopping and commercial service uses. These uses include general retail markets, commercial services, restaurants, automotive repair and service, hardware and home improvement, durable goods sales, commercial recreation, and similar and related compatible uses. The CR zoning district is consistent with the business-retail land use district of the General Plan.

C.  CO (Commercial, Office) District. The CO zoning district permits general business offices, medical, professional, real estate, financial, and other offices, and similar and related compatible uses. The CO zoning district is consistent with the business-professional office land use district of the General Plan.

D.  CMU (Commercial, Mixed Use) District. The CMU zoning district is intended to provide for mixed-use developments with innovative site design and pedestrian orientation. Appropriate land uses include a broad range of office, retail, commercial services, high-intensity residential uses, entertainment, and similar and related compatible uses. The CMU zoning district is consistent with the mixed use land use district of the General Plan.

E.  CB (Commercial, Business Park) District. The CB zoning district is applied to areas that will serve the office and light industrial needs of the community.
Commercial Districts

Appropriate land uses include a broad range of office, light industrial uses, limited warehousing, and similar and related compatible uses. The CB zoning district is consistent with the business-business park land use district of the General Plan.

F. CT (Commercial, Old Town) District. The CT district defines the limits of Old Town Calabasas. Within this area, a variety of office, retail, and other commercial uses are appropriate, to the extent that development is designed to preserve and enhance the area’s historic character, and comply with the Old Town Calabasas Master Plan and Design Guidelines. The CT zoning district is consistent with the Old Town land use district of the General Plan.


A. General Site Planning and Development Standards. Subdivisions, new land uses and structures, and intensifications and alterations to existing uses or structures shall be designed and constructed in compliance with the following requirements.
### Commercial District General Development Standards

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Requirement by Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CL</td>
</tr>
<tr>
<td>Minimum Lot Size</td>
<td>Minimum lot area and width required for new parcels.</td>
</tr>
<tr>
<td>Area Width</td>
<td>5,000 sq. ft. No minimum</td>
</tr>
<tr>
<td>Residential Density</td>
<td>None allowed</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>0.20 maximum</td>
</tr>
<tr>
<td>Site Coverage</td>
<td>72% of net site area, maximum</td>
</tr>
<tr>
<td>Setbacks Required</td>
<td>(3)</td>
</tr>
<tr>
<td>Front</td>
<td>20 ft. minimum</td>
</tr>
<tr>
<td>Sides (each)</td>
<td>20 ft. minimum adjacent to any residential zone on the same side of street. None required otherwise.</td>
</tr>
</tbody>
</table>
### Table 2-6
Commercial District General Development Standards

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Requirement by Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CL</td>
</tr>
<tr>
<td>Street Side</td>
<td>20 ft. minimum</td>
</tr>
<tr>
<td>Rear</td>
<td>20 ft. minimum adjacent to residential zone; none required otherwise.</td>
</tr>
<tr>
<td>Interior</td>
<td>As required by California Building Code.</td>
</tr>
<tr>
<td>Height Limits (4)</td>
<td>35 ft. maximum</td>
</tr>
</tbody>
</table>

**NOTES:**

1) Maximum number of dwellings allowed on an existing lot.
2) New projects must include a minimum twenty percent of the overall floor area for residential uses. Renovations or additions that retain the site in its current uses are not subject to this requirement.
3) See Section 17.20.180 for setback measurement, exceptions, and encroachments.
4) See Section 17.20.140 for measurement and exceptions.
Commercial Districts

Chapter 17.14

B. Floor Area Ratio (FAR). The minimum and maximum floor area for each parcel and the maximum density of residential development is determined by subsection (A) of this section.

1. When calculating the maximum FAR allowed on a site in the CMU, CR and CT zoning districts, the maximum FAR shall include the maximum number of allowed dwelling units.

2. The maximum FAR in the CMU zone shall be as established by a numerical suffix to the CMU zoning map symbol. The form of the suffix shall consist of a number specifying the maximum allowable floor area ratio. For example, “CMU-0.95” means that the subject site may be allowed a maximum FAR of 0.95.

3. In the CMU-1.0 zone, fifty percent of the floor area shall be dedicated to residential uses.
Chapter 17.16 Special Purpose Districts

Sections:

17.16.010 Purpose.

17.16.020 Special purpose district general development standards.

17.16.030 Voter approval required for redesignation of open space for non-open space use.

17.16.040 Planned development (PD) additional development standards.

17.16.010. Purpose.

The purposes of the special purpose zoning districts are as follows:

A. PD (Planned Development) District. The PD zoning district denotes an area under single or common ownership that warrants detailed planning because of the presence of unique features, environmental conditions or development constraints. The PD zoning district is intended to accommodate a mix of uses with special standards that address the unique features, conditions, and constraints present. The PD zoning district is consistent with the PD land use district of the General Plan.

B. HM (Hillside/Mountainous) District. The HM zoning district is applied to areas of the city characterized by steep hillsides and rugged terrain, where appropriate development is limited to single-family dwellings and similar, related compatible uses at very low density, designed to avoid areas of severe physical constraints and safety problems. The HM zoning district is consistent with the HM land use district of the General Plan.

C. OS (Open Space) District. The OS zoning district is intended for areas of the city identified by the General Plan as having important environmental resources and hazards. The OS zoning district is consistent with the open space-resource protection land use district of the General Plan.

D. OS-DR (Open Space-Development Restricted) District. The OS-DR zoning district is intended for areas of the city with existing open space that have been development restricted through the use of deed restrictions, conservation easements or dedications of common open space as part of an approved
subdivision. The OS-DR zoning district will also accommodate publicly owned open space land.

E. PF (Public Facilities) District. The PF zoning district is applied to land owned and operated by the city, county, state, or federal governments, or school districts, where a governmental, educational, recreational, or other institutional facility is the primary use of the site, and is sufficiently different from surrounding land uses to warrant a separate zoning district. The PF zoning district will also accommodate publicly or privately constructed uses and facilities developed on city-owned land and intended for a purpose found by the city to be in the public interest. The PF zoning district is consistent with the public facilities-institutional land use district of the General Plan.

F. REC (Recreation) District. The REC zoning district is intended for public and private lands within the city committed to leisure and recreational uses that are primarily open space in character. Allowable uses include city-owned parks, regional recreation facilities, and similar, related compatible uses. The REC zoning district is consistent with the open space-recreational and public facilities-recreational land use districts of the General Plan.

17.16.020 Special purpose district general development standards.

A. Subdivisions, new land uses and structures, and intensifications and alterations to existing uses or structures shall be designed and constructed in compliance with the following requirements.
## Special Purpose Districts

### Table 2-7
Special Purpose District General Development Standards

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Requirement by Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>Minimum lot area and width required for new parcels.</td>
</tr>
<tr>
<td><strong>Area</strong></td>
<td>From 40 acres to 10 acres, determined through the subdivision review process based on site opportunities and constraints, applicable Performance Standards in Chapter 17.20, and Table 6-2 - Significant Impacts of Individual Development Projects) in Chapter 17.60.</td>
</tr>
<tr>
<td></td>
<td>160 acres for existing open space property.</td>
</tr>
<tr>
<td></td>
<td>No minimum. Determined through the subdivision review process based on site opportunities and constraints, applicable Performance Standards in Chapter 17.20, and Table 6-2 Maximum Acceptable Impacts of Individual Development in Chapter 17.60.</td>
</tr>
<tr>
<td>Width</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Residential Density</td>
<td>1 dwelling per lot(1) None Allowed None Allowed 1 dwelling unit per lot(1)</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>Not Applicable</td>
</tr>
<tr>
<td><strong>Setbacks (2)</strong></td>
<td>Determined by Development Plan Process (Section 17.62.070) 50 feet minimum 25 feet minimum 30 feet minimum 50 feet minimum 10 feet minimum between structures</td>
</tr>
<tr>
<td></td>
<td>Determined by Development Plan Process (Section 17.62.070) but in no case less than the minimum setbacks required in the RS zone.</td>
</tr>
<tr>
<td></td>
<td>Not applicable</td>
</tr>
<tr>
<td></td>
<td>Determined by Development Plan Process (Section 17.62.070)</td>
</tr>
</tbody>
</table>
## Table 2-7
Special Purpose District General Development Standards

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Requirement by Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PD</td>
</tr>
<tr>
<td>Height Limits</td>
<td>35 feet maximum (3)</td>
</tr>
<tr>
<td>Hillside Development</td>
<td>See Section 17.20.150 (Hillside and Ridgeline Development)</td>
</tr>
<tr>
<td>Landscaping</td>
<td>As required by Chapter 17.26 (Landscaping)</td>
</tr>
<tr>
<td>Parking</td>
<td>As required by Chapter 17.28 (Parking and Loading)</td>
</tr>
</tbody>
</table>

Notes: 1. Maximum number of dwellings allowed on an existing lot.  
2. See Section 17.20.180 for setback measurement, exceptions, and encroachments.  
3. See Section 17.20.140 for measurement and exceptions.
17.16.030   Voter approval required for redesignation of open space for non-open space use.

A.   Voter approval required as follows:

1.   No amendment to the General Plan or any specific plan that would redesignate for non-open space use of any property in the city designated OS-R or OS-RP by the Land Use Map of the Calabasas General Plan, adopted on December 10, 2008 by Resolution Number 2008-1159 shall be effective for any purpose until that amendment has been approved by two-thirds of the voters of the city casting votes on the question. Prior to the placement of such amendment on the ballot, the city shall follow the procedures required by local, state, and federal law, including the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. Such an amendment may take effect only upon two-thirds approval of those casting votes on the question.

2.   No amendment to the General Plan or any specific plan that would redesignate for non-open space use any property in the city designated PF-R by the Land Use Map of the Calabasas General Plan, adopted on December 10, 2008 by Resolution Number 2008-1159 shall be effective for any purpose without compliance with the applicable requirements of California law related to the protection of park lands, including Government Code Sections 25550.7, 37111, 37111.1, 38440 through 38462, 38501 through 38510 and Public Resources Code Sections 5400 et seq. If any future amendment of these sections reduce or eliminate requirements for a supermajority council vote or for a vote of the city’s electorate, then such supermajority council vote or vote of the electorate shall continue to be required for the redesignation for non-open space use of property in the city designated PF-R.

B.   Subsection (A) of this section shall not apply to:

1.   Amendments determined by the council, on the advice of the city attorney, to be necessary to avoid an unconstitutional taking of private property or otherwise required by law;

2.   Reorganization, renumbering or updating elements of the General Plan in accordance with state law, provided that such actions do not reduce the property designated OS-R, OS-RP, and PF-R; or
3. Amendments which facilitate any of the following land uses: uses permitted in the PF land use district; uses in support of open space uses such as bus shelters, parking facilities, and comfort stations; and public utility facilities (e.g., antennae and pipelines).

C. Any land designated OS-R, OS-RP or PF-R after July 20, 2005 shall become subject to the requirements of this section upon such designation.

D. This section shall be of no further force and effect on and after November 8, 2030, unless it is sooner readopted, repealed or amended by the voters of the city.

17.16.050 Planned development (PD) additional development standards.

A. Maximum allowable development. The regulations of the PD zoning district are intended to provide for a diversity of uses, land use relationships and open spaces in an innovative land plan and design. As shown on the General Plan Land Use Map adopted by Resolution 2008-1159 on December 10, 2008, only one area on the east side of Las Virgenes Road at Agoura Road has been designated Planned Development. The maximum allowable development for this area shall be as follows:

1. 60 multiple family residences
2. 155,000 square feet of commercial (office/retail) development

B. Minimum development area. The PD zoning district is intended to be applied only to those areas that are large enough to allow for overall planning and design in sufficient detail to achieve greater values and amenities than those achieved by present zoning districts. Within the PD zoning district, the minimum area shall be five acres, however, the minimum area may be less than five acres provided the director finds (i) there is a unique character to the site, to the proposed land use, or the proposed improvements; and (ii) the proposed reduction is consistent with the goals of the General Plan.
Chapter 17.18 Overlay Zones

Sections:

17.18.010 Purpose and applicability.
17.18.020 Old Topanga (-OT) overlay zone.
17.18.025 Calabasas Highlands (-CH) overlay zone.
17.18.030 Development Plan (-DP) overlay zone.
17.18.040 Scenic corridor (-SC) overlay zone.

17.18.010 Purpose and applicability.

The overlay zoning districts established by this chapter provide guidance for development and land uses in addition to the standards and regulations of the zoning districts, where important site, neighborhood, or area characteristics require particular attention in project planning. The applicability of any overlay zoning district to specific parcels is shown by the overlay zoning map symbol established by Section 17.10.020 appended as a suffix to the symbol for the primary zoning district. The provisions of this chapter apply to proposed land uses and development in addition to all other applicable requirements of this Development Code.

17.18.020 Old Topanga (-OT) overlay zone.

A. Purpose and Applicability. The Old Topanga (-OT) overlay zone is applied to the Old Topanga area of the city. This is a mountainous area where existing parcels were created before modern zoning and subdivision regulations required appropriate relationships between parcel size, terrain, and building size. The intent of this zoning district is to:

1. Ensure that the scale of residential development is in reasonable proportion to the size of the building site and its environmental constraints, including slope and vegetation;

2. Provide standards for appropriate development in relation to the high fire hazards, flood hazards, access problems, and steep slopes of the areas to which this overlay zoning district may be applied; and

3. Ensure that development is consistent with the hillside and ridgeline regulations in Article III and the grading ordinance in Title 15.
B. Permit and Application Requirements. All development within the -OT overlay zoning district shall be subject to site plan review and approval by the review authority. Applications shall include the forms provided by the city, and all information normally required by Section 17.60.030 for a site plan review application. Applications shall also include the following submittals, except where the director determines that existing information on file with the department or readily available to the city makes particular submittals unnecessary.

1. Additional Submittal Requirements for All Applications. All site plan review applications within any -OT overlay zone shall include the following materials. These materials shall include documentation demonstrating how the project will comply with the performance standards of Chapter 17.20.

   a. Site Plan, Topography. A topographic map prepared by a licensed land surveyor or qualified registered civil engineer, showing the building site, existing slopes, and the location of all trees on the site, at a minimum scale of one inch equals ten feet, with a maximum contour interval of two feet for all areas of the site where grading, other construction, or vegetation removal will occur.

   b. Grading Plan. A conceptual grading plan for all access and lot improvements showing existing and proposed contours, cuts, fills and gradients.

   c. Oak Tree Report. A report prepared by a city-qualified arborist consistent with the city’s oak tree ordinance and guidelines.

   d. Hydrology Report. A hydrologic data and hydraulic analysis report, indicating whether there will be potential drainage impacts on the site and other properties, particularly down slope properties, as a result of proposed vegetation removal or changes in natural grades, drainage, and impervious surface. If adverse drainage problems are identified, a mitigation plan may also be required.

   e. Geology and Soils Report. A geology and soils report providing an assessment of site conditions, including geological hazards, that could potentially exacerbate or create (i) damage to the proposed development in the event of a seismic or other geological event, (ii) adverse effects upon existing development including adjacent properties. The conditions assessed are to include, where applicable, soils, slopes, slope failure potential, water table, bedrock geology, and any other substrate conditions
that may affect seismic response, landslide risk or liquefaction potential. The report shall include recommendations for mitigating the effects of any identified adverse conditions.

f. On-Site Sewage Disposal Suitability Report. The geology and soils report required by subsection (B)(1)(e) of this section shall be expanded to include: analysis of the suitability of site soils for sewage disposal, a sieve (soils) test, and recommendations for appropriate system design. Where applicable, system design (including disposal field location) shall be consistent with the need to protect the root zones of oak trees, in compliance with Section 17.32.010.

2. Public Hearing. A public hearing before the commission shall be required in compliance with Section 17.62.020.

C. Old Topanga Standards. Development within the Old Topanga (-OT) overlay zone is subject to the following requirements, in addition to the standards for Hillside and Ridgeline Development in Section 17.20.150.
### Table 2-8
Old Topanga Development Standards

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum floor area ratio (FAR)¹</td>
<td></td>
</tr>
<tr>
<td>First 10,000 sq. ft.</td>
<td>.18</td>
</tr>
<tr>
<td>Each additional 10,000 sq. ft.</td>
<td>.15</td>
</tr>
<tr>
<td>2 acre lots or less</td>
<td>3,500 maximum</td>
</tr>
<tr>
<td>2 acre lots or more</td>
<td>5,000 maximum</td>
</tr>
<tr>
<td>Setbacks Required - Lots less than 1 acre</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>20 feet – primary structure</td>
</tr>
<tr>
<td></td>
<td>10-feet – garage or carport²</td>
</tr>
<tr>
<td>Sides (each)</td>
<td>20 percent of the parcel width</td>
</tr>
<tr>
<td></td>
<td>5 foot minimum</td>
</tr>
<tr>
<td>Street Side</td>
<td>20 feet</td>
</tr>
<tr>
<td></td>
<td>10 feet – garage or carport²</td>
</tr>
<tr>
<td>Rear</td>
<td>20 feet</td>
</tr>
<tr>
<td></td>
<td>Accessory structures comply with Title 15</td>
</tr>
<tr>
<td>Interior (between structures)</td>
<td>6 feet</td>
</tr>
<tr>
<td>Setbacks Required – Lots over 1 acre</td>
<td>Must comply with setbacks of underlying zoning district.</td>
</tr>
<tr>
<td>Height³</td>
<td></td>
</tr>
<tr>
<td>Non Sloping Lots</td>
<td>27 ft. pitched roof</td>
</tr>
<tr>
<td></td>
<td>24 ft. parapet roof</td>
</tr>
<tr>
<td>Sloping Lots</td>
<td>27 ft. pitched roof</td>
</tr>
<tr>
<td></td>
<td>24 ft. parapet roof</td>
</tr>
<tr>
<td></td>
<td>15 ft. to highest elevation on lot</td>
</tr>
<tr>
<td>Downhill Building Walls</td>
<td>15 ft.</td>
</tr>
</tbody>
</table>

1. The FAR shall include the following:  house and all its floors, any portion of the garage that exceeds 500 sq. ft. and all accessory structures that total over 500 sq. ft. For purposes of this section, accessory structures shall not include hot tubes, jacuzzis, spas and swimming pools if they are not covered or enclosed by a roof or other structure.
2. Allowed setback where the natural grade of the site at the front property line is more than 5 ft. above or below the elevation of the centerline of the street adjacent to the site.
3. See Section 17.20.140 for height measurement requirements.
2. On lots fifty feet or less in width, the minimum unobstructed inside dimensions of a garage may be reduced to eighteen feet by eighteen feet.

3. Sewage Disposal. Proposed development shall be served by the city sewer system, where available. In areas where on-site sewage disposal systems are authorized, the following criteria must be met:

   a. Notwithstanding Article III of Title 15 of this code, any conventional private sewage disposal system installed, replaced, or renovated shall include additional seepage pits, or subsurface drainfields, equivalent to at least two hundred percent of the required original system. This requirement shall not apply to replacements or renovations if the property owner demonstrates that the original system or its design can absorb all the sewage effluent. No lot division or construction of any structures on a lot shall be made if such division or construction impairs the usefulness of the two hundred percent expansion area. The requirement of this subsection shall not apply to alternative or demonstration private sewage disposal systems that provide secondary treatment of effluent as defined by this section that are installed, replaced, or renovated pursuant to Article III of Title 15 of this code.

   For purposes of this section, secondary treatment is the processing of sewage effluent by means of a processing device, which produces a sewage effluent containing less than thirty milligrams/liter biochemical oxygen demand, and less than ten milligrams/liter total suspended solids, prior to discharge to an approved subsurface disposal area.

   b. All septic tanks newly installed, replaced or renovated shall be equipped with an outlet sewage effluent filter as required by Article III of Title 15.

   c. Sewage disposal areas shall be located a minimum of one hundred feet from the top of the bank of any watercourse. The director shall decide the location of the top of the bank.

D. Nonconforming Structures, Alterations and Repairs. Alterations and repairs to any dwelling unit that becomes nonconforming because of the provisions of this chapter shall comply with this section.

   1. Alteration. The enlargement, extension, or structural alteration of a lawfully built dwelling unit that is nonconforming as to height limits and required setbacks may be allowed:
1. Where proposed additions conform with all applicable provisions of this Development Code; or

b. With conditional use permit approval if the exterior limits of new construction do not exceed the height limit or encroach any further into the setbacks than the lawfully built portions of the existing building, and the additions or repairs comply with all other applicable provisions of this Development Code.

2. In-Kind Restoration of a Damaged/Destroyed Unit. A lawfully built dwelling unit that has been damaged or destroyed by accident or natural event, may be restored to the same configuration (building envelope) and in the same location on the premises as existed before the effective date of the ordinance codified in this chapter, provided that:

a. Restoration work pursuant to all required land use approvals and permits begins within two years from the date of damage and is pursued diligently to completion (the building official may authorize additional time to commence and complete reconstruction in cases of natural disaster); and

b. Reconstruction is in compliance with all applicable current building, plumbing, and electrical code requirements.

3. Replacement of Damaged/Destroyed Unit with a Different Unit. Reconstruction of a nonconforming structure in a different form or location than existed before its damage or destruction may be authorized through site plan review approval, where the review authority first makes the following findings, in addition to the findings required for site plans by Section 17.62.020(E):

a. The replacement structure is in a location that has less environmental impacts than the previous location; and/or

b. The replacement structure is less subject to fire, flood, and/or slope stability hazards than the former structure.
Overlay Zones

Chapter 17.18

17.18.025 Calabasas Highlands (-CH) overlay zone.

A. Purpose and Applicability. The Calabasas Highlands (-CH) overlay zone is applied to the Calabasas Highlands area of the city. These are mountainous areas where existing parcels were created before modern zoning and subdivision regulations required appropriate relationships between parcel size, terrain, and building size. The intent of this zoning district is to:

1. Ensure that the scale of residential development is in reasonable proportion to the size of the building site and its environmental constraints, including slope and vegetation;

2. Provide standards for appropriate development in relation to the high fire hazards, flood hazards, access problems, and steep slopes of the areas to which this overlay zoning district may be applied; and

3. Ensure that development is consistent with the hillside and ridgeline regulations of Article III in this title and the grading ordinance in Title 15.

B. Permit and Application Requirements. All development within the -CH overlay zoning district shall be subject to site plan review and approval by the review authority. Applications shall include the forms provided by the city, and all information normally required by Section 16.60.030 for site plan review application. Applications shall also include the following submittals, except where the director determines that existing information on file with the department or readily available to the city make particular submittals unnecessary.

1. Submittal requirements for all applications. All site plan review applications within any -CH overlay zone shall include the following materials

   a. Documentation which demonstrates how the project will comply with the Performance Standards in Chapter 17.20, including to the Performance Standards for Hillside Development, Erosion Control Performance Standards, Seismic and Geologic Hazards Management Performance Standards, Stormwater Management and Flooding Performance Standards, and Fire Hazard Management Performance Standards.

   b. Site Plan, Topography. A topographic map prepared by a licensed land surveyor or qualified registered civil engineer, showing the building site, existing slopes, and the location of all trees on the site, at a minimum scale of one inch equals ten feet, with a maximum contour interval of two
feet for all areas of the size where grading, other construction, or vegetation removal occur.

c. Grading Plan. A conceptual grading plan for all access and lot improvements showing existing and proposed contours, cuts, fills and gradients.

d. Biology Report. If the director determines that biological resources may exist on a site, a report shall be prepared by a qualified professional which identifies important habitats, rare or endangered plant or animal species. The report shall include recommended mitigation measures.

e. Hydrology Report. A hydrologic data and hydraulic analysis report, indicating whether there will be potential drainage impacts on the site and other properties, particularly down slope properties, as a result of proposed vegetation removal or change in natural grades, drainage, and impervious surface. If adverse drainage problems are identified, a mitigation plan may also be required.

f. Geology and Soils Report. A geology and soils report providing an assessment of site conditions including geological hazards, that a could potentially exacerbate or create (i) damage to the proposed development in the event of a seismic or other geological event, or (ii) adverse effects upon existing development including adjacent properties. The conditions assessed are to include, where applicable, soils, slopes, slope failure potential, water table, bedrock geology, and any other substrate conditions that may affect seismic response, landslide risk or liquefaction potential. The report shall include recommendations for mitigating the effects of any identified adverse conditions.

2. Public Hearing. A public hearing before the commission shall be required in compliance with Section 17.62.020.

C. Calabasas Highlands Standards. Development within the Calabasas Highlands (-CH) overlay zone is subject to the following requirements, in addition to the standards for hillside and ridgeline development in Section 17.20.150:
Table 2-9
Calabasas Highlands Development Standards

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum floor area ratio (FAR)(^1)</td>
<td>.45</td>
</tr>
<tr>
<td>Maximum square feet per lot</td>
<td>3,500 sq. ft. maximum regardless of lot size</td>
</tr>
<tr>
<td>Setbacks Required</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>20 ft. – primary structure</td>
</tr>
<tr>
<td></td>
<td>10-ft. – garage or carport(^2)</td>
</tr>
<tr>
<td>Sides (each(^3))</td>
<td>10 ft</td>
</tr>
<tr>
<td>Interior (between structures)</td>
<td>6 ft. unless a larger setback is required by Title 15</td>
</tr>
<tr>
<td>Street Side</td>
<td>20 ft.</td>
</tr>
<tr>
<td></td>
<td>10 ft. – garage or carport(^2)</td>
</tr>
<tr>
<td>Rear</td>
<td>15 feet</td>
</tr>
<tr>
<td>Height(^4)</td>
<td>27 ft. pitched roof</td>
</tr>
<tr>
<td></td>
<td>24 ft. parapet roof</td>
</tr>
<tr>
<td>Downhill Building Walls</td>
<td>15 ft.</td>
</tr>
</tbody>
</table>

1. The FAR shall include the following: house and all its floors, garage and all accessory structures.
2. Allowed setback where the natural grade of the site at the front property line is more than 5 ft. above or below the elevation of the centerline of the street adjacent to the site.
3. The dimension of the garage may be reduced to 18 by 18 feet on lots 50 feet or less in width.
4. See Section 17.20.140 for height measurement requirements. On those sites where the City Engineer requires a modification of the grade for drainage purposes, the height shall be measured from the finished grade. The grade shall be raised the minimum amount necessary to meet public health and safety standards.

2. Sewage Disposal. All newly proposed single-family homes shall connect to the city sewer system in accordance with Title 15 of this code as required by the most recently adopted Uniform Plumbing Code. For additions to existing homes a connection to the city sewer system shall be required if the addition increases the floor area by more than twenty-five percent or if the addition adds any new plumbing fixtures.

D. Nonconforming Structures, Alterations and Repairs. Alterations and repairs to any dwelling unit that becomes nonconforming because of the provisions of this chapter shall comply with this section.
1. Alteration. The enlargement, extension or structural alteration of a lawfully built dwelling unit that is nonconforming as to height limits and required setbacks may be allowed:

   a. Where proposed additions conform with all applicable provisions of this Development Code; or

   b. With conditional use permit approval if the exterior limits of new construction do not exceed the height limit or encroach any further into the setbacks than the lawfully built portions of the existing building, and the additions or repairs comply with all other applicable provisions of this Development Code.

2. In-Kind Restoration of a Damaged/Destroyed Unit. A lawfully built dwelling unit that has been damaged or destroyed by accident or natural event, may be restored to the same configuration (building envelope) and in the same location on the premises as existed before the effective date of the ordinance codified in this chapter, provided that:

   a. Restoration work pursuant to all required land use approvals and permits begins within two years from the date of damage and is pursued diligently to completion (the building official may authorize additional time to commence and complete reconstruction in cases of natural disaster); and

   b. Reconstruction is in compliance with all applicable current building, plumbing, and electrical code requirements.

3. Replacement of Damaged/Destroyed Unit with a Different Unit. Reconstruction of a nonconforming structure in a different form or location than existed before its damage or destruction may be authorized through site plan review approval, where the review authority first makes the following findings, in addition to the findings required for site plan review by Section 17.62.020(E):

   a. The replacement structure is in a location that has less environmental impacts than the previous location; and/or

   b. The replacement structure is less subject to fire, flood, and/or slope stability hazards than the former structure.
17.18.030 Development Plan (-DP) overlay zone.

A. Purpose. The -DP overlay zoning district is intended to provide for maximum flexibility in site planning and design for residential, commercial, and mixed-use projects. The -DP overlay zoning district may be applied where site characteristics and environmental resources, adjacent land uses, or other community conditions may be benefited by accommodations in site planning or the design of structures that could not otherwise be accomplished through the development standards required by the primary zoning district. Development plans are encouraged to produce projects of equal or greater quality than that normally resulting from more traditional development.

A DP overlay district may be considered only when the resultant development pattern (when compared to that which would otherwise be accomplished without the overlay) will be more conformant with the policies of the General Plan and more effective in implementation of applicable General Plan policies.

B. Applicability. The -DP overlay district shall be applied to property through rezoning (an amendment to the Calabasas Zoning Map - see Chapter 17.76), and may be combined with any residential, commercial or special purpose district established by Section 17.10.020.

C. Allowed Land Uses. Any land use normally allowed in the primary zoning district by Section 17.11.010 may be allowed within the -DP overlay district, except when the ordinance rezoning a site to this -DP overlay zone includes specific limitations on allowable land uses.

D. Permit Requirements. All development and new land uses proposed within the -DP overlay district are subject to approval pursuant to Section 17.62.070.

E. Development Standards. Approval of a development plan within the -DP overlay district may include specific modifications to any of the city’s adopted street standards, and/or the following development standards which are set forth in this article and Article III: minimum lot area, setbacks, site coverage, floor area ratio, height limits, landscaping or parking. Proposed development and new land uses within the -DP overlay zone shall comply with all other applicable provisions of this Development Code.
17.18.040 Scenic corridor (-SC) overlay zone.

A. Purpose. The purpose of the -SC overlay zoning district is to protect an important economic and cultural base of the city by preventing the destruction of the natural beauty and environment of the city; to safeguard and enhance property values; to protect public and private investment, buildings and open spaces; and to protect and enhance the public health, safety, and welfare.

B. Application of Overlay District. The -SC overlay zoning district is intended to be applied to major roadways within the city identified in the General Plan as scenic corridors, from which the traveling public may enjoy scenic views of the hill and mountain areas to the north and south of the city, and scenic views of the city itself and surrounding landscape, from the hill and mountain areas of the city. The boundaries of the -SC overlay along designated scenic corridor roadways shall include all properties:

1. Located within five hundred feet of a road designated as a scenic corridor;

2. Located between a designated scenic corridor road and the prominent ridgeline which defines the viewshed from the scenic corridor; and

3. Where the director determines development may have an impact upon the designated scenic corridor.

C. Scenic Corridor Permit. All development and proposed land uses within the -SC overlay zoning district shall receive land use permit approval in compliance with Section 17.62.050 by the review authority. Proposed development and land uses that do not require a discretionary permit must still meet the Scenic Corridor Development Guidelines on file with the department.

D. Development Standards. All development within the -SC overlay zoning district shall comply with all applicable provisions of the Performance Standards for Hillside Development and Urban Design Standards of Chapter 17.20, the Scenic Corridor Development Guidelines adopted by the council, all applicable provisions of this Development Code, and any applicable specific plan, master plan corridor design plan or design guidelines.

E. Historic Properties within a Scenic Corridor. A permit shall not be required under this section when a proposed development within the scenic corridor also requires a certificate of appropriateness or other permit under the city’s historic preservation ordinance (Chapter 17.36). In addition, any guidelines adopted for
the scenic corridor shall apply only if those guidelines do not conflict with any preservation or design guidelines established for historic properties or any provision of the historic preservation ordinance.
ARTICLE III. SITE PLANNING AND PROJECT DESIGN STANDARDS

Chapter 17.20 General Property Development and Use Standards

Sections:

17.20.010 Purpose and applicability.
17.20.020 Access, circulation and transportation.
17.20.030 Air quality maintenance.
17.20.040 Archaeological, historical and paleontological resources.
17.20.050 Biotic resource protection.
17.20.055 Cluster development.
17.20.060 Community standards.
17.20.070 Design considerations.
17.20.080 Disaster response.
17.20.090 Energy conservation.
17.20.100 Fences, walls and hedges.
17.20.120 Freeway corridor development.
17.20.130 Hazards.
17.20.140 Height measurement and height limit exceptions.
17.20.150 Hillside and ridgeline development.
17.20.160 Noise.
17.20.170 Screening.
17.20.180 Setback requirements and exceptions.
17.20.190 Solar energy development standards and guidelines.
17.20.195 Survey.
17.20.200 Solid waste/recyclable materials storage.
17.20.210 Urban runoff mitigation.
17.20.220 Undergrounding of utilities.
17.20.230 Water conservation.

17.20.010 Purpose and applicability.

A. Purpose. This chapter ensures that new or modified land uses and development produce a stable and desirable environment, which is harmonious with existing and future development, and protects the use and enjoyment of neighboring properties, consistent with the General Plan.
General Property Development and Use Standards  Chapter 17.20

B. Applicability. The provisions of the chapter apply to a variety of land uses regardless of the applicable zoning district (e.g., residential, commercial, etc.), and therefore, are combined in this chapter.

1. These standards shall be considered in combination with the standards for each zoning district in Article II. Where perceived conflict exists, the standards specific to the zoning district shall override these general standards.

2. All new or modified structures and uses shall conform with all applicable provisions of this chapter prior to construction.

17.20.020 Access, circulation and transportation.

A. General Standard. Every structure or use shall have adequate physical and legal access to a public street in the form of street frontage, or permanent means of access by way of a public or private easement, or recorded reciprocal (mutual) access agreement. The review authority shall determine whether a structure or use has adequate access. The city engineer and director shall provide a written recommendation to the review authority.

B. Performance Standards. Proposed developments shall comply with the following access, circulation and transportation performance standards. The performance standards shall not apply to the following developments (i) an individual single-family dwelling unit on an existing lot, (ii) the expansion of existing commercial, office and business park developments, and (iii) the addition of new dwelling units within existing residential developments.

1. Projects that provide new driveways shall meet the following standards.

   a. Driveway access should be limited to the local street system. Where feasible within business areas, reciprocal access agreements and joint access shall be required to promote shared use of driveways.

   b. Existing driveways which are unnecessary or substandard shall be removed or upgraded in conjunction with any major or minor onsite development, as determined feasible by the review authority.

   c. If single family residences must front collector or arterial roadways, circular driveways or onsite turnarounds shall be required, where feasible, to eliminate the need for residents to back onto the street.
d. Driveway locations shall maintain adequate separation from access points on the opposite side of the street or shall be aligned with access points on the opposite side of the street.

e. Driveways on corner parcels shall be located as far away from intersections as is possible.

f. Driveways shall not be located within passenger waiting areas of bus stops or within bus bays. Driveways shall be located so that drivers will be able to see around bus stop improvements, both existing and planned.

2. Where medians exist or where a project is required to provide a median, such projects shall meet the following:

a. Medians shall be required in order to fulfill the following objectives: access control, separation of opposing traffic flows, left turn storage, aesthetic improvement, and pedestrian refuge.

b. Projects shall provide median openings at the maximum feasible intervals.

3. Where an approved traffic study requires installation or improvement, traffic signals shall meet the following standards:

a. Where a series of traffic signals are provided along a route, traffic signals shall be coordinated to optimize traffic progression on a given route.

b. Traffic signalization should emphasize facilitating access from neighborhood areas onto the city’s streets, and should work to discourage through traffic from using local city streets.

c. Actuated traffic signals should include push buttons to signal the need for pedestrians to cross. Actuated traffic signals along bicycle routes should include bicycle sensitive loop detectors or push buttons adjacent to the curb.

d. Traffic signals should be limited to urban areas, and should be avoided wherever feasible within rural areas as they tend to conflict with the rural character of outlying lands.
4. Where intersection improvements are required, the intersection shall meet the following standards:

   a. Intersections should be spaced consistent with the primary function of the street. Accordingly, street intersections along heavily traveled arterials routes should be spaced closer than intersections along collectors.

   b. Streets at intersections along arterials and collectors should not be offset and should be placed directly across the street from one another. Intersections along local and minor residential collector streets may be offset within the subdivision as a means of discouraging through traffic.

   c. Intersections may be expanded to include additional turning and through lanes to relieve congestion and improve intersection operation, so long as the intersection will continue to accommodate pedestrians and bicyclists. The design of traffic system improvements which facilitate vehicular turning and bus movements should not discourage pedestrian or bicycle movements.

   d. Collectors and local streets should intersect with arterial streets at right angles, even though the street alignment may be curvilinear.

5. The following standards shall factor into on-street parking considerations:

   a. Parking on public streets shall be secondary to the street’s primary purpose of providing safe and efficient travel for the public.

   b. Parking is normally permitted on collector streets, but may be restricted to accommodate transit stops, on-street bicycle lanes, additional lanes at intersections, or other similar operational requirements. Removal of parking to increase capacity of traffic along the street should be avoided.

6. The following standards shall factor into alternate travel mode considerations:

   a. Alternative modes of transportation should be integrated into the city’s street system in order to: (i) reduce traffic congestion, (ii) improve air quality, (iii) conserve energy, and (iv) provide better transportation for non-motorist.

   b. Park and ride lots should be provided to allow a safe, convenient place to park for a person utilizing a pre-arranged car pool, van pool or bus pool.
c. The number of bus bays should be limited because bus bays have the potential to significantly increase travel times of transit passengers. Bus bays may be used as an initial stage toward developing a queue jumper at an intersection. Bus bays are also acceptable on arterials at bus transfer locations and where boarding time delays are substantial.

d. The standard bus stop location is the far side (after an intersection). Bus stops may be located at the near side (before an intersection) or mid-block depending upon transit demand at a particular site and traffic safety considerations.

e. All existing and future bus stop locations should include a passenger waiting area adjacent to, but not interfering with, the sidewalk. The waiting area should be equipped with improvements based on the volume of bus patrons using that stop. The bus stop improvements include: a sign, a bench, and a shelter. Bus stop waiting areas should include landscaping, ADA compliant accessibility, lighting, and a paved landing area (if the sidewalk is set back from the curb).

f. Bicycle storage facilities shall be provided by uses which have a demand for bicycle use (e.g., schools, parks, offices, shopping centers, libraries).

g. Trails and bicycle facilities shall be provided as required by the maps and policies in the Trails Master Plan and Bicycle Master Plan.

7. Where the installation of sidewalks is required, the following standards shall apply:

a. Sidewalks or pedestrian paths approved by the city shall be designed to make direct connections between commercial, residential, schools, parks, bus stops, and other public facilities. Within Old Town Calabasas, where extensive pedestrian movement is desirable, a thematic walkway appropriate to the area's historic character should be adjacent to the roadway.

b. Sidewalks which will be adjacent to the curb should be a minimum of six feet wide. Sidewalks which will be set back from the curb should be a minimum of five feet wide, except for sidewalks within developed recreational areas, in which case, the minimum setback should be eight feet wide.
c. Sidewalks should be paved with a hard, all-weather surface which facilitates pedestrian use. Sidewalks and curbs should accommodate pedestrians with disabilities. Sidewalks or pedestrian path within an open space area should have specially paved surfaces or be unpaved so that the sidewalk or pedestrian path blends with the surrounding environment.

d. In general, sidewalks and pedestrian paths should be straight to provide a direct route for short to medium distance pedestrian trips, and to facilitate the movement of large numbers of pedestrians. Meandering sidewalks are appropriate in areas where the natural topography or low density land uses lend themselves to informal landscapes.

17.20.030 Air quality maintenance.

The following Air Quality Performance Standards shall apply to new residential subdivisions, multifamily, retail, and office and business park development:

1. New residential subdivisions and multi-family developments shall be designed to the following standards to encourage opportunities for residents to work at home, thereby reducing vehicle trips and associated vehicular emissions:
   
a. Building designs which provide work spaces are encouraged.
   
b. Where feasible, high-technology telecommunication links (fiber optic) are to be incorporated into project infrastructure.
   
c. The development's roadway system is to be designed to accommodate bicycle travel. Roadway widths shall be adequate to accommodate both vehicular and bicycle traffic.
   
d. Where feasible, multiple walkway/bicycle access points shall be provided along the perimeter of the subdivision, as well as through cul-de-sacs so that more direct and convenient access for those modes of transportation will encourage their use.
   
e. Neighborhood pedestrian/bicycle routes are to be connected to community routes to facilitate their use in replacing some automobile trips.
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f. Where projects are located adjacent to shopping centers, schools, parks and other local destinations, pedestrian walks and bicycle routes should connect directly into these facilities to facilitate their use and replace some automobile trips.

g. Pedestrian barriers along walkways (e.g., lighting standards, utilities/transformers) shall be minimized. Where pedestrian barriers cannot be avoided, additional width shall be provided along the walkway to facilitate pedestrian access.

h. Within gated developments, provision of separate, but proximate, access points for pedestrians and vehicles shall be provided where feasible to enhance the convenience of pedestrian/bicycle travel without sacrificing access control.

i. Street trees shall be provided which will assist in shading streets during summer time and thereby reduce the amount of reflective heat on adjacent structures.

j. To reduce the use of single occupant vehicular travel, telecommuting centers shall be provided in multi-family developments exceeding one hundred fifty dwelling units. Whenever possible, these centers are to be located within the project recreation center so as to eliminate the need to construct a separate structure.

2. To facilitate pedestrian and bicycle access and afford it a priority equal to vehicular circulation, the following design features shall be incorporated into retail, office, and business park developments where feasible:

a. Berms and other grade differentials which require the pedestrian or bicyclist to make a strenuous ascent between buildings or to access the development, and thereby make pedestrian or bicycle travel difficult, are to be avoided.

b. Onsite circulation should separate pedestrian and bicycle traffic from vehicular traffic. Pedestrian walkways shall be clearly defined to enhance safety and convenience, particularly in instances where pedestrians must cross large parking areas.

c. Retail centers should follow an "L" or "U" shape, with a portion of the buildings located near the street and parking located between or behind buildings. Centers designed with parking as the sole use along the street frontage are to be avoided.
d. Retail centers and office buildings should be sited on the front of the lot, adjacent to the streetscape to reduce pedestrian travel distances to transit stops.

e. When requested by the Metropolitan Transit Authority, a transit stop shall be constructed along the adjacent public road as part of required street improvements.

f. Site planning should favor pedestrian traffic by providing canopy trees to shade walkways, furnishing gathering places, and organizing buildings so that users have a continuous pedestrian level experience.

g. Office buildings should be located near the street and parking located between or behind buildings. Office complexes with parking as the sole use along the street frontage are to be avoided.

3. Where the application of all feasible mitigation measures for reducing air pollutant emissions will not reduce emissions below the thresholds of significance maintained by the South Coast AQMD for construction or operations, offsetting indirect mitigation will be required. Such offsetting mitigation may consist of the following items or other measures as would be required by CEQA:

- a. Establishment or contribution toward the establishment of a telecommuting facility or teleconferencing facility;

- b. Construction of offsite pedestrian facilities;

- c. Off-site contributions to regional transit (e.g., right-of-way, park and ride lots, transit stops and/or shelters);

- d. Contribution to an adopted traffic signal synchronization project;

- e. Construction or contribution toward the construction of bicycle facilities;

- f. Implementation of a home dispatching system where employees receive routing schedules by phone rather than by driving to work;

- g. Replacement of fleet vehicles with low emission vehicles or contribution toward replacement of school or transit buses with low emission vehicles;
h. Establishment or contribution toward establishment of a shuttle service along Calabasas Road to connect office uses with commercial establishments and fast food establishments along Calabasas Road and at the Las Virgenes Road freeway interchange.

i. Provision of on-site child day care facilities, or contribution toward the establishment of nearby child day care facilities;

j. Provision of transit incentives by commercial establishments within a retail center.

17.20.040 Archaeological, historical and paleontological resources.

A. General Standard. In the event that archaeological resources are discovered during any construction, construction activities shall cease, and the department shall be notified so that the extent and location of discovered archaeological resources may be recorded by a qualified archaeologist and disposition of artifacts may occur in compliance with state and federal law and the City’s Historic Preservation Ordinance (Chapter 17.36).

B. Performance Standards. Any proposed development or any intensification of an existing development which will (i) result in any disturbance to the natural ground surface; or (ii) involve an historical resource, shall conform to the city’s Historic Preservation Ordinance (Chapter 17.36).

17.20.050 Biotic resource protection.

A. The following Performance Standards for Biotic Resources shall apply to all development projects:

1. Disturbances of biotic resources shall be avoided, to the extent feasible as determined by the review authority.

2. Vegetative resources which contribute to habitat carrying capacity (vegetative species diversity, faunal resting areas, foraging areas and food sources) and other significant biotic features are to be preserved in their existing location and condition.

3. The significant impacts identified in Table 6-2 in Chapter 17.60 shall be avoided, to the extent feasible as determined by the review authority.
4. Significant biotic resources are to be preserved in place unless the only feasible project design alternatives would isolate the resources in such a manner as to jeopardize their long-term survival. Offsite mitigation into a recognized habitat management program may be acceptable.

5. Development within or adjacent to sensitive biological habitat shall provide one hundred foot setback from sensitive habitats or other distance determined by a qualified biologist in accordance with Section 17.20.150(D). The setback will preferably be accompanied by protective fencing or other buffers during the construction phase. This minimum setback may be enlarged as necessary to prevent indirect impacts on sensitive biotic resources.

6. Protect riparian vegetation. Where riparian vegetation has previously been removed, except for channelization, the buffer that is provided shall allow for the reestablishment of riparian vegetation to its prior extent as feasible.

7. Require conservation or open space easements, grant deeds, or other similar mechanisms over sensitive habitat areas where the development may directly impact such habitats or may indirectly impact these habitats through changes in intensity of use on the parcel to the extent the conditions bear a nexus to, and are proportionate to, the impacts of the development.

17.20.055 Cluster development standards.

A. Cluster Development Standards for HM and RR zones. In accordance with General Plan policies, clustered development standards allow for superior subdivision design in situations where sensitive or significant natural features warrant preservation or conservation. By adhering to the following standards, clustered development will generally result in the preservation of a greater amount of open space with fewer impacts to the environment, including reduced site grading and a reduced development footprint, fewer oak tree impacts, fewer biological impacts, and minimization of the urban-wildland interface. Accordingly, the following standards apply to all clustered development projects:

1. Clustered development shall be accomplished via a tract map and a development plan, processed in accordance with Chapter 17.62 of this Development Code;
2. Clustered development shall be allowed only when impacts to resources are determined to be comparatively less severe compared to impacts caused by the non-clustered alternative for the same project, and where such determination is based upon a review of potential project impacts documented in an Environmental Impact Report or as otherwise accomplished under CEQA;

3. Except where lot configuration and sizing modifications may otherwise be accomplished as part of the tract map and development plan, clustered development shall conform to the goals and policies of the General Plan, and all applicable standards of this Development Code;

4. A clustered subdivision shall not include a greater number of lots than could otherwise be accommodated in a non-clustered lot configuration under the applicable zoning and non-clustering subdivision standards and requirements;

5. Where an average slope for a project exceeds 20 percent, dwelling units should be clustered together on the more level portions of a site and steeper areas should be preserved in a natural state.

6. At least fifty percent of the subdivision shall be preserved as permanent open space.

7. The following factors, among other relevant factors, shall be balanced to determine the location of lots: topography and efficiency of access, preservation of open space, need for secondary access, geologic hazards and constraints, visual impacts, and conservation of natural resources and landscape features.

8. Land within the subdivision site not contained in lots, roads, or utility easements, shall be in one or more parcels dedicated or reserved as permanent open space.

9. The open space shall be generally configured as large, contiguous areas of undisturbed native habitat capable of serving the various purposes of such open space, including view preservation of the natural areas, habitat preservation and wildlife corridor preservation. The open space set aside calculation should not include lawns, landscaping, manufactured slopes, or other artificially landscaped features but may include habitat restoration areas.
10. Each dedicated open space parcel shall be shown on all subdivision plans with a notation of its area and its intended open space use.

11. To minimize visual impact of clustered homes from the public rights-of-way buffers consisting of native landscaping shall be utilized.

12. To avoid a crowded appearance, clustered homes shall be setback from scenic roadways and screened from view with extensive landscaping.

17.20.060 Community Standards

A. The performance standards for Fiscally Responsible Development, Educational Facilities, Parks and Recreation, Municipal Services and Facilities, Quality of Life and Responsible Regionalism shall apply to new development as follows:

1. To ensure that new development meets the Fiscal Management Objectives in the General Plan and "pays for itself," new development shall:

   a. Construct and/or pay for new on-site capital improvements required by the project;

   b. Construct and/or contribute to off-site capital improvements required by the project;

   c. Provide for public services necessary to serve the project;

   d. Not result in any long-term reduction in the level of public services provided to existing development;

   e. Not result in any substantial, short-term reduction in the level of public services provided to existing development;

   f. Where necessary, shall be phased so as to ensure that the capital facilities used by the new development meet applicable performance criteria in this chapter; and

   g. Where a fiscal impact study determines that the aggregate cost of providing new and additional facilities and services to support a new project will exceed the projected aggregate value of contributions,
dedications, and exactions, and that a projected shortfall is therefore calculated, the City may negotiate and enter into a development agreement with the project developer to devise appropriate additional funding and contributions to off-set such projected shortfall.

2. To ensure that new development meets the Educational Services Objectives in the General Plan, new development shall provide full mitigation for school impacts.

3. To ensure that there is ample access to high quality spaces for leisure and active recreation, new development shall comply with the following standards;

a. Except in cases where mitigation fees or facilities to mitigate impacts have already been provided, all new residential development, including single family and multi-family projects shall be required to dedicate land or to pay such development impacts fees as the city may establish for the provision of parks and recreational facilities.

b. Multi-family development projects shall provide usable open space or parkland within the project or pay comparable impact fees, in accordance with the Quimby Act.

c. To the extent that the city programs make available recreational activities and facilities for area employees and businesses (e.g., ball fields and gymnasium facilities available for corporate leagues, corporate fitness programs), new commercial, office, and business park developments shall be required to pay development impact fees as may be established by the city for the provision of parks and recreational facilities.

4. To ensure the availability of adequate municipal services and facilities the following standards shall apply:

a. Applications for discretionary development permits, which also include a proposed General Plan Amendment, may be approved only after the city's reviewing authority has first determined that the services, infrastructure, and facilities necessary to serve such development are in place and are adequate to serve the additional service demands created by the project, or that the project will contribute its fair share toward any infrastructure improvements or service expansion as deemed necessary to serve the project.
b. In the event that General Plan objectives for services, infrastructure, and facilities are not being met due to existing development, then only the minimum development intensity defined in the Zoning Map will be permitted for new development. In addition, new development shall be required to provide such facilities as are necessary to ensure that performance objectives are met for the services, infrastructure, and facilities provided to the new development.

c. The use of interim facilities by new development shall be permitted only when it is found that development of such interim facilities will not impair the financing or development of master planned facilities.

5. To preserve the quality of life for residents, the following standards shall apply:

a. The design of new developments shall consider the privacy of existing residential dwellings and their yard areas to the extent feasible.

b. Protect residential neighborhoods by avoiding the need for local residential streets to carry cut through traffic or to provide primary access to new residential subdivisions unless to do so would constitute a taking or otherwise violate the legal rights of the subdivider. The intent of this performance standard is to prevent traffic from leaving an arterial or collector roadway and passing through one or several local street segments to reach and continue traveling on another collector or arterial roadway. The various street types are identified in Figure VI-1 of the General Plan.

c. For residential neighborhoods served by substandard streets, access from new development, other than improvements to existing legal lots, shall be avoided unless to do so would constitute a taking or otherwise violate the legal rights of the proponent of the new development.

c. Where needed, active programs are to be undertaken to minimize or prohibit through traffic from using neighborhood collectors and local streets. Visual deterrents to through traffic will be emphasized, using physical deterrents only as a last resort.

d. To maintain natural lighting and solar access, the elements of a site plan (buildings and landscaping) shall not cast a shadow onto adjacent properties greater than that which would be cast by a hypothetical twenty-
five foot wall located at the property line between the hours of 9:00 a.m. and 3:00 p.m., Pacific Standard Time, on December 21.

17.20.070 Design considerations.

A. General Design Guidelines. The following General Urban Design Guidelines shall be utilized by the Architectural Review Panel in their review of all development as specified below. The guidelines also apply to the expansion of existing commercial, office and business park development, and the addition of housing units within an existing multifamily development.

1. The size, height, bulk, and location of buildings are to be managed in relation to the size of the parcel and overall site design to avoid a crowded appearance, preserve a visual appearance of openness, and to maintain the existing low rise character of Calabasas.

2. New development shall be, as much as feasible, compatible with the surrounding environment and existing developments. Inclusion of gateways which create a visual sense of entry in all developments is encouraged.

   a. Gateways or entry features should range in scale as appropriate with their importance, and may identify an entrance to the city, neighborhood, development project, or single building.

   b. Gateways or entry features should include enriched paving, raised medians, signage, landscaping, and other features as appropriate.

3. All exterior wall elevations of buildings and screen walls shall have architectural treatments which enhance their appearance.

   a. Uniform materials and consistent style should be evident within all exterior elevations.

   b. Secondary accent materials and colors should be used to highlight building features and provide visual interest.

4. The use of transition and buffering techniques will be required where one or more of the following situations exist:

   a. Along the boundaries between residential and business uses;
b. At the edge of areas being preserved because of their environmental sensitivity or significance.

5. New multi-family, commercial, office, and business park developments shall emphasize pedestrian level activities by utilizing the following techniques in addition to those discussed as part of air quality performance standards set forth in Section 17.29.030 of this Development Code:

a. Incorporate a central plaza or main visual focus which is oriented toward pedestrians;

b. Incorporate plaza areas which can be used as informal gathering places;

c. Utilize "street furniture" (planters, benches, bike racks, trash receptacles) to create and enhance open spaces; and

d. Within commercial, office, and business park developments, encourage architectural styles which provide covered verandas and other similar pedestrian-oriented shade features.

6. New development within the freeway corridor shall comply with following urban design guidelines:

a. Landscaped setbacks for structures and required parking spaces shall be used in such a manner as to soften the appearance of development along the freeway right-of-way. These setbacks are to be of a sufficient distance and density, and are to be designed to make the landscaping, rather than the development, the dominant visual feature for freeway motorists.

b. Structures may be set back various distances from the freeway right-of-way to avoid flat, straight walls at the edge of a fixed setback line.

c. Project site plans may be oriented either to the freeway or to the adjacent street but in either case should provide an equal amount of site amenities throughout the project. Buildings should not turn their backs completely to either the freeway or adjacent street(s).
d. Building forms and elevations should create interesting roof silhouettes, strong patterns of light and shadow, and integrated architectural detail. Box-like structures and flat monotonous facades are to be avoided.

e. Buildings visible from the freeway, regardless of their orientation, are to be designed to provide the same level of architectural detail on the freeway elevation as on other elevations.

f. Buildings should maintain a low profile and be visually integrated with the natural terrain to the greatest extent possible.

g. Building materials should blend with the colors and textures of the surrounding hillsides. The use of mirrored glass is strongly discouraged.

h. Buildings that have the potential to impact views from the freeway shall submit viewshed studies to determine visual impacts.

7. New business park development shall comply with following urban design guidelines:

a. Business park and office development shall have a quality, contemporary, low-rise, campus-like design.

b. A variety of structure and parking setbacks should be provided in order to avoid long monotonous facades and to create diversity within the project.

c. Setbacks from property lines should be provided proportionate to the scale of the building and in consideration of adjacent development. Larger buildings require additional setback areas for a balance of scale and so as not to impose on neighboring uses.

d. Placement of structures should create opportunities for plazas, courts, or gardens.

e. The main elements of appropriate business park design include the following:

   i. A low-rise campus-like setting with strong pedestrian orientation;

   ii. Plazas, courtyards, and landscaped open space;
iii. Convenient access, visitor parking, and on-site circulation;

iv. Service areas located at the sides and rear of structures;

v. Screening of outdoor storage, work areas, and equipment; and

vi. An emphasis on the primary business entry with significant landscaping.

f. Parking lots should not be the dominant visual element on the site. Large expansive paved areas located between the street and the buildings are to be avoided in favor of smaller multiple lots separated by buildings and landscaping.

g. Buildings should be located on "turf islands," where the main entrance does not directly abut paved parking areas. A minimum five- to seven-foot wide landscape strip should be provided between parking areas and buildings.

h. Parking lots adjacent to and visible from public rights-of-way should be screened from view through combinations of earth berms, low screen walls, changes in elevation, and landscaping.

i. A variety of design techniques, including color, should be used to help overcome plain semi-industrial buildings constructed in unattractive, "box-like" forms, and to achieve the character of development that reinforces Calabasas' low-rise image.

j. There should be a consistent use of colors, materials, and detailing throughout all elevations of a building. As such, elevations which do not directly face a street should likewise receive architectural treatment.

k. Encourage the use of architectural elements to define the main entrance and organize space at the ground plane (e.g., arcades, colonnades, and covered walkways). These elements shall reinforce the pedestrian scale of a building and contribute to its overall low-rise character.

l. Refuse containers, service areas, loading docks, and other similar facilities shall be (i) be located out of view from the general public or fully screened; and (ii) not interfere with parking and circulation.
8. New development shall comply with following streetscape design guidelines:

a. Provide landscaping and trees along streets to act as a buffer for developed sites from street noise and other disturbances. This landscaping shall maintain safe site distances for pedestrians and motorist. In addition, this landscaping should serve the following functions: climate and glare control, aesthetics, architectural enhancement, erosion protection, and delineation of space.

b. Provide functional travel routes for pedestrians, and, where designated, for bicyclists, horse riders, hikers, joggers, these travel routes shall be buffered from automobile traffic.

c. Provide visually attractive and physically comfortable environments which encourage the congregation of people. These environments shall be integrated with similar environments of adjacent private property.

d. Provide visually attractive environments for motorists and users of public transportation.

e. Combine plant materials with man-made structures to (i) visually soften the built-up environment, (ii) clean the air, and (iii) reduce the heat island effect caused by pavement and concrete.

f. Plant palettes and irrigation systems shall be designed to be water efficient. The emphasis in plant selection should be on native and naturalized plants.

g. Where they are relevant to landscaping issues, cultural, environmental, and historical considerations should be considered when selecting a plant palette for the streetscape.

h. Landscape plans should account for the size of plants when they are mature so as to avoid an overgrown appearance. Landscape plans shall protect necessary sight visibility triangles for all motorists. Landscape plans shall avoid conflicts with existing utilities.

i. Street landscaping shall be composed of plants which are suitable for roadside environments and have tolerance for high levels of reflected
heat and glare and vehicle air pollutant emissions. These plants should be easy to maintain and replace.

j. Existing mature trees should, wherever feasible, be retained in roadway design.

k. Trees should be used to provide (i) scale, (ii) unify unrelated elements, (iii) overhead and vertical planes to create sheltered spaces, (iv) shade and block winds, and (v) either screening of undesirable views or enhance desirable views.

l. Shrubs should be used to provide mid-level vertical planes so as to (i) create space, (ii) screen or enhance views, (iii) direct and guide circulation, and (iv) provide a protective barrier between pedestrian and vehicular circulation.

m. Groundcovers should be used to provide ground level visual interest and direct and guide pedestrian and bicycle circulation.

n. The design and location of street furniture should not reduce sightlines for motorists or conflicts with existing utilities.

o. Lighting should accommodate street uses during the evening and promote security through well-lit pedestrian walkways. notwithstanding the foregoing, lighting shall fully comply with the city’s dark night sky policy.

p. Where a distinctive aesthetic street character is important, such as in Old Town, the types and colors of lighting fixtures should be consistent with that character. In all other areas of the city, decorative lighting fixtures should be used.

q. Pedestrian furniture (e.g., benches, planter seating, trash containers, drinking fountains, and other similar fixtures or items) should enhance the aesthetic character of pedestrian gathering places. Pedestrian furniture should also be (i) compatible with a streetscape theme, (ii) durable, (iii) easily maintained, and (iv) easily replaced.

r. As pedestrian furniture is both in the public right-of-way and on private property, the style and placement of furniture should be coordinated on
public and private property, and should not interfere with pedestrian use of the sidewalk.

s. Benches and planters should provide comfortable and adequate seating.

t. Trash containers should be of such size and quantity so as to discourage littering.

u. Transportation-related furniture (e.g., bicycle parking, bus shelters, bus benches, pedestrian channelization features, railings, bollards) should accommodate and encourage the use of non-automobile travel modes, without blocking sidewalk travel.

v. Bus passenger waiting areas should be placed between the sidewalk and the street where adequate space exists. Inadequate space or driveway proximity may necessitate placing the passenger shelter behind the sidewalk.

w. The design of utilities (e.g., traffic signal boxes, power poles, transformers, underground cables) should minimize the visual presence of these features within the streetscape.

9. Design Guidelines for Second Stories of Single Family Homes. The following guidelines shall be utilized by the Architectural Review Panel in their review of new second story additions or new two story homes. Alternative design features may be allowed, if the reviewing body finds they are consistent with the intent of the guidelines.

a. Changes in wall planes and consistent level of articulation should be incorporated into every elevation of the home visible from public view.

b. Street facing elevations should incorporate architectural features that indicate where a first story ends and a second story begins. For example, floor delineations can be accomplished by adding rooflines.

c. Where appropriate, some portions of the second story roof should be lowered to the gutter or eave line of the first story roof to reduce the apparent volume of the building.

d. Building heights should be compatible with the size of a lot, as well as the context of the surrounding neighborhood. The height of a structure
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should be compatible with the established building heights in the neighborhood.

e. First and second story plate heights should be consistent with the other homes in the neighborhood.

f. Long, uninterrupted side walls should be avoided. Second stories should be setback further from the side property line than the first floor.

g. If it would safeguard the privacy of an adjacent neighbor’s backyard or the interior of his or her home, second story should include one or more of the following: (i) stagger or alternate windows, (ii) utilize clerestory windows, and (iii) on side elevations fix or obscure windows to a height of six feet above the second floor, (iv) permanent exterior louvers to a height of six feet above the second floor or (v) incorporate a sill height of five feet or greater.

h. Colors and materials should be consistent with the colors and materials utilized for the existing house.

B. Old Town Calabasas. Proposed development and new land uses within the CT zoning district shall comply with the Old Town Master Plan and Design Guidelines.

C. Scenic Corridor Areas. Proposed development and new land uses within a scenic corridor designated by the -SC overlay zoning district shall comply with the city’s Scenic Corridor Development Guidelines.

D. Specific Design Guidelines Areas. Proposed development and new land uses within any area for which the city has adopted specific design guidelines shall comply with those design guidelines.

17.20.080 Disaster response.

The following Disaster Response Performance Standard shall apply to all new proposed discretionary development projects.

A. Discretionary development projects will be required to provide points of ingress and egress, to include emergency access for police and fire vehicles, as required by the Los Angeles County Consolidated Fire Districts (LACFD) and the City of
Calabasas. If LACFD determines adequate access is provided with only one access point, these projects shall have no more than one access point.

17.20.090 Energy conservation.

A. The Energy Conservation Performance Standards of this section shall apply to all proposed development, including the expansion or remodeling of existing commercial, business park, and multifamily developments. Energy conservation requirements for proposed subdivisions are in Section 17.46.040. All proposed commercial developments shall also meet the city’s Green Building Ordinance (Chapter 17.34).

B. Performance Standards. To ensure that the city’s performance objectives on energy are met, projects shall be reviewed to assess their compliance with the following criteria:

1. Design buildings in groups or clusters with protected indoor or plaza/open areas which promote both exterior accessibility and enjoyment within a protected environment.

2. Construct internal circulation roadways at the minimum widths necessary for safe circulation to minimize solar reflection and heat radiation. Developments shall utilize shade trees within parking areas so that fifty percent of the parking area surface is placed in the shade at noon during the summer equinox within five years of installation.

3. Where possible, locate reflective surfaces (e.g., parking lots) on the north and east sides of buildings to decrease potential heat gain and reflection to adjacent buildings. In the alternative, where parking areas must be located to the south or west of buildings, developments shall have landscaping to reduce potential heat gain.

4. Where possible, orient glass toward the south, the side with the greatest amount of solar access (heat gain potential). Use appropriate building shapes and locations to promote maximum feasible solar access to individual units.

5. Design individual buildings to maximize natural internal lighting through the use of court wells, interior patio areas, and building architecture. Site plan elements (e.g., buildings, landscaping) should protect access to sunshine for planned solar energy systems and/or for solar oriented rooftop surfaces which
can support a solar collector or collectors capable of providing for the anticipated hot water needs of a building between the hours of 9:00 a.m. and 3:00 p.m., Pacific Standard Time, on December 21.

6. Use canopies and overhangs to shade windows during summer months while allowing for reflection of direct sunlight during winter months.

7. Install windows and vents in commercial and industrial buildings to provide the opportunity for through ventilation.

8. Use reflective roof materials to reduce solar gains, unless a passive heat system is provided.

9. Incorporate the use of deciduous trees in landscaping plans, especially near buildings and around large expanses of parking lots or other paved areas.

10. Incorporate deciduous vines on walls, trellises and canopies to shade south and west facing walls, to cool them in summer months.

11. Incorporate wind breaks to protect against winter winds.

12. Cooperation, where feasible, is encouraged with Southern California Edison (SCE), the Gas Company, and the South Coast Air Quality Management District (SCAQMD) for the purposes of establishing energy conservation demonstration projects, or serving as a laboratory for testing new energy conservation techniques.

17.20.100  Fences, walls and hedges.

The following standards shall apply to the installation of all fences, walls and hedges. Fences require administrative plan review in all zoning districts except RS unless located in the scenic corridor. Fences in the RS zoning district that are located in the scenic corridor shall require a minor scenic corridor permit. See Section 17.02.020(B) for situations where fences require no permit.

A. Exempt Fences. Fences (wood, wrought iron, chain link) in the residential zoning districts, which comply with the height limits in subsection (B) of this section, are exempt from land use permit requirements.
B. Height Limitations. Fences, walls and hedges are subject to the height limitations in this subsection.

1. General Height Limit. Freestanding fences, walls and hedges shall be limited to a maximum height of forty-two inches at the front property line, and may increase in height within the front setback area by six inches for every two feet of distance back from the property line, to a maximum of six feet at ten feet from the property line.

   a. Fences, walls and hedges are limited to a height of six feet beyond the front setback.

   b. Fences, walls, and hedges within side yard or rear yard setback areas may not exceed six feet in height.

   c. Entry features over front yard gates (e.g., arches, trellises, pilasters, pedestals), with a maximum height of eight feet, may be authorized through site plan review provided that the entry features are no wider than eight feet.

   d. Tennis court fences, with a maximum height of twelve feet, may be allowed consistent with Section 17.12.165(J).

2. Corner Parcels. No fence, wall, hedge, shrubbery, mounds of earth, or other visual obstruction over forty-two inches in height above the top of the existing or planned curb elevation shall be located within a traffic safety visibility area. See Section 17.20.140(F).

   This requirement shall not apply to: public utility poles; trees trimmed (to the trunk) to a line at least six feet above the elevation of the intersection; saplings or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave, at all seasons, a clear and unobstructed cross view; supporting members of appurtenances to permanent structures existing on July 1, 1998; and official warning signs or signals.

3. Retaining Walls. Individual retaining walls shall not exceed a height of six feet unless otherwise approved by the director. Outward-facing retaining walls in the front setback may not exceed a height of four feet. See Figure 3-1. Outward-facing retaining walls within a side yard or rear yard setback, and which face a street or public park, may not exceed four feet in height unless
approved by the director to a height not exceeding six feet. All retained slopes should be terraced and landscaped/screened as shown in Figure 3-2. The minimum horizontal distance between terraced or tiered retaining walls shall be four feet. See Figure 3-2.

4. Director Discretion. The director shall have discretion to approve walls or fences which are up to twenty-five percent higher than the height limitations listed in subsections (B)(1) through (B)(3) of this section; however, the average height of any wall or fence may not exceed six feet six inches without a variance.
C. Fence Design.

1. Perimeter fences/walls adjacent to public rights-of-way shall be articulated by providing a minimum of one, two-foot deep by five-foot long landscaped recession for every one hundred feet of continuous wall. The design may include an appropriate mix of materials and finish subject to the approval of the director.

2. Uninterrupted fences and walls facing the public right-of-way are to be avoided, unless they are needed for specific screening, safety, or sound attenuation purposes.

3. Fences or walls should be consistent with the site being developed and surrounding developments, open spaces, streets, and pedestrian ways.

4. Fencing and walls should respect existing view corridors, by among other things, preserving existing views of surrounding hillsides to the greatest extent possible.
5. Fencing and walls should incorporate landscape elements or such materials, colors, or textures which will prevent graffiti, undue glare, heat, reflection, or aesthetic inconsistencies.

D. Required Fences Exempt. The provisions of this section shall not apply to a fence or wall required by any law or regulation of the city, state or any agency thereof.

E. Prohibited Materials. The use of barbed wire, electrified fence or razor wire fence in conjunction with any fence, wall or hedge, or by itself within any zoning district, is prohibited unless required by any law or regulation of the city, state or any agency thereof.

F. Chain Link Fencing. Temporary chain link fencing for construction projects and chain link fencing for private and commercial baseball fields, tennis courts, and other recreational facilities are permitted in any zoning district. Chain link fencing is permitted only in OS, HM, RR, RC and CL zoning districts, as follows:

1. Commercial Districts. Chain link fencing within the RC and CL zoning districts shall only be located along the side property line, behind the front yard setback and along the rear property line with vegetation planted in sufficient density and height to screen the fence from adjacent parcels and public areas; and

2. Scenic Corridors. Where allowed in a scenic corridor, chain link fencing shall be covered with vines or other screening plant materials.

G. Fences Between Different Land Uses. Fences or walls may be required between different land uses (e.g., commercial and residential, multifamily residential and single-family residential) in compliance with Section 17.20.100.

H. Fencing for wildlife movement. Fencing on properties in the RR, HM, and OS zoning districts located adjacent to or partially or wholly within sensitive biological resource areas, Los Angeles County significant ecological areas, wildlife linkage and corridors or ecological areas and corridors as mapped on Figures IV-1 and VI-2 in the General Plan shall be wildlife friendly except as provided below

1. Areas of immediate development and daily use (to include residences and accessory structures, surrounding hardscape areas, swimming pools and patios) may be enclosed entirely or in part by non-wildlife-friendly fencing as necessary for the purpose of protecting public safety.
2. Animal containment facilities may be enclosed subject to the standards in Section 17.12.040.

3. Perimeter fencing of a parcel shall be prohibited except where the perimeter is part of the immediate development area or the fence is designed and constructed as a wildlife friendly fence.

17.20.120 Freeway corridor development.

The Urban Design - Freeway Corridor Design Guidelines of Section 17.20.080 shall apply to all proposed development within the Ventura Freeway Corridor, including the expansion or remodeling of existing commercial, office and business park developments, where the proposed project:

A. Is within five hundred feet of the Ventura Freeway right-of-way;

B. Is within one thousand feet of the Ventura Freeway right-of-way and is on a parcel larger than forty thousand square feet; or

C. Is within one thousand feet of the Ventura Freeway right-of-way and structures of three or more stories in height are proposed; or

C. Proposes freeway-oriented signs.

17.20.130 Hazards

A. The following performance standards apply to new development and include hazardous materials, seismic and geologic hazards, and fire hazards.

1. The use, handling, storage and transportation of hazardous substances shall comply with all applicable state laws (Government Code Section 65850.2 and Health and Safety Code Sections 25505, et seq.), and the Los Angeles County Hazardous Waste Management Plan. Residential uses shall also comply with the standards of the Calabasas Household Hazardous Waste Management Element.

2. New commercial, office, and business park uses will be required to comply with the provisions of the Los Angeles County Hazardous Waste Management Plan; the most current amendments to Title 22 of the California Code of Regulations;
and any other applicable city, county, state or federal standard relating to the use, storage, handling, transportation, or disposal of hazardous materials.

3. Concurrent with submittal of discretionary development applications, project proponents will be required to submit a history of onsite soil use, and, if warranted, a soil survey to determining the potential presence of hazardous substances in the soil.

4. The design of all new structures shall comply with the latest California Building Code seismic design standards, as well as such supplemental design criteria as the city may adopt to ensure that a) buildings are designed so as to avoid structural collapse; and b) all uses needed for emergency response are designed to withstand sufficient "g" force to remain functional.

5. Site-specific soils studies will be required to be submitted concurrent with submittal of grading and/or building permit applications to determine onsite soils and geologic conditions and meet safety standards as established by the city engineer. As part of these studies, the potential for hillside areas to become unstable when saturated at the surface and liquefying shall be investigated and mitigated.

6. To prevent future slope failures, new development shall be required to 1) achieve a factor of safety of 1.5 against shear failure; and 2) achieve a factor of safety of 1.1 against seismically induced slope failure.

7. Roadways and internal circulation systems shall be designed to accommodate fire suppression equipment with adequate turn-around areas as determined by the Los Angeles County Consolidated Fire District.

8. All new development shall be provided with the water facilities needed to meet fire flow requirements as determined by the Los Angeles County Consolidated Fire District.

9. Fire hydrants and "blue dots" to identify fire hydrant locations are to be provided as required by the Los Angeles County Consolidated Fire District.

10. The City of Calabasas is designated within Fire Hazard Zone IV by the Los Angeles County Consolidated Fire Districts. This zone includes wildland fire hazard areas defined as watershed lands that contain native growth and vegetation. Development located in or within five hundred feet of native vegetation is subject to the following development provisions:
a. Within the HM, RR, or RC zones, structures intended for human occupancy are to be located along a paved, all weather, accessible (to emergency personnel) road for the purpose of avoiding the need for firefighters to move equipment onto properties without adequate turnaround space. If a structure cannot feasibly be sited in this manner, the structure shall contain sprinklers as required by the city.

b. Prior to approval of a building permit for any new structure intended for human occupancy within areas subject to wildland fires, applicants should meet with the County Consolidated Fire Districts to determine the most fire-safe location for the structure. New structures intended for human occupancy within areas subject to wildland fires are generally to be located on the lowest portion of the site. In addition, adequate setbacks from the top of slopes which have natural vegetation shall be maintained so as to reduce the spread of wildland fires to structures.

17.20.140 Height measurement and height limit exceptions.

A. Maximum Height. The height of structures shall not exceed the standard for the applicable zoning district established by Article II, or other height limit provided by this article.

B. Height Measurement. Maximum allowable height shall be measured as the vertical distance from the natural or finished grade, whichever is lower, of the site to an imaginary plane located the allowed number of feet above and parallel to the natural or finished grade. See Figure 3-3.

C. Non-Sloping Lots. Building height shall be limited to the maximum allowed height, as established by a zoning district or overlay zone, above natural or finished grade; whichever is lower, where average parcel slope is less than twenty percent.

D. Sloping Lots. Building height of sites with an average slope of twenty percent or more shall be limited as follows:

1. Total Height. Total building height shall not exceed the maximum allowed height, as established by a zoning district or overlay zone, above natural or finished grade, whichever is lower, and fifteen feet from the highest elevation on the parcel to the highest point on the building. See Figure 3.3.
2. Downhill Building Walls. No single building wall on the downhill side of a house shall exceed fifteen feet in height above natural or finished grade, whichever is lower. Additional building height on a downhill side may be allowed in fifteen-foot increments, where each increment is stepped-back from the lower wall a minimum of ten feet. In addition, a portion of a second story may be built to the front building wall as long as that portion does not exceed more than twenty-five percent of the width of the front building elevation. See Figure 3-3. This section applies to enclosed space as well as covered porches and patios.

E. Exceptions to Height Limits. The height limits of this Development Code shall not apply to the following:

1. Agricultural structures (e.g., commercial equestrian barns, water tanks, windmills and other similar agricultural structures if located at least fifty feet from any property line, and is not adjacent to a public street;

2. Chimneys with a maximum height of thirty inches above the highest point of the roof;
3. Cooling towers, elevator penthouses, grain elevators, and stairs providing roof access;

4. Church spires, belfries, cupolas and domes; and

5. Structures for public assembly (e.g., churches, schools and other permitted public and semi-public structures), with no more than one story, provided that:

   a. The side and rear setbacks of the structure normally required by the applicable zoning district are increased by one additional foot for each foot that the structure exceeds the height limit of the zoning district, and

   b. The structure does not exceed the maximum height established by the applicable zoning district by more than fifty percent without the approval of a variance.

F. Traffic Safety Visibility Area Required. Proposed development on corner parcels shall be designed to provide a traffic safety visibility area, for public safety purposes. No structure or landscape element placed within the traffic safety visibility area shall exceed a height of forty-two inches, unless approved by the director. This triangular area is formed by measuring thirty-five feet from the intersection of the front and street side property lines of a corner parcel, and connecting the lines across the property. See Figure 3-4.

![Traffic Safety Visibility Area](image)

Fig 3-4 Traffic Safety Visibility Area

G. Height Limits for Specific Structures-Decks. The walking surface of a deck shall not exceed a maximum height of five feet above natural grade.
H. Final Pad Elevations. Final pad elevations shall be reviewed and approved by the director.

17.20.150 Hillside and ridgeline development.

The general requirements of this section apply to development proposed on sites with a natural slope greater than ten percent, or that include a ridgeline.

A. Performance Standards. All development shall comply with the applicable performance standards of this chapter. These include, but are not limited to the performance standards for hillside development addressing grading, project site planning, architectural design, landscape treatment and slope maintenance, and hazards (seismic, geologic and fire).

B. Performance Standards for Hillside Development. Grading and project design shall conform to the city’s grading ordinance (Title 15) and the following standards:

1. Projects within hillside areas shall be designed to protect important natural features and to minimize the amount of grading. To this end, grading plans shall conform to the following guidelines:

   a. Slopes less than ten percent: For property on slopes less than ten percent, redistribution of earth over large areas may be permitted.

   b. Slopes between ten and twenty percent: Some grading may occur on property on slopes between ten and twenty percent, but landforms must retain their natural character. Padded building sites may be allowed, but split level designs, stacking and clustering are required to mitigate the need for large padded building areas.

   c. Slopes between twenty and thirty percent: Limited grading may occur on property on slopes between twenty and thirty percent; however, major topographic features including ridge lines, bluffs, rock outcroppings, and natural drainage ways shall retain their natural landforms. Special hillside architectural and design techniques shall be required in order to conform to the natural land form, by using techniques such as split level foundations of greater than eighteen inches, stem walls, stacking and clustering.
d. Slopes between thirty and fifty percent: Development and limited grading can occur on property on slopes between thirty and fifty percent, but only if it can be clearly demonstrated that safety hazards, environmental degradation, and aesthetic impacts will be avoided. Variable setbacks and building structural techniques (e.g., stepped or post and beam foundations) is required for development and limited grading on these properties. Structures shall blend with the natural environment through their shape, materials and colors. Impact of traffic and roadways is to be minimized by following natural contours or using grade separations.

e. Slopes greater than fifty percent: Except in areas limited in size and in isolated locations development in areas with slopes greater than fifty percent shall be avoided.

The intent of this section is to limit the amount of grading on the steeper portions of a lot. In order to ensure compliance with the intent of this section, the director may require a slope analysis to determine areas and subareas of different slope conditions.

2. Grading and project design shall address and avoid impacts to habitat linkages and wildlife corridors.

3. Overall project design and layout shall adapt to the natural hillside topography and maximize view opportunities to and from a development. A development should preserve the hillside rather than alter it to fit the development.

4. Grading plans should allow for different lot shapes and sizes based primarily on the natural terrain. Encourage split pads in large developments.

5. Flag lots will be allowed; provided that, it can be demonstrated that (i) the natural topography is preserved through minimal grading; and (ii) adequate visibility is maintained for emergency vehicles.

6. Structures shall be sited in a manner that will:

   a. Fit into hillside contours and the form of the terrain;
b. Retain outward views from the maximum number of units and maintain the natural character of the hillside; and,

c. Preserve natural hillside areas and ridgelines views from the public right-of-way.

7. Streets should follow the natural contours of the hillside to minimize cut and fill. Streets may be split into two one-way streets in steeper areas to minimize grading and blend with the terrain. Cul-de-sacs or loop roads are encouraged where necessary to fit the terrain. On-street parking and sidewalks may be eliminated, subject to a determination by the review authority that it will reduce required grading.

8. In subdivisions, the project design should maximize public access to canyons, overlooks, and open space areas by providing open space easements or such other rights of way to allow the development’s residents to access these locations.

9. Development should use retaining structures when it significantly reduces grading; however, such retaining structures shall be located and restricted in height so that they do not become a dominant visual feature of a parcel.

10. Where retaining walls face public streets, the retaining walls should be covered with or contain materials that help blend the wall with the natural terrain.

11. Large retaining walls in a uniform plane should be avoided. Retaining walls should be divided into terraces. Developments should use landscaping to screen retaining walls from the public right-of-way and adjacent properties.

12. The overall scale and massing of structures shall respect the natural surroundings and unique visual resources of the area by incorporating designs which (i) minimize bulk and mass, (ii) follow natural topography, and (iii) minimize visual intrusion on the natural landscape.

13. The overall height of a building is an important aspect of how well it fits into the existing character of a neighborhood and its hillside environment. Houses shall not be excessively tall so as to dominate their surroundings or create a crowded appearance in areas of small lots. Structures should be stepped down a hillside and contained within a limited envelope parallel to the natural grade rather than jut out over the natural slope.
16. Building forms shall be scaled to the particular environmental setting so as to complement the hillside character and to avoid excessively massive forms that fail to enhance the hillside character.

17. Building facades shall change plane or use overhangs as a means to create changing shadow lines to further break up massive forms.

18. Wall surfaces facing towards viewshed areas shall be minimized through the use of single story elements, setbacks, roof pitches, and landscaping.

19. Collective mass roof lines and elements shall blend with the hillside or reflect the naturally occurring ridgeline silhouettes and topographical variation.

20. Medium to dark colors which blend with the surrounding environment should be used for building elevations and roof materials in view-sensitive areas.

21. Architectural style, including materials and colors, should be compatible with the natural setting and the surrounding neighborhood. No one dwelling should stand out.

22. Exposed structural and mechanical elements shall be avoided.

23. Roof materials shall be of fire-retardant material. Roof design shall reflect the underlying contour of the land.

24. Slope plantings should create a gradual transition from developed slope areas into natural areas. New landscape should blend with the natural vegetation, in part, by extending plantings in finger-like configurations into existing slopes.

25. Plantings along the slope side of a development shall be designed to allow controlled views from the development. At the same, these planting shall partially screen and soften the architecture of the development. No less than fifty percent of screening should consist of plant materials.

26. Trees shall be randomly spaced and massed together, and they shall be used to reduce the scale of long, steep slopes.

27. Shrubs are to be randomly placed and massed together.
28. To act as a backdrop for structures, landscaping shall be used along any recontoured ridge or hillside located behind and at a higher elevation than structures in order to recreate the linear line of the recontoured ridge or hillside. Trees shall be planted to create a continuous linear silhouette to avoid gaps in the planting.

29. Trees of sufficient height or height capacity shall be planted between structures to eliminate any open gap and blend the roof lines into one continuous silhouette.

30. New subdivisions, commercial and multi-family development within hillside areas shall meet the following requirements:

a. Recordation of a declaration of covenants, conditions and restrictions requiring the maintenance of manufactured slopes;

b. Developer shall prepare a program for preventive maintenance of major manufactured slope areas. This preventive maintenance program shall include homeowner slope maintenance requirements and guidelines declaration of covenants, conditions, and restrictions which shall be recorded against each parcel within the development. Developer shall submit its preventive maintenance program to the department for its review and approval prior to final map approval.

c. Developer shall prepare and submit to the department for its review and approval a minimum five year revegetation monitoring and maintenance program. Program inspections shall be performed by a qualified botanist. This requirement shall only apply to developments which require slope bank or habitat vegetation.

C. Standards for the Location of Structures. The following provisions shall apply to the placement of proposed structures on sloping sites.

1. General Siting Principles. Buildings should be located in the most accessible, least visually prominent, and most geologically stable portion or portions of a site. Buildings should be located in the least visually prominent locations of a property, on open, grassy hillsides, where the prominence of buildings should be minimized by placing them in locations where they will be screened by existing vegetation, rock outcroppings, or depressions in topography. In
wooded areas, building placement may be guided by the fire hazard prevention performance standards of Section 17.20.130.

2. Ridgelines. For the purposes of maintaining the natural appearance of the ridge, structures should not be placed on or near ridgelines so that they appear silhouetted against the sky when viewed from any point on roadway designated as a scenic corridor by the General Plan. See Figure 3-5.

For significant ridgelines as identified in the Open Space Element of the General Plan (Figure III-4), the highest point of any structure that requires a permit shall be located at least fifty vertical feet and fifty horizontal feet from a significant ridgeline, excluding chimneys, rooftop antennas, and amateur radio antennas. See Figure 3-6.

3. Where structures on a lot or parcel of land cannot meet the standards prescribed in subsection C.2, above, a variance as provided in Section 17.62.080 shall be required. In addition to the required findings set forth in subsection E. of Section 17.62.080, findings shall be made that:

a. Alternative sites within the property or project have been considered and eliminated from consideration based on physical infeasibility or the potential for substantial habitat damage or destruction if any such alternative site is used and that the siting principles outlined under subsection (C)(4) have been applied; and

b. The proposed project maintains the maximum view of the applicable significant ridgeline through the use of design features for the project including minimized grading, reduced structural height, clustered structures, shape, materials, and color that allow the structures to blend with the natural setting, and use of native landscaping for concealment of the project.
Fig 3-5 Silhouetted Structures

Fig 3-6 Location of Structures Below Significant Ridgelines
3. Siting Priorities. Based on the principles in subsections (C)(1) and (2) of this section, the building sites selection for subdivision design and the development of existing individual lots should occur according to the following priorities:

a. The first priority for building site selection should be areas below the tops of ridgelines, on slopes less than twenty percent.

b. In cases where a lot has no building site of at least four thousand square feet that satisfies subsection (C)(4)(a) of this section, the second priority should be areas below the tops of ridgelines, on slopes between twenty and thirty percent, where development can occur with careful attention to minimizing grading through building designs that employ stepped foundations.

c. Where a lot has no potential building sites that satisfy subsection (C)(4)(b) of this section, the third priority for site selection should be areas on ridge tops with slopes less than twenty percent. Proposed buildings should be set back as far as possible from the edge of the ridge (where downhill slopes begin to exceed twenty percent and landscaped, to minimize visibility.

D. Watercourse Setbacks. Structures, paving and grading (other than grading determined by the review authority to be necessary for slope stabilization) shall be set back from the outer edge of the riparian vegetation canopy of a perennial or intermittent stream by a minimum of one hundred feet, or other distance determined by a qualified biologist approved by the city to be adequate for the preservation of existing riparian vegetation and habitat. Where riparian vegetation is not present, the one hundred foot buffer shall be measured from the outer edge of the bank of the subject stream. A one hundred foot setback or other distance determined by a qualified biologist approved by the city shall also be maintained from ephemeral streams which contain riparian vegetation as determined by the City qualified biologist. Provided that no development shall be:

1. Placed in an area identified by a Flood Insurance Rate Map (FIRM) as being subject to flooding, except in compliance with applicable federal regulations; or

2. Located within an intermittent drainage channel known to be subject to dangerous storm water flows during heavy rains.
E. Access. To ensure adequate all-weather access for emergency vehicles and any necessary excavations, access to the lot shall be from a paved, city-maintained roadway, or a private road/driveway in compliance with the following standards.

1. Width. The minimum width of a proposed driveway shall be sixteen feet, or twenty feet if the driveway slope exceeds ten percent.

2. Slope and Surface. The average slope of a driveway shall not exceed seventeen percent, with no portion of the driveway exceeding a slope of twenty percent. Driveways shall be paved with asphalt, concrete, or other surfacing approved by the city engineer, and shall include proper drainage facilities, as approved by the city engineer.

3. Fuel Modification Area. A fuel modification area shall be provided at the time of driveway construction, and permanently maintained.

4. In no event shall a driveway exceed three hundred feet unless there is no other feasible location to site the structure.

F. Parking. The development of lots along city streets or private roads with pavement less than thirty-two feet wide shall be required to provide two off-street parking spaces for guests, in addition to the parking normally required for a residence by Chapter 17.28.

G. Improvements to Paper Streets. Where residential construction is proposed on a site adjacent to a paper street (a recorded, but unimproved road right-of-way), project review by the department shall include a determination of the adequacy of proposed access, and project approval may include requirements to improve a paper street right-of-way proposed to serve a site, to ensure adequate, all-weather emergency vehicle access, and safe evacuation routes. Standards for improvements (e.g., the location of pavement within the right-of-way, horizontal and vertical alignments, drainage measures, the structural section of pavement and base materials, and other such standards), and requirements for right-of-way dedication shall be determined by the city engineer, and shall at a minimum comply with subsection (E) of this section.
17.20.160 Noise.

A. Performance Standards. The following noise management performance standards shall apply to all proposed development, except for the construction of one single-family home on an existing lot, the expansion of existing commercial, office and business park projects, and the addition of housing units to an existing multifamily residential project.

1. Limit project-related noise to no greater than a 60 dBA CNEL (Community Noise Equivalent Level) within known wildlife nesting or migration areas, as well as within natural open space areas, as necessary to maintain tranquil open space and viable wildlife habitats and mobility.

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

Project Site Planning

a. Orient buildings to buffer or attenuate noise.

b. Route or align roadways away from noise sensitive receptors where such routing and alignment can be accomplished without creating other significant impacts.

c. Locate the highest noise sources as far away from adjacent sensitive uses as is feasible.

d. Provide sound attenuation walls (open space buffers and berms are preferred).

e. Utilize landscape materials and "softscape" design to break up hard surfaces for the purpose of minimizing reverberation (mandatory for noise, as well as aesthetic purposes).

Landscape Treatment

f. Utilize open space and landscaped buffers between uses to naturally attenuate noise with distance. Project applicants shall be responsible for providing open space buffers in the form of easements to eliminate noise encroachment from having an adverse effect. The distance shall be
sufficient to meet the exterior noise standards established in Sections 17.20.160 (C) and (D).

g. For commercial retail and business park uses place fixed equipment, such as air conditioning units, inside an enclosed space, or in shielded locations.

Architectural Design

h. For commercial, office, and business park uses, place rooftop equipment at an appropriate setback from property lines, or in acoustically treated mechanical rooms or in shielded equipment wells, to meet noise standards and minimize disturbance potential.

i. Provide one or more of the following: sound rated windows, additional exterior wall or roof insulation, vent or mail slot modifications or relocation, or forced air ventilation.

B. Noise Standards. Sections 17.20.160 (D) and (E) establish standards for acceptable exterior and interior noise levels. These standards are intended to protect persons from excessive noise levels, which are detrimental to the public health, welfare and safety since they have the potential to: (i) interfere with sleep, communication, relaxation and the full enjoyment of property; (ii) contribute to hearing impairment and a wide range of adverse physiological stress conditions; and (iii) adversely affect the value of real property. It is the intent of this chapter to protect persons from excessive noise levels within or near various residential development and other specified noise-sensitive land uses.

C. Exceptions to Noise Standards. The standards of Section 17.20.160 (D) are not applicable to noise from the following sources:

1. Activities conducted in public parks, public playgrounds and public or private school grounds, including school athletic and entertainment events;

2. The use of any mechanical device, apparatus or equipment related to or connected with emergency activities or emergency work;

3. Safety signals, warning devices, and emergency pressure relief valves;

4. Noise sources associated with construction, including the idling of construction vehicles, provided such activities do not take place before seven
a.m. or after six p.m. on any day except Saturday in which no construction is allowed before eight a.m. or after five p.m. No construction is allowed on Sunday’s or Federal holidays. These requirements may be modified by a conditional use permit.

5. Noise sources associated with work performed by private or public utilities in the maintenance or modification of their facilities;

6. Noise sources associated with the collection of waste or garbage from property devoted to other than residential uses.

7. Traffic on public roads and any other activity to the extent regulation thereof has been preempted by state or federal law.

D. Exterior Noise Level Standards. No person shall cause or allow exterior noise levels to exceed the levels set forth in Table 3-1 on any property owned, leased, occupied or otherwise controlled by such person.

<table>
<thead>
<tr>
<th>Zone</th>
<th>Time Interval</th>
<th>Hourly Equivalent Sound Level (Leq, dBA)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Zones</strong></td>
<td><strong>Monday—Friday</strong></td>
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<tr>
<td>RS, RM, RMH, RR, RC, HM, OS</td>
<td>10 p.m. to 7 a.m.</td>
<td>50 dBA</td>
</tr>
<tr>
<td>RS, RM, RMH</td>
<td>7 a.m. to 10 p.m.</td>
<td>65 dBA</td>
</tr>
<tr>
<td>RR, RC, HM, OS</td>
<td>7 a.m. to 10 p.m.</td>
<td>60 dBA</td>
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<td><strong>Saturday and Sunday</strong></td>
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<td></td>
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<tr>
<td>RS, RM, RMH, RR, RC, HM, OS</td>
<td>10 p.m. to 8 a.m.</td>
<td>50 dBA</td>
</tr>
<tr>
<td></td>
<td>8 a.m. to 10 p.m.</td>
<td>60 dBA</td>
</tr>
<tr>
<td><strong>Commercial and Special Purpose Zones</strong></td>
<td><strong>All days of Week</strong></td>
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</tr>
<tr>
<td>PD, CL, CR, CO, CMU, CB, CT, PF, REC</td>
<td>10 p.m. to 7 a.m.</td>
<td>60 dBA</td>
</tr>
<tr>
<td>PD, CL, CR, CO, CMU, CB, CT, PF</td>
<td>7 a.m. to 10 p.m.</td>
<td>65 dBA</td>
</tr>
<tr>
<td>REC with active recreation areas</td>
<td>7 a.m. to 10 p.m.</td>
<td>70 dBA</td>
</tr>
</tbody>
</table>
E. Interior Noise Level Standards for Residential Uses.

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

<table>
<thead>
<tr>
<th>Table 3-2</th>
<th>Interior Noise Level Standards</th>
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</thead>
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<tr>
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<td>Daytime (7 a.m. to 10 p.m.)</td>
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<tr>
<td>Hourly Equivalent Sound Level (Leq, dBA)</td>
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</tr>
<tr>
<td>Maximum level, dBA</td>
<td>60</td>
</tr>
</tbody>
</table>

F. Mixed Use Standards. Noise level standards in Tables 3-1 and 3-2 shall be increased by 5 dBA for mixed use projects.

G. Noise Level Measurement. For the purpose of evaluating conformance with the standards of this chapter, noise levels shall be measured as follows:

1. Use of meter. Any noise measurement required by this section shall be made with a sound level meter using the A-weighted network (scale). Measurement equipment with an acoustical calibrator shall be calibrated immediately prior to recording any noise data.

2. Measuring exterior noise levels. Exterior noise levels shall be measured at the property line. Where practical, a microphone shall be positioned five feet above the ground and away from reflective surfaces.

3. Measuring interior noise levels: Interior noise levels shall be measured within the affected residential use at points at least four feet from the wall, ceiling or floor nearest the noise source, with windows in their normal seasonal position. The reported interior noise level shall be the average of the various microphone location readings.
17.20.170  Screening.

A. Screening between uses. Wherever a site within a commercial zoning district abuts a residential zoning district, a six-foot high solid decorative masonry wall shall be constructed along the property line abutting the residential zoning district. The wall shall be architecturally treated on both sides, subject to the approval of the director.

B. Screening of equipment. Any equipment, whether on the roof, side of structure, or ground, shall be properly screened from the public right-of-way and adjacent properties. The method of screening shall be architecturally compatible with other site development in terms of materials, colors, shape and size. Landscaping shall be installed and maintained for screening purposes for all ground-mounted equipment. The screening design and construction shall be subject to the approval of the director and shall blend with the design and construction of the structure(s) on the site. Where feasible, ground-mounting of mechanical equipment shall be required as an alternative to roof mounting.

C. Screening of loading and service areas. Loading, service, storage, special equipment, and maintenance areas should be screened from public right-of-way and adjacent properties with landscaping and architectural elements. Loading docks and service areas should be located on interior side yards, and shall be concealed from public view.

D. Utility equipment and communication devices shall be screened so that the project will appear free of all such devices.

17.20.180  Setback requirements and exceptions.

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

B. Setback Requirements. All structures shall comply with the setback requirements of each zoning district (See Article II) and with any special setbacks established for specific uses by this article, except as otherwise provided by this section. No portion of any structure, including eaves or roof overhangs, shall extend beyond a property line; or into an access easement or public right-of-way, without first securing an encroachment permit or other legal right to do so.
1. Infill Development Within Previously Approved Projects. Any setback requirements of a recorded subdivision map, or specific plan, development agreement, conditional use permit, or other planned development entitlement shall apply to continuing development within the approved project instead of the setbacks requirements set forth in Article II.

2. Special Setbacks for Development Plan Projects. The council may authorize uniform setbacks for a specific subdivision project that are different from those required by Article II, through the approval of a development plan (Section 17.62.070), or specific plan (Chapter 17.66).

3. Front Setback – Limitations of Paved Surface. No more than fifty percent of the required front setback for any lot in a RS zone that contains a single family dwelling shall be paved with asphalt, cement or any other impervious surface.

C. Exemptions from Setback Requirements. The minimum setback requirements of this Development Code apply to all development and new land uses, except the following:

1. Fences or walls six feet or less in height above the grade of the site, when located outside of the front setback; and

2. Decks, earthworks, free-standing solar devices, steps, terraces and other site design elements that are placed directly upon grade and do not exceed a height of eighteen inches above the surrounding grade at any point. See Section 17.12.180(H) for setback requirements for spas/hot tubs and swimming pools.

D. Measurement of Setbacks. Setbacks shall be measured as follows. See Figure 3-7 located at the end of this section.

1. Front Yard Setbacks. The front yard setback shall be measured at right angles from the nearest point on the front property line of the parcel (or edge of access easement on a private street) to the nearest point of the wall of the structure, except as follows.

   a. Flag Lots. For a parcel with a fee ownership strip extending from a street or right-of-way to the building area of the parcel, the measurement shall be taken from the nearest point of the wall of the structure to the point
where the access strip ("flag pole") meets the bulk of the parcel along a continuous line, establishing a parallel setback line. See Figure 3-8 located at the end of this section.

b. Corner Lots. The measurement shall be taken from the nearest point of the structure to the nearest point of the front lot line.

2. Side Yard Setbacks. The side yard setback shall be measured at right angles from the nearest point on the side property line of the parcel to the nearest line of the structure; establishing a setback line parallel to the side property line, which extends between the front and rear yards.

3. Street Side Yard Setbacks. The side yard on the street side of a corner parcel shall be measured from the nearest point of the side property line bounding the street, or the easement for a private road.

4. Rear Yard Setbacks. The rear yard shall be measured at right angles from the nearest point on the rear property line to the nearest line of the structure, establishing a setback line parallel to the rear property line, which extends between the side yards. The rear yard on the street side of a double-frontage parcel shall be measured from the nearest point on the rear property line bounding the street, or the easement for a private road.

E. Allowed Projections into Setbacks. Attached architectural features and certain detached structures may project beyond the wall of the structure and into the front, side and rear yard setbacks, in compliance with the following requirements:

1. Architectural Features. Architectural features attached to the primary structure may extend beyond the wall of the structure and into the front, side and rear yard setbacks, in compliance with the following table. See also Figure 3-9.

<table>
<thead>
<tr>
<th>Feature</th>
<th>Allowed Projection into Specified Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Front Setback</td>
</tr>
<tr>
<td>Chimney, bay/garden window(1) (2) (3)</td>
<td>30 in.</td>
</tr>
<tr>
<td>Cornice, eave, roof overhang (1) (3)</td>
<td>30 in.</td>
</tr>
<tr>
<td>Deck(1) (4)</td>
<td>6 ft.</td>
</tr>
</tbody>
</table>
Table 3-3
Allowed Projections Into Setbacks

<table>
<thead>
<tr>
<th>Feature</th>
<th>Front Projection into Specified Setback</th>
<th>Side Projection into Specified Setback</th>
<th>Rear Projection into Specified Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Porch(1) (2) (5)</td>
<td>6 ft.</td>
<td>36 in.</td>
<td>6 ft.</td>
</tr>
<tr>
<td>Stairway(2) (6)</td>
<td>6 ft.</td>
<td>36 in.</td>
<td>6 ft.</td>
</tr>
<tr>
<td>Unenclosed patios covers and trellises (7)</td>
<td>6 ft.</td>
<td>30 in.</td>
<td>7.5 ft.</td>
</tr>
</tbody>
</table>

Notes:

1. Chimney’s that project into a side yard setback shall not exceed six feet in width. Ground-story bay windows, porches and decks shall not project into the side yard over half the length of the side wall.

2. Features may project not closer than thirty-six inches to the property line.

3. The cantilevered architectural features that may project into setbacks include balconies, bay windows, cornices, eaves and solar devices.

4. Decks less than eighteen inches above grade are exempt, in compliance with Section 17.20.170(C) (Exemptions from Setback Requirements), above.

5. A roofed porch allowed to project into a setback shall be enclosed only by a railing in compliance with Title 15 (Building and Construction) of the Municipal Code, and shall be located at the same level as the entrance floor of the structure.

6. A stairway that may project into a setback shall not be roofed or enclosed above or below the steps.

7. The setback for trellises and unenclosed patio covers shall be measured from the support post. The additional roof overhang of 30” as noted above may be allowed.

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

F. Setback Requirements for Specific Structures:

1. Fences. See Section 17.20.100.

2. Site Design Elements. Detached decks, earthworks, freestanding solar devices, steps, terraces, and other site design elements which are placed directly upon the grade, and which exceed a height of eighteen inches above the surrounding grade at any point, shall conform to the setback requirements of the underlying zone (site design elements less than eighteen inches above grade are exempt in compliance with subsection (C)(2) of this section).

4. Retaining Walls. Retaining walls less than six feet in height may be located within a required setback. Refer to Section 17.20.100 for standards applicable to retaining walls.

5. Outdoor recreational features, such as fireplaces, built-in pizza ovens, or built-in barbeque grills. See Section 17.12.180(l).

6. The following setbacks shall apply to storage sheds:
   a. For a storage shed that qualifies for the exemption in Section 17.02.020 (B)(7) of this code and is less than six feet in height, the minimum required setback shall be five feet from all property lines.
   b. In the RS, RM, RR, and RC zoning districts, if an storage shed does not qualify for the exemption in Section 17.02.020 (B)(7) of this title and/or it is over six feet in height, the storage shed shall meet the required setback of the zoning district in which it is located.
   c. In the HM and OS zoning districts, if an storage shed (i) does not qualify for the exemption in Section 17.02.020 (B)(7) of this title, it must meet the required setback of the zoning district in which it is located; or (ii) qualifies for the exemption in Section 17.02.020 (B)(7) of the Code but is over six feet in height, the accessory must meet a minimum setback of ten feet from the side property line and twenty feet from the rear property line.

G. Restrictions on the Use of Residential Setbacks. No front or street side setback within a residential zoning district shall be used for the storage of scrap, junk, boats, habitable trailers, utility trailers, or other similar vehicles or equipment. This restriction includes the storage of operable or inoperable vehicles in other than improved parking areas.
17.20.190  Solar energy development standards.

Any proposed active or passive heating and cooling features shall be incorporated into the design of a structure as follows:

A. Roof-mounted solar collectors shall be placed in a location least visible from the street and adjacent properties, without significantly reducing the operating
efficiency of the collectors. Wall-mounted and ground-mounted collectors shall be screened from a public right-of-way;

B. Roof-mounted collectors shall be installed at the same angle or as close as possible to the pitch of a roof;

C. Accessory equipment, particularly plumbing and related fixtures, should be installed in attic space; and

D. Exterior surfaces of the collectors and related equipment shall have a non-reflective finish and shall be color-coordinated to harmonize with roof materials and other dominate colors of the structure.

17.20.195 Survey.

An application for a permit under this title for the construction or alteration of any structure to be located within ten feet of a property which is zoned Open-Space or Open-Space Development-Restricted, as identified in the City’s zoning map, shall not be complete unless accompanied by a survey prepared by a licensed land surveyor or another person authorized by law to conduct and prepare a survey. This survey shall be required to depict (i) the boundaries of the property, (ii) the work to be constructed, and (iii) the boundary of the property nearest the site of the work which is zoned Open-Space or Open-Space Development-Restricted, as identified in the City’s zoning map. A survey is a construction document subject to all of the requirements and exceptions of Section 106 of the California Building Code. In addition to the foregoing, prior to the issuance of a building permit for any structure located within ten feet of a property which is zoned Open-Space or Open-Space Development-Restricted, as identified in the City’s zoning map, an applicant or property owner shall be required to perform a stake survey in the manner required by the director. Any stakes installed to fulfill the foregoing requirement shall not be moved or removed and shall remain in place consistent with the survey until the completion of the work for which the permit issues.

17.20.200 Solid waste/recyclable materials storage.

The following provisions establish standards for the construction and operation of solid waste and recyclable material storage areas in compliance with the California Solid Waste Reuse and Recycling Access Act (Public Resources Code Sections 42900 through 42911).
A. General Requirement. All proposed development shall comply with applicable provisions of the city’s source reduction and recycling element.

B. Required Storage for Multifamily Projects. Multifamily residential projects, with five or more units shall provide solid waste and recyclable material storage areas as follows:

1. Individual Unit Storage Requirements. Each dwelling unit shall be provided an area with a minimum of six cubic feet designed for the indoor storage of solid waste and recyclable material. A minimum of three cubic feet shall be provided for the storage of solid waste and a minimum of three cubic feet shall be provided for the storage of recyclable material; and

2. Multi-family projects shall provide the following minimum solid waste and recyclable material storage areas, which may be located indoors or outdoors as long as they are readily accessible to all residents. These requirements apply to each individual structure. All required areas are measured in square feet.

<table>
<thead>
<tr>
<th>Number of Dwellings</th>
<th>Minimum Storage Areas Required (sq. ft.): Solid Waste</th>
<th>Minimum Storage Areas Required (sq. ft.): Recycling</th>
<th>Minimum Storage Areas Required (sq. ft.): Total Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-6</td>
<td>12</td>
<td>12</td>
<td>24</td>
</tr>
<tr>
<td>7-15</td>
<td>24</td>
<td>24</td>
<td>48</td>
</tr>
<tr>
<td>16-25</td>
<td>48</td>
<td>48</td>
<td>96</td>
</tr>
<tr>
<td>26-50</td>
<td>96</td>
<td>96</td>
<td>192</td>
</tr>
<tr>
<td>51-75</td>
<td>144</td>
<td>144</td>
<td>288</td>
</tr>
<tr>
<td>76-100</td>
<td>192</td>
<td>192</td>
<td>384</td>
</tr>
<tr>
<td>101-125</td>
<td>240</td>
<td>240</td>
<td>480</td>
</tr>
<tr>
<td>126-150</td>
<td>288</td>
<td>288</td>
<td>576</td>
</tr>
<tr>
<td>151-175</td>
<td>336</td>
<td>336</td>
<td>672</td>
</tr>
<tr>
<td>176-200</td>
<td>384</td>
<td>384</td>
<td>768</td>
</tr>
<tr>
<td>201+</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
</tbody>
</table>

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

C. Nonresidential structures and uses within all zoning districts shall provide solid waste and recyclable material storage areas. The following are minimum storage...
area requirements. These requirements apply to each individual structure. All required areas are measured in square feet.

<table>
<thead>
<tr>
<th>Building Floor Area (sq. ft.)</th>
<th>Minimum Storage Areas Required (sq. ft.): Solid Waste</th>
<th>Minimum Storage Areas Required (sq. ft.): Recycling</th>
<th>Minimum Storage Areas Required (sq. ft.): Total Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-5,000</td>
<td>12</td>
<td>12</td>
<td>24</td>
</tr>
<tr>
<td>5,001-10,000</td>
<td>24</td>
<td>24</td>
<td>48</td>
</tr>
<tr>
<td>10,001-25,000</td>
<td>48</td>
<td>48</td>
<td>96</td>
</tr>
<tr>
<td>25,001-50,000</td>
<td>96</td>
<td>96</td>
<td>192</td>
</tr>
<tr>
<td>50,001-75,000</td>
<td>144</td>
<td>144</td>
<td>288</td>
</tr>
<tr>
<td>75,001-100,000</td>
<td>192</td>
<td>192</td>
<td>384</td>
</tr>
<tr>
<td>100,001+</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
</tbody>
</table>

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

D. Refuse enclosure standards and guidelines.

1. Purpose. Enclosures should be designed to reduce container visibility and prevent their misplacement of containers, especially in parking areas. Enclosures should increase efficient solid waste and recycling practices and enhance the aesthetic appearance of the community.

2. Except development of a single-family residence or multi-family residence of up to four units, any new development shall comply with the following:

   a. Space allocation. Each refuse enclosure shall be large enough to fit at least one receptacle for trash, one receptacle for recycling and one receptacle for organic waste. Each enclosure shall be sized to provide for three receptacles without one blocking the other for proper access. The minimum interior dimensions of a refuse enclosure are seven feet by twenty feet. Enclosure wall height shall be at least six feet high from the base. The roof will be spaced two feet higher than the top of the wall of the enclosure, making height clearance eight feet. There must be ventilation occupying the space between the roof and the wall; however, this space shall be covered with a wire mesh (painted to match the enclosure) to
keep animals out and debris in. The enclosure should be at the same level as the concrete outside of its walls.

b. Materials. The refuse enclosure shall resemble the exterior surface of the main building. It should blend with the texture and color of the primary building(s). The refuse enclosure should be made of material that is harmonious with the material of the main building and surrounding buildings. The floor of the enclosure should be paved with concrete and graded toward the sanitary sewer.

c. Roofing. A permanent, waterproof and noncombustible roof must be present to prevent rainfall from entering the enclosure. The roof shall overhang the enclosure on all sides. Acting as protection over the enclosure, the roof shall be at a height of eight feet. The roof should limit contaminated water from escaping into nearby storm drains and creeks. The roof should be designed in such a way that rainwater from the enclosure roof discharges into the surrounding landscape.

d. Screening. Refuse enclosure areas shall be enclosed such that they are screened from view. The enclosure gates shall be swing or roll-up and be of a color and design that is compatible with the enclosure. Swinging doors shall be permanent and made of solid steel. Wire mesh is acceptable as long as it has small holes, so that the inside of the enclosure is not visible from the outside. The opening for the gates should be at least eight feet wide and should allow for an overhead clearance of at least seven feet. The gates shall not open towards the street; they shall instead open towards the structures of the development. Double swing gates should have swivel spots outside of the opening area of the enclosure. Swivel points shall be attached to concrete filled steel posts or columns at the ends of the walls. In addition, six inch diameter bollards shall be installed to ensure that the gates do not open into adjacent structures or parking spaces. These bollards shall be brightly colored with reflective taping at the top. For commercial and industrial sites, property owners shall have the option to lock the enclosure after business hours, and, in some cases, the owner can choose to lock the enclosure during business hours.

e. Interior Design. Refuse enclosures shall have six inch high wheel stops to prevent the bins from damaging the walls. In addition, a six inch high curb should be created within the perimeter of the interior enclosure walls further protecting the walls from possible damage caused by the bins.
The concrete curb shall be eight inches from the wall in order to provide an eight inch clearance from all three walls of the enclosure.

f. Lighting. Adequate lighting should be provided within the refuse enclosure to ensure safety and to discourage illegal dumping into and around the enclosures. The lighting shall be equipped with sensors to turn off automatically when not in use.

g. Sanitary Sewer Connection. A drain shall be located on the floor of the refuse enclosure. This drain shall be connected to the sanitary sewer to facilitate disposal of leachate resulting from cleaning of the enclosure. The enclosure shall have adequate filtration at the sewer drain so that hazardous waste does not enter the sewer system.

h. Prohibited Waste. No other materials (e.g. hazardous wastes, grease, equipment, furniture) shall be stored in the refuse enclosure. The property owner shall prevent the storage of these materials within the enclosure. If there is cooking oil or grease, it must be disposed into a grease receptacle.

i. Oil and Grease Receptacle. Any commercial or industrial refuse enclosure shall reserve adequate space for oil and grease receptacle, regardless of the current or planned use. This space shall be at least twelve square feet in addition to the minimum dimensions in this section.

j. Signage. Unless otherwise provided for by a solid waste hauler permanent signage shall be posted on recycling and organic waste containers to distinguish these bins from the solid waste containers. The enclosure shall have eighteen inch by thirty-six inch signage that reads, “Do Not Mix Recyclable Materials with Trash…” posted on its front wall or on the gate of the enclosure. “NO PARKING” signs shall also be posted. All required signage shall be adequately lighted.

k. Location and Accessibility. Refuse enclosures shall be located within two hundred and fifty feet of a residential unit but not closer than fifty feet. Refuse enclosure shall provide convenient access for solid waste vehicles and sufficient space for turnaround movements. The turning radius for the enclosure shall be at least forty feet. The front of a refuse enclosure shall also have striped “keep clear” areas. A reinforced four to six inch thick concrete pad shall be located outside the entrance of the refuse enclosure. The pad shall not be sloped so that it drains towards the
refuse enclosure; rather the pad shall be sloped so that it drains away from it. The refuse enclosure may have both a pedestrian and a service access. All refuse enclosures must be located at least twenty five feet from any storm drain inlet.

17.20.210  Urban runoff mitigation.

Proposed development shall comply with all applicable provisions of Chapter 8.28.

17.20.220  Undergrounding of utilities.

A. Facilities to be Undergrounded. All existing and proposed on-site utility facilities (including electric, telecommunications and cable television lines) intended to serve a new structure shall be installed underground from the utility company distribution line to the structure, except for equipment appurtenant to underground facilities, including surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts.

B. Responsibility of Applicant. The applicant is responsible for complying with the requirements of this section and shall make the necessary arrangements with the utility companies for facility installation.

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

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

17.20.230  Water conservation.

A. The Water Conservation Performance Standards of this section apply to all proposed development, including the expansion or remodeling of existing commercial, office, business park, or multifamily residential developments. Landscaping on individual single-family parcels shall comply with the provisions of Section 17.26.050.
B. Performance Standards. To meet the city’s overall water conservation performance objectives, projects shall comply with Section 17.26.050 and with the following:

1. Landscaped areas shall be clustered to maximize the efficiency of irrigation systems. Irrigation systems shall be designed to eliminate watering of impervious surfaces and reduce runoff.

2. Water conserving kitchen and bathroom fixtures and appliances shall be installed along with, thermostatically controlled mixing valves for baths and showers. Hot water lines shall be insulated.

3. Where reclaimed water is or can be feasibly made available by the Las Virgenes Municipal Water District and where use of reclaimed wastewater is legally permissible, the installation of a reclaimed water system for irrigation purposes will be required.
Chapter 17.22 Affordable Housing

Sections:

17.22.010 Purpose.
17.22.020 Affordable Housing Requirements; Eligibility for bonus and incentives.
17.22.030 Types of bonus and incentives allowed.
17.22.040 Location of assisted housing units—Additional housing requirements.

17.22.010 Purpose.

This chapter shall assist implementation of the goals and policies of the housing element of the General Plan. This chapter implements the foregoing by: (i) offering density bonuses and other incentives to residential projects that incorporate housing that is affordable to very low, low and/or moderate income households and/or senior citizens and their family members; (ii) requiring an in-lieu fee for nonresidential projects that create excessive demands for new housing, and (iii) requiring an in-lieu fee for residential projects that do not incorporate housing for very low, low and/or moderate income households and/or senior citizens and their family members.

17.22.020 Affordable Housing Requirements; Eligibility for bonus and incentives.

A. Affordable Housing Requirement. All residential development projects proposing five or more housing units shall include housing that is affordable to low, very low and/or moderate income households, in compliance with this section. Housing units provided in compliance with this section that meet the requirements of both this Section 17.22.020(A) and Section 17.22.020(B) shall be eligible for density bonuses and incentives in compliance with Section 17.22.030. At a minimum, a proposed residential development project shall include the following number of affordable housing units at the stated rental rates or sales prices, or shall provide off-site alternatives in compliance with the provisions of this Chapter:

1. Twenty percent of the total number of units shall be rented or sold at prices affordable to households with an income of up to one hundred ten percent of the county median income; or
Affordable Housing

Chapter 17.22

2. Fifteen percent of the total number of units shall be rented or sold at prices affordable to households with an income of up to ninety percent of the county median income; or

3. Ten percent of the total number of units shall be rented or sold at prices affordable to households with an income of up to seventy-five percent of the county median income; or

4. Five percent of the total number of units shall be rented or sold at prices affordable to households with an income of up to fifty percent of the county median income.

B. In order to be eligible for a density bonus and other incentives as provided by this Chapter, a proposed residential development project shall:

1. Consist of five or more dwelling units; and

2. Provide for the construction of one or more of the following within the development, one of which the permit applicant shall elect as the basis for its request for a density bonus:

   a. Ten percent of the total units of a housing development for low income households, as defined in Health and Safety Code section 50079.5; or

   b. Five percent of the total units of a housing development for very low income households, as defined in Health and Safety Code section 50105; or

   c. A senior citizen housing development as defined in Civil Code sections 51.3 and 51.12, or mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Civil Code section 798.76 or 799.5; or

   d. Ten percent of the total dwelling units in a common interest development as defined in Civil Code section 1351, for persons and families of moderate income, as defined in Health and Safety Code section 50093, provided that all units in the development are offered to the public for purchase; and

3. Satisfy all other applicable provisions of this development code.
17.22.030 Types of bonus and incentives allowed.

As required by Government Code Section 65915, this section offers incentives to permit applicants for providing housing that is affordable to the types of households and qualifying residents identified in subsection (A) of this section. A housing development that satisfies all applicable provisions of this section shall be entitled to one density bonus and one or more incentive, described below. If the density bonus or incentives cannot be accommodated on a site due to strict compliance with the provisions of this Development Code, the council shall waive or modify development standards to accommodate the bonus units or incentives to which the development would be entitled, unless such waiver or modification would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment, and for which there is no feasible method to mitigate or avoid the specific adverse impact. In offering these incentives, this section carries out the requirements of Government Code Sections 65302, 65913, and 65915, et seq.

A. Minimum Density Bonus. The density bonus granted to a residential development project shall consist of an increase over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the General Plan as of the date of application. The applicant may elect to accept a lesser percentage of a density bonus. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in Section 17.22.020(B).

1. When the development meets the requirements of Section 17.22.020(B)(2)(a) the density bonus shall be calculated as follows:

<table>
<thead>
<tr>
<th>Percentage Low-Income Units</th>
<th>Percentage Density Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>11</td>
<td>21.5</td>
</tr>
<tr>
<td>12</td>
<td>23</td>
</tr>
<tr>
<td>13</td>
<td>24.5</td>
</tr>
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<td>14</td>
<td>26</td>
</tr>
<tr>
<td>15</td>
<td>27.5</td>
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<tr>
<td>16</td>
<td>29</td>
</tr>
<tr>
<td>17</td>
<td>30.5</td>
</tr>
</tbody>
</table>
Table 3-6  
Density Bonus – Low Income Units

<table>
<thead>
<tr>
<th>Percentage Low-Income Units</th>
<th>Percentage Density Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>18</td>
<td>32</td>
</tr>
<tr>
<td>19</td>
<td>33.5</td>
</tr>
<tr>
<td>20</td>
<td>35</td>
</tr>
</tbody>
</table>

2. When the development meets the requirements of Section 17.22.020(B)(2)(b) the density bonus shall be calculated as follows:

Table 3-7  
Density Bonus – Very Low Income Units

<table>
<thead>
<tr>
<th>Percentage Very Low Income Units</th>
<th>Percentage Density Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>20</td>
</tr>
<tr>
<td>6</td>
<td>22.5</td>
</tr>
<tr>
<td>7</td>
<td>25</td>
</tr>
<tr>
<td>8</td>
<td>27.5</td>
</tr>
<tr>
<td>9</td>
<td>30</td>
</tr>
<tr>
<td>10</td>
<td>33.5</td>
</tr>
<tr>
<td>11</td>
<td>35</td>
</tr>
</tbody>
</table>

3. When the development meets the requirements of Section 17.22.020(B)(2)(c) the density bonus shall be twenty percent.

4. When the development meets the requirements of Section 17.22.020(B)(2)(d) the density bonus shall be calculated as follows:

Table 3-8  
Density Bonus – Moderate Income Units

<table>
<thead>
<tr>
<th>Percentage Moderate-Income Units</th>
<th>Percentage Density Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>5</td>
</tr>
<tr>
<td>11</td>
<td>6</td>
</tr>
<tr>
<td>and increasing by 1% to 40</td>
<td>and increasing by 1% to 35</td>
</tr>
</tbody>
</table>
5. Any calculations resulting in fractional units shall be rounded up to the next whole number. The city may, at its discretion, grant a density bonus that is greater than that described in subsections (A)(1) through (A)(4) for a development that meets the requirements therein or proportionately lower than that described in subsections (A)(1) through (A)(4) for a development that does not meet the requirements therein.

B. Additional Density Bonus. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates developable land to the city as provided for in Government Code Section 65915, the applicant shall be entitled to a fifteen percent increase above the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the General Plan for the entire development, as follows:

<table>
<thead>
<tr>
<th>Table 3-9</th>
<th>Additional Density Bonus – Very Low Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage Very Low Income</td>
<td>Percentage Density Bonus</td>
</tr>
<tr>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td>11</td>
<td>16</td>
</tr>
<tr>
<td>and increasing by 1% to 30</td>
<td>and increasing by 1% to 35</td>
</tr>
</tbody>
</table>

This increase is in addition to any density bonus provided by subsection (A)(2) of this section, up to a maximum combined density increase of thirty-five percent. All calculations resulting in fractional units shall be rounded up to the next whole number. In no event shall the city be required to grant more than a thirty-five percent increase over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the General Plan. An applicant shall be eligible for the additional density bonus described in this subsection if all of the following conditions are met:

1. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.

2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than ten percent of the number of residential units of the proposed development.
3. The transferred land is at least one acre or of sufficient size to allow development of at least forty units has the appropriate General Plan designation, is appropriately zoned for development as affordable housing, and is served by adequate public facilities and infrastructure. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible. No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, except that the city may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 if the design is not reviewed by the city prior to the time of transfer.

4. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with subsection (F) of this section, which shall be recorded on the property at the time of dedication.

5. The land is transferred to the city or to a housing developer approved by the city. The city may require the applicant to identify and transfer the land to the developer.

6. The transferred land shall be within the boundary of the proposed development or, if the city agrees, within one-quarter mile of the boundary of the proposed development.

C. Incentives, Number. An eligible project shall receive one, two or three incentives as follows:

1. One incentive for a project that includes at least ten percent of the total units for lower income households, at least five percent for very low income households, or at least ten percent for persons and families of moderate income in a common interest development;

2. Two incentives for a project that includes at least twenty percent of the total units for lower income households, at least ten percent for very low income households, or at least twenty percent for persons and families of moderate income in a common interest development; and
Affordable Housing

3. Three incentives for a project that includes at least thirty percent of the total units for lower income households, at least fifteen percent for very low income households, or at least thirty percent for persons and families of moderate income in a common interest development.

D. Incentives, Description. A project that is eligible to receive incentives pursuant to subsection (C) above shall be entitled to at least one of the following incentives identified in Government Code Section 65915(l):

1. A reduction in the parcel development standards (e.g., coverage, setback, zero lot line and/or reduced parcel sizes, and/or parking requirements).

2. Approval of mixed-use zoning in conjunction with the housing project if nonresidential land uses would reduce the cost of the housing project, and the nonresidential land uses would be compatible with the housing project and adjoining development.

3. Other regulatory incentives or concessions proposed by the permit applicant or the city that would result in identifiable cost reductions.

Nothing in this section shall be construed to require the city to provide, or limit the city’s ability to provide, direct financial incentives for housing development, including the provision of publicly owned land by the city or the waiver of fees and dedication requirements.

E. Limitations and Exceptions.

1. In order to receive incentives as described in subsections (C) and (D), an applicant must submit a proposal to the city requesting the specific incentives that the applicant desires.

2. The city shall grant the incentives requested by the permit applicant pursuant to subsection (E)(1) and required pursuant to subsection (C), unless the city makes a written finding, based upon substantial evidence, of either of the following:

   a. The incentive is not required in order to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5; or
b. The incentive would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households.

3. The city’s granting of an incentive shall not be interpreted, in and of itself, to require a General Plan amendment, zoning change, or other discretionary approval.

4. Nothing in this section shall be interpreted to require the city to waive or reduce development standards or to grant an incentive that would have a specific, adverse impact upon health, safety or the physical environment for which there is no feasible method of mitigating or avoiding the specific adverse impact; nor shall this subsection require the city to waive or reduce development standards or to grant an incentive that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

F. Continued Availability and Affordability. Before the issuance of a building permit for any dwelling unit in a development for which density bonus units have been awarded or incentives have been received, the land use permit application for the residential project shall include the procedures proposed by the permit applicant to maintain the continued affordability of all lower income density bonus units, and the permit applicant shall identify the restricted units and enter into a written covenant with the city to guarantee one or both of the following, as applicable:

1. Low and Very Low Income Households--Continued Affordability. The continued affordability and availability of the low and very low income units shall be for a minimum of thirty years, as required by Government Code Sections 65915(c)(1) and 65916. Those units targeted for lower income households, as defined in Health and Safety Code Section 50079.5, shall be affordable at a rent that does not exceed thirty percent of sixty percent of the area median income. Those units targeted for very low income households, as defined in Health and Safety Code Section 50105, shall be affordable at a rent that does not exceed thirty percent of fifty percent of the area median income.
2. Moderate Income Households--Equity Sharing. The initial occupant of any moderate-income unit in a condominium or planned development shall be a person or family of moderate income, as required by state law (Government Code Section 65915(c)(2)). Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller’s proportionate share of appreciation. The city shall recapture any initial subsidy and its proportionate share of appreciation. The city shall spend the recaptured funds within three years for purposes that promote homeownership, as described in Health and Safety Code Section 33334.2(e).

G. Recordation of Agreement. The terms and conditions of the covenant set forth in subsection (F) shall run with the land which is to be developed, shall be binding upon the successor(s)-in-interest of the permit applicant, and shall be recorded in the county recorder’s office. In addition to the requirements described in subsection (F) above, the agreement shall include the following provisions:

1. The permit applicant shall give the city a continuing right-of-first-refusal to purchase or lease any or all of the designated units at the fair market value;

2. The deeds to the designated units shall contain a covenant stating that the permit applicant shall not sell, rent, lease, sublet, assign, or otherwise transfer any interests for same without the written approval of the city confirming that the sales or rental price of the units is consistent with the limits established for lower, very low and moderate income households, which shall be related to the Consumer Price Index; and

3. The city shall have the authority to enter into other agreements with the permit applicant or purchasers of the dwelling units, as may be necessary to ensure that the lower and very low income units are continuously occupied by eligible households.

H. Processing of Bonus Request.

1. Permit Required. Requests for affordable units shall require approval of a building permit in compliance with the requirements of this Development Code which shall be reviewed and recommended by the commission, and approved by the council.

2. Initial Review of Bonus Request. The director shall notify the permit applicant within ninety days of the filing of the building permit application whether the development project qualifies for the additional density.
3. Criteria to Be Considered. Criteria to be considered in analyzing a requested density bonus shall include whether the applicant has agreed to construct a development that meets the requirements of Section 17.22.020. Criteria to be considered in analyzing a requested incentive shall include whether an incentive has a specific adverse impact upon health, safety or the physical environment, and whether there is no feasible method to eliminate or mitigate such specific adverse impact.

4. Findings for Approval. In addition to the findings required for the approval of a building permit in compliance with the requirements of this Development Code, the approval of a density bonus shall require the following additional findings to be made:

   a. The development project would not be a hazard or nuisance to the city at large or establish a use or development inconsistent with the goals and policies of the General Plan;

   b. The number of dwellings can be accommodated by existing and planned infrastructure capacities;

   c. Adequate evidence exists to ensure that the development of the property would result in the provision of affordable housing in a manner consistent with the purpose and intent of this chapter;

   d. In the event that the city does not grant at least one financial concession or incentive as defined in Government Code Section 65915 in addition to the density bonus, that additional concessions or incentives are not necessary to ensure affordable housing costs; and

   e. There are sufficient provisions to guarantee that the units will remain affordable in the future.

5. Development Standards. In no case may the city apply any development standard that would have the effect of precluding the construction of a development meeting the criteria of Section 17.22.020(B) at the densities or with the incentives permitted by this chapter. An applicant may submit to the city a proposal for the waiver or reduction of development standards. The applicant must show that the waiver or modification is necessary to make the affordable housing units economically feasible.
I. Appeal. Appeals of Commission actions on the granting of density bonuses in compliance with Chapter 17.74 will be heard by the council. Additionally, an applicant may initiate judicial proceedings if the city refuses to grant a requested density bonus, incentive, or modification or waiver of a development standard. If a court finds that the refusal to grant a requested density bonus, incentive, or modification or waiver of a development standard is in violation of this chapter or Government Code Section 65915, the court shall award the plaintiff reasonable attorney’s fees and costs of suit. Nothing in this section shall be interpreted to require the city to waive or reduce development standards or to grant an incentive that would have a specific, adverse impact upon health, safety or the physical environment for which there is no feasible method of mitigating or avoiding the specific adverse impact; nor shall this subsection require the city to waive or reduce development standards or to grant an incentive that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

17.22.040 Location of assisted housing units-Additional housing requirements.

The location of affordable units within the qualifying project shall be at the discretion of the city with the goal to integrate the units into the overall project. The city has determined that, to the extent feasible, projects that provide housing units for very low, low and moderate income households should be designed to locate the units as follows:

A. The number of assisted housing units in any project, except for those designed for the elderly or disabled, should not exceed forty percent of the total number of units in the project;

B. Assisted housing should be located within reasonable proximity to public facilities, including convenient shopping, public schools, park and recreation facilities, transportation services, and employment centers; and

C. Assisted units, except those for the elderly, should be distributed throughout the project site, and not grouped together in a single area.
D. To the extent that subsections (A) through (C) are not feasible, or circumstances arise in which the public interest would be served by allowing some or all of the affordable units associated with one housing development to be produced and operated at an alternative development site, such a site may be utilized. Under these circumstances, the resulting linked developments shall be considered a single housing development for purposes of this chapter, and the permit applicant shall be subject to the same requirements of this chapter for the affordable units to be provided on the alternative site. Where the director determines that on-site provision of affordable housing is not feasible, the review authority may approve one or more of the alternatives listed below (or other alternatives determined by the review authority to be equally effective). Any approved alternatives shall be carried out under a development agreement (Chapter 17.68) between the applicant and the city for covering the entire project.

1. New Construction of Affordable Housing. An applicant may construct a number of new affordable units off-site equal to the number that would otherwise have been required on-site.

2. New Construction of Special Needs Housing. An applicant may construct new units off-site that are specifically designed to meet the needs of an identified special needs population. This housing may include emergency shelters, special care homes, employee housing, senior housing and hospices. Each unit created under this alternative shall satisfy the requirement for two affordable units as required by subsection (A)(1) of this section.

3. Conversion of Market Rate Housing. An applicant may convert market rate housing to affordable housing through a “buy down” mechanism, and establishing restrictive covenants or similar protection of the affordability of the converted units.

4. Rehabilitation of Existing Housing Stock. An applicant may rehabilitate structures that currently do not comply with Title 15 of this code, and have been deemed uninhabitable by the city. Housing appropriate for rehabilitation need not be price restricted, and must be determined by the review authority to be affordable based on its age and/or condition.

5. Preservation of Existing Affordable Housing. An applicant may extend the lifetime of an existing restrictive covenant on affordable units that have been identified by the city as being “at risk” of conversion to market rate housing within a five-year period.
6. Payment of In-Lieu Fee. An applicant may pay an in-lieu fee as set by council resolution. The fee shall be deposited in a designated fund to be used for the preservation and development of affordable housing.

7. Timing of Fee Payment. Where a fee is required, the fee shall be paid prior to issuance of building permits.

E. Commercial Projects. A commercial, office or manufacturing/industrial development that introduces new workers into the community and thereby creates a need for more new housing than is available within a five-mile radius of the site, shall either, as determined to be appropriate by the director:

1. Design the development as a mixed-use project, providing housing affordable to employees within the project site; or

2. Pay to the city the housing impact fee established by the council, which will be placed into a housing trust fund administered as provided by the General Plan and council resolution.
Chapter 17.24 Art in Public Places*

Sections:

17.24.010 Statement of intent and purpose.
17.24.020 Program requirements.
17.24.030 Definitions.
17.24.040 Art project approval.
17.24.050 Separate fund to be established and use of fees collected.
17.24.060 Definition of public artworks.
17.24.070 Selection of artworks and creation of advisory committee.


17.24.010 Statement of intent and purpose.

In its awareness of the aesthetic enhancement and enrichment of the community by the inclusion of fine art throughout the city, the city council adopts this chapter. The goal of Calabasas’ art in public places program is to provide a collection of nationally recognized permanent artwork. The program is designed to present the community with a wide range of artwork styles, themes and media, all of the highest quality. All pieces must be of monumental scale in proportion to the size of the buildings. Balance and variety are qualities to strive for as the program grows. This program will provide a collection of public artworks throughout the city to be enjoyed by all. Therefore, an art in public places fee is established on all applicable building projects within the city.

17.24.020 Program requirements.

A. Any person constructing or reconstructing a commercial building within the city shall be assessed a fee for acquisition of artwork based on the total building valuation. Where the installation of art is impractical or inaccessible, the developer will contribute the assessed fees to the art in public places fund. Art purchased from the fund will be installed within the city at the discretion of the city council based on the recommendation of the art in public places advisory committee.

B. The fee shall be one percent of the building valuation as computed using the latest building valuation data as set forth by the International Conference of Building Officials (ICBO). The maximum fee per project will be set at one hundred fifty thousand dollars ($150,000.00).
17.24.040  Art project approval.

Prior to issuance of any certificate of occupancy for a commercial structure, the artist and art project shall be approved by the art in public places advisory committee and the artwork installed after the art in public places advisory committee recommendation is approved by the City Council; or the appropriate fees shall be collected by the city building and safety division. A list of professional artists will be provided to the developer to assist in the decision making process and to insure the professional quality of the artwork. The art must be displayed at the building, in a place highly visible to the public. This location will be reviewed by the art in public places advisory committee and approved by the city council before the art is permanently placed.

17.24.050  Separate fund to be established and use of fees collected.

All fees collected under this chapter shall be held in a separate fund of the city. The city manager shall be responsible for maintaining the records relating to the art in public places fund, and these records shall be reviewed and approved by the city council annually.

All fine art purchased with such funds shall be the property of the city. Monies appropriated under this chapter may be used for hiring artists to develop design concepts and for the selection, acquisition, purchase and Commissioning of public artworks. Monies appropriated under this chapter may be used for operating costs of the art in public places program, including the cost of public dedications when the artwork is completed. Funds not expended in any given year shall be carried over into the next year and shall be used solely for the art in public places program.

Fees collected under this chapter shall not be used for the following:

A.  Directional elements such as super graphics, signage, or color coding except where these elements are integral parts of the original work of art or executed by artists in unique or limited editions;

B.  Art objects which are mass produced of standard design such as playground equipment or fountains;

C.  Decorative or functional elements or architectural details, which are designed solely by the building architect as opposed to an artist Commissioned for this purpose working individually or in collaboration with the building architect;
Art in Public Places          Chapter 17.24

D. Landscape architecture and landscape gardening except where these elements are designed by the artist and are an integral part of the work of art by the artist.

17.24.060 Definition of public artworks.

The works of art are to be enduring original artworks. They should be of the highest quality and craftsmanship. They should engage one’s mind and senses while enhancing and enriching the quality of life of the city. The artworks will be generally permanently sited and an integral part of the landscaping and/or architecture of the building. The artwork shall be constructed in a scale that is proportional to the scale of the development.

17.24.070 Selection of artworks and creation of advisory committee.

An art in public places advisory committee shall be approved by the city council. The committee shall be comprised of a parks and recreation commissioner appointed by the chair, a planning commissioner appointed by the chair and one at-large member appointed by the city council and the committee shall be advisory to the city council. All members shall be residents of the city. This committee shall provide general oversight of the art in public places program, its projects, the sites, scope of project, artworks, and artists to be selected. The committee shall review and the City Council shall approve the developers’ choice of artist and proposed art piece prior to any approval of occupancy by the building and safety division.

The composition and ultimate responsibilities of the art in public places advisory committee shall be established by the city council in a separate resolution. A comprehensive policy manual will be developed to outline the program scope and to assist developers in complying with this chapter.
Chapter 17.26  Landscaping

Sections:

17.26.010  Purpose.
17.26.030  Landscape plan requirements.
17.26.040  Landscape installation requirements.
17.26.050  Landscape standards.

17.26.010  Purpose.

This chapter establishes landscape regulations that enhance a development's appearance, reduce heat and glare, control soil erosion, retain and conserve water, screen incompatible land uses, preserve neighborhood integrity, and improve pedestrian and vehicular traffic and safety.


The requirements of this chapter for landscape installation and prior plan approval apply to development as follows.

A. Compliance with Chapter Required. The requirements of this chapter apply to:

   1. All new residential and nonresidential development;

   2. Landscape alterations in existing developments exceeding fifty percent of the total planted area; and,

   3. Golf courses, community gardens, and existing common open space areas of one acre or more.

B. Exempt Projects. The following projects are exempt from the provisions of this chapter:

   1. Ecological restoration projects that do not require a permanent irrigation system;
Chapter 17.26

2. Replacement or repair of existing plant material or irrigation systems in conjunction with routine maintenance, so long as replacement or repair does not exceed fifty percent of the total landscape area;

3. Interior remodels, tenant improvements (interior modifications only) and approved demolitions; and

4. Revegetation projects after a wildfire or prescribed burn.

17.26.030 Landscape plan requirements.

A. Applicability. This section applies to all proposed development, except for the construction of one single-family dwelling on an individual lot that is not constructed in conjunction with two or more units, or proposed on a site with a cut bank of twenty feet or more in height. Applicants for the approval of individual dwellings, except those located in a scenic corridor, shall instead submit a preliminary planting plan with a planting palette, prior to approval of a final building inspection. Individual dwellings located in a scenic corridor shall submit a preliminary planting plan with a planting palette prior to approval by the reviewing authority. Approved landscaping shall then be installed within ninety days of occupancy.

B. Conceptual Landscape Plan. A conceptual landscape plan shall be submitted with any application for a land use permit, subdivision, new development, or major redevelopment, excluding properties in the RS zoning district.

C. Landscape Documentation Package. After approval of a land use permit application, a landscape documentation package shall be prepared and submitted concurrent with a building permit application. The landscape documentation package shall be approved before building permit issuance.

D. Content. Conceptual landscape plans and landscape documentation packages shall contain all information specified in the instructions for preparing landscape plans, provided by the department.

E. Plan Preparation. A conceptual landscape plan and landscape documentation package shall be prepared by a certified landscape professional registered to practice in the state of California, unless waived by the director.
F. Review and Approval. After initial application review in compliance with Section 17.60.050, the director and a certified landscape professional selected by the director shall review each conceptual landscape plan and landscape documentation package to verify its compliance with the provisions of this chapter. The director may approve the submittal in compliance with this chapter, and may disapprove or require changes to a submittal that is not in compliance.

17.26.040 Landscape installation requirements.

Landscape shall be provided where required by this section, in compliance with Section 17.26.050, in addition to any areas required by Chapters 17.20 and 17.12.

A. General Locations for Landscape. Landscape shall be provided in the following locations:

1. Setbacks. All required setback areas shall be landscaped in compliance with this section, except where (i) enclosed and screened from the public right-of-way and adjoining properties by solid fencing, (ii) a required setback is occupied by a sidewalk or driveway.

2. Unused Areas. All areas shall be landscaped in compliance with this section, except areas (i) identified in a site plan for a specific use or purpose such as a building, parking lot or site amenities; except where enclosed and screened from the public right-of-way and adjoining properties.

3. Parking Areas. Landscape shall be provided within parking areas in compliance with subsection (B)(2) of this section and Section 17.28.070.

4. Slopes. All slopes shall be landscaped in compliance with this section, where grading or the removal of natural vegetation has occurred.

B. Minimum Areas for Landscaping and Pervious Surfaces. Proposed development and new land uses shall be designed, constructed and maintained with minimum areas of landscaping and pervious paving materials in accordance with the requirements of this chapter. Pervious paving materials allow infiltration of water into soil below paving and minimize surface water runoff. Pervious surface materials can include wood slatted decking, pavers, brick or stone with spaces to allow percolation between the surface materials, pervious concrete or asphalt, or other similar methods approved by the director. The water surface of a lake, pond or swimming pool is considered pervious;
1. Overall Site Requirements. Proposed development and new land uses shall provide the following landscape and pervious surface areas. Specific requirements for parking areas are provided in subsection (B)(2) of this section.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Minimum % of Site Area for Landscaping and Pervious Surface</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential, Single Family (RS)</td>
<td>50% for sites &lt; 1/3 acre; 65% for sites &gt;= 1/3 acre</td>
</tr>
<tr>
<td>Residential, Multifamily (RM)</td>
<td>45%</td>
</tr>
<tr>
<td>Residential, Mobilehome (RMP)</td>
<td>25%</td>
</tr>
<tr>
<td>Planned Development (PD)</td>
<td>22%</td>
</tr>
<tr>
<td>Residential, Rural (RR)</td>
<td>70%</td>
</tr>
<tr>
<td>Rural, Community (RC)</td>
<td>65%</td>
</tr>
<tr>
<td>Hillside Mountainous (HM)</td>
<td>86%</td>
</tr>
<tr>
<td>Commercial, Limited (CL)</td>
<td>24%</td>
</tr>
<tr>
<td>Commercial, Office (CO)</td>
<td>24%</td>
</tr>
<tr>
<td>Commercial, Retail (CR)</td>
<td>22%</td>
</tr>
<tr>
<td>Commercial, Mixed Use (CMU)</td>
<td>38%</td>
</tr>
<tr>
<td>Commercial, Business (CB)</td>
<td>28%</td>
</tr>
<tr>
<td>Commercial Old Town (CT)</td>
<td>28%</td>
</tr>
</tbody>
</table>

a. Whenever there is residential subdivision with permanent open space dedicated as part of the original subdivision approval and which is controlled by the city, another public agency, or an active Homeowners Association, individual lots within that subdivision may receive a credit against the landscape and pervious surface requirements. This credit shall be equal to the percentage of the total dedicated permanent open space within the lot as determined by the director.

b. Existing single family homes can receive a ten percent credit against the minimum landscape and pervious surface requirements, if a system of storm water management and artificial recharge of precipitation is submitted and approved by the director. Alternative methods may include use of any of the various roof runoff controls: cisterns, rain barrels, dry wells (french drains) and infiltration trenches, stormwater detention tanks, and routing roof runoff through landscape areas. See Figure 3-11.
2. Parking Area Requirements. Required parking area landscaping shall be provided as set forth herein, and as required by Section 17.28.070E (see also, Figure 3-12 at the end of Section 17.28.070), unless otherwise specified in this chapter. A minimum of thirty percent of all parking lots shall be designed, constructed and maintained as landscaped areas, or other pervious surfacing as approved by the review authority. The landscape and pervious surface required by this subsection may be counted toward compliance with the overall landscape/pervious surface requirements of subsection (B)(1) of this section.

a. Perimeter Landscaping.

i. Adjacent to Streets. Parking areas with more than ten spaces adjacent to a public right-of-way shall be designed to provide a landscaped planting strip between the right-of-way and parking, equal in depth to the setback required by the zoning district or ten feet, whichever is less. The buffer should be increased to twenty feet on sites that are deep (two hundred feet or more) or large (fifteen thousand square feet or more). Any planting, sign or other structure within the traffic safety visibility area of a driveway shall not exceed forty-two inches in height.
ii. Adjacent to Residential Use. Parking areas for nonresidential uses adjacent to residential uses shall be designed to provide a landscaped planting strip a minimum of ten feet in width between the parking area and the property line bordering the residential use. A screening wall shall also be provided in compliance with Section 17.20.070(H).

iii. Side Yard Landscaping--CL, CO and CMU Zones. A minimum of five feet of side yard landscaping shall be provided adjacent to all parking areas abutting nonresidential uses.

iv. Parking Lot Screening--CB Zone. All parking areas shall be screened to a minimum height of forty-two inches from the top of curb by landscaping, berms/mounding, decorative fences or walls, or appropriate combination of each.

b. Interior Landscaping.

i. Planting Strips between Parking Aisles. Parking areas with multiple parking aisles shall be designed to provide a continuous planter strip between each aisle. The planter strip shall be six feet wide, with six-foot by eighteen foot projecting landscaped islands every ten parking spaces. As determined by the director, adequate pedestrian paths shall be provided throughout the landscaped areas. The planting strips shall include at least one twenty-four inch box shade tree for every three parking spaces. Trees shall be clustered as required by the director.

ii. Projecting Islands. Planting strips between aisles in parking lots with more than fifteen parking spaces shall include projecting islands to accommodate additional trees and other landscape materials. Islands shall be provided between every ten parking spaces, and shall be a minimum of six feet wide.

iii. Required Shading. The landscaping program (including tree species selected) shall be designed to provide shading for fifty percent of the parking lot area within fifteen years.

iv. Bumper Overhang Areas. To increase the parking lot landscaped area, a maximum of two feet of the parking stall depth may be landscaped with low-growth, hearty materials in lieu of asphalt,
Landscaping allowing a bumper overhang while maintaining the required parking dimensions.

v. Areas not Used for Parking. Areas in a parking lot not used for driveways, maneuvering areas, parking spaces, or pedestrian walkways, shall be landscaped and permanently maintained, in compliance with a program submitted by the applicant and approved by the director.

c. Curbing and Irrigation. All areas containing plant materials shall be bordered by a concrete curb at least six inches high and six inches wide, and provided with an approved automatic irrigation system.

C. Specific Zone Landscaping Requirements. The following landscape standards are established for the specified zoning districts, in addition to the standards in subsection (A) of this section. The following landscaped areas may be used to comply with the minimum requirements of subsection (B) of this section.

1. RS Residential Zone. Fifty percent of the required front setback area shall be permanently landscaped. Street trees shall be planted in front of all structures with a height greater than eighteen feet.

2. Commercial Zones.

a. CR zone:

i. A minimum ten-foot wide landscape buffer shall be provided along all street frontages. The buffer shall include a landscaped berm with a height of forty-two inches, and two to one slope;

ii. In instances where a building is not proposed on the property line, a minimum five-foot wide screen planting shall be established along all interior property lines, except that property lines bordering residential zoning districts shall have a ten-foot landscaped setback, including trees at least every twenty feet; and

iii. Medium-to-large size trees shall be used and in scale with the commercial areas and serve as sidewalk canopies, screening and parking area shade and relief.
b. CL, CO and CMU Zones. Property lines bordering residential zoning districts shall have a ten-foot landscaped setback where required by the review authority, including trees at least every twenty feet.

c. CB zone:

i. A landscaped area with a minimum width of fifteen feet shall be provided from the property line to parking areas, and of thirty feet from the property line to buildings. The landscaped area shall include meandering sidewalks, appropriate mounded landscaping, lawns, shrubs, street trees and clusters of trees, coordinated to create a continuous design along the street frontages; and

ii. Landscaping shall be designed to create and enhance the visual quality and park-like nature of development within the CB zoning district. Landscaping shall be used (i) to screen and soften parking areas and other broad expanses of paving as provided above; (ii) to provide a park-like setting for structures; and (iii) to buffer and merge the various uses proposed on a site.

d. CT zone: The landscape requirements for the CT zone shall be determined by the Old Town Calabasas Master Plan and Design Guidelines.

3. Special-Purpose Zones. The landscape requirements for the HM, OS, PF and REC zoning districts shall be established and designed for each individual project as part of land use permit approval for each use.

17.26.050 Landscape standards.

Landscape areas and materials shall be designed, installed, and maintained as provided by this section.

A. Design Standards and Guidelines. The following features shall be incorporated into the design of the proposed landscape and shown on required landscape plans (Section 17.26.030).

1. Proposed landscape should relate to the architectural design of the structures on the site, and it should be compatible with the character of adjacent landscaping; provided, that this landscaping complies with this chapter.
2. The protection and preservation of native species and natural site features and areas is encouraged.

3. Tree planting is encouraged, in addition to that required by Section 17.26.040. Tree selection shall take into consideration the potential for future root damage to public sidewalks and growth of the tree canopy into or near overhead utilities.

4. Plants with similar water needs shall be grouped together in distinct hydrozones.

5. Parkway strips shall include design provisions to ensure blending and smooth transitions between different types and patterns of landscaping, and public and private property. To accomplish the foregoing, parkway strips shall utilize street trees and complementary landscaping.

6. When inorganic groundcover is used, it shall be in combination with live plants and shall only be used as an accent feature.

7. Irrigation systems shall be equipped with smart irrigation controllers.

8. Landscaping should be designed as an integral part of the overall site plan design. Landscaping and open spaces should not be relegated to pieces of the site left over after buildings, parking, and circulation have been laid out.

9. Landscape design should accent the overall design theme and reinforce the pedestrian scale of the project through the use of structures, arbors, and trellises that are appropriate to the particular architectural style of the project. Pedestrian amenities should be provided throughout the project including benches, trash receptacles, drinking fountains, and lighting.

10. Unless a street has an existing landscape theme, whenever landscaping of the public parkway is required it should be designed in coordination with the project's on-site landscaping to provide an integrated design concept along street frontages.

11. Project entries should be designed as special statements reflective of the character of the project so that they reinforce an identity for tenants, and visitors. Accent planting, specimen trees, enhanced paving, and project entry signs should be used in furtherance of the foregoing.
12. Deciduous shade trees should be planted on the south and east side of structures to maximize summer shade and winter sun.

B. Plant Material Limitations. Plant materials shall be selected and installed to comply with the following requirements:

1. Plant materials shall emphasize drought-tolerant and native species;

2. Plant materials in areas adjacent to and not physically separated from native chaparral should be selected to prevent invasion of the chaparral.

3. Trees and shrubs shall be planted so that, at maturity, they do not interfere with service lines, and traffic safety visibility areas. See Section 17.20.120(D).

4. Trees planted near public bicycle trails, pedestrian paths, or curbs shall be of a species and installed in a manner which prevents physical damage to sidewalks, curbs, gutters and other public improvements.

C. Irrigation. Irrigation systems shall be designed and installed as follows.

1. Equipment.
   a. Anti-Drain Valves. Integral, under the head, or in-line anti-drain valves shall be installed as needed to prevent low head drainage.
   b. Automatic Control Valves. Different hydrozones shall be irrigated by separate valves.
   c. Controllers. Automatic control systems shall be required for all irrigation systems and must be able to accommodate all aspects of the design. Automatic controllers shall be digital, have multiple programs, multiple cycles (start-times), and have sensor input capabilities.
   d. Rain Sensor Devices. Rain sensing override devices shall be required where appropriate on all irrigation systems.
   e. Soil Moisture Sensors. Soil moisture sensing devices shall be considered where appropriate, such as turf areas.
   f. Sprinkler Heads. Sprinkler heads shall be selected for proper area coverage, application rate, operating pressure and adjustment
capability. Sprinklers shall have matched precipitation and application rates within each control valve circuit.

g. Water Meters. Separate landscape water meters or sub-meters shall be installed for all projects with landscape and non-landscape areas. Landscape sub-meters, if used, shall be purchased, installed and maintained by the owner.

2. Recycled Water. For those sites where recycled water systems are feasible (commercial, manufacturing/industrial and common areas for residential developments), a recycled water irrigation system (dual distribution system) shall be required to allow for the current and future use of recycled water in compliance with the requirements of the Las Virgenes Municipal Water District. A recycled water irrigation system shall be designed and operated in accordance with all local and state codes.

3. 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, non-irrigated areas, pedestrian walkways, roadways or structures.

4. System Performance-Turf Areas. Irrigation systems for turf areas must achieve a minimum distribution uniformity of:

   a. Seventy-five percent for areas of one acre or more of contiguous area;

   b. Sixty-five percent for areas less than one acre but greater than five thousand square feet of contiguous area; and,

   c. Fifty-five percent for areas less than five thousand square feet of contiguous area.

5. Water Efficient Systems. Irrigation systems shall be designed to reduce overall water consumption, including irrigation water consumption. The following methods should be utilized in designing water efficient irrigation systems.

   a. Group plants with similar water requirements, and to match these plant groupings with precipitation heads and emitters.
b. Use drip irrigation for trees, shrub beds and areas of groundcover to eliminate evaporation losses.

c. Choose low-volume, low-angle sprinklers for lawn areas.

d. Select heads that fit the size and shape of the areas to be watered.

e. Program automatic controllers for night irrigation to reduce water losses due to evaporation and wind drift.

f. Select controllers with adjustable watering schedules and moisture sensors to account for seasonal variations, and calibrate them during installation.

g. Place 3 to 5 inches of mulch on planting beds each spring to minimize evaporation.

h. Install sub-grade drip irrigation systems to conserve water.

D. Installation. All landscape materials and support equipment shown in an approved landscape documentation package shall be installed on a site as follows:

1. Timing of Installation.

   a. Building Construction Projects. Except as set forth in Section 17.26.030 (A), required landscape shall be installed and verified by the department prior to approval of a final building inspection or certificate of occupancy.

   b. Residential Subdivisions. The city shall require as a condition of approval that each developer of a residential subdivision record with the County Record’s Office a condition, covenant or restriction against each parcel of the subdivision requiring the complete installation of landscaping in full compliance with this chapter no later than six months from the time title passes to the first purchaser of a constructed residence within the subdivision.

   c. Individual Homes. Prior to approval of a final building inspection, landscape plans shall be reviewed and approved and landscape and irrigation shall be installed.
d. Delayed Installation. In the event that weather conditions prevent the effective installation of required landscape prior to occupancy, a performance bond in the amount equal to the value of the landscape materials may be permitted, subject to the approval of the director.

2. Special Requirements for Model Homes. Model homes shall comply with the requirements of this chapter. Code compliant model home landscaping shall include signs identifying the model home as an example of a water efficient landscaping and feature any equipment that has been utilized to achieve water efficiency. The model home shall include information to the visiting public describing the water efficient landscape along with its design, installation, and required maintenance.

3. Changes to Design. Changes to any portion of an approved landscape documentation package must be approved by the director.

E. Maintenance of Landscape. Landscape shall be permanently maintained as follows:


2. Maintenance of Common Open Space Areas. For new residential subdivisions, landscaped areas with common open space in excess of one acre, owned and maintained by a homeowner’s association shall work with the city to establish a water budget within the first year after installation of all landscaping in the development. The applicant shall have up to five years in which to implement all necessary landscape improvements to the satisfaction of the director.

F. Oak Tree Removal. No oak tree shall be altered or removed, except one confirmed by city staff as dead, without first obtaining an oak tree permit pursuant to Chapter 17.32.
Chapter 17.27 Lighting

Sections:

17.27.005 Compliance.
17.27.010 Purpose and legislative intent.
17.27.015 Applicability.
17.27.020 General guidelines.
17.27.030 Lighting standards.
17.27.040 Submission of plans and evidence of compliance.
17.27.050 Exemptions.
17.27.060 Approved materials and methods of installation.
17.27.070 Variances.
17.27.080 Appeals.
17.27.090 Enforcement.
17.27.100 Violations and penalties.
17.27.110 Cumulative remedies.
17.27.120 Nonconforming outdoor lighting.
17.27.130 Glossary and definitions.

17.27.005 Compliance.

Exterior lighting on private property within the city shall comply with the requirements of this chapter.

17.27.010 Purpose and legislative intent.

The purpose of this chapter is to provide standards for outdoor lighting in order to protect the suburban, semi-rural and rural character of the City of Calabasas from inappropriate levels of night lighting. It is this chapter’s intent to encourage lower level illumination in the city, to institute lighting practices and systems that conserve energy, to provide for lighting that minimizes conflicts with wildlife movement, and to enhance the visibility of natural features during night-time hours. These goals are to be accomplished through the regulation of the types, kinds, construction, installation and use of outdoor electrically powered illuminating devices. Moreover, the purposes of this chapter are to be satisfied without significantly decreasing public safety and security, the utility of recreational spaces or interfering with business activities and economic productivity.
In general terms, the overall legislative intents of these regulations are (i) to minimize artificial light effect on the night sky, (ii) to provide for well designed commercial spaces with appropriate lighting levels, and (iii) to preserve the significance of darkness to the human and wildlife populations occupying the surrounding rural and semi-rural areas in the Santa Monica Mountains National Recreation Area vicinity.

17.27.015 Applicability.

This chapter shall apply to all new development proposals including:

A. Applications for all new commercial, industrial, recreational and residential projects or other permitted uses under the Development Code;

B. Lighting in parking lots, parking structures and areas of concentrated parking, including car dealerships;

C. Private streets and driveways;

D. Private roadway signs, security lighting, pedestrian sidewalks and bikeways; and

E. Commercial and residential sports courts (e.g., tennis, basketball, and volleyball).

This chapter does not apply to public property (including city facilities, streets, and parks) or to retrofitting of existing lighting on residential homes (single-family and multifamily) and appurtenant yard landscaping unless an application is filed for a conditional use permit, site plan review or other new development permit subject to planning department review and approval. Residential lighting of sixty watts or less shall not be subject to this chapter. Other specific exemptions are listed in Section 17.27.050. It is the intent of the city to establish a separate and distinct program to extend these standards to public road illumination and lighting at other public facilities.

17.27.020 General guidelines.

General guidelines are provided to assist the public in designing lighting consistent with this chapter. When considering development proposals with prospective applicants for city permits and entitlements subject to this chapter, the following lighting related guidelines are to be incorporated into project designs to ensure conformance with this chapter:
Lighting

A. All outdoor light fixtures installed prior to November 20, 2002, the effective date of this chapter, and thereafter maintained upon private property used for commercial, industrial, recreational or residential purposes (including lighting along private roadways) should limit light trespass and glare through the use of shielding and directional lighting methods, including fixture location and height. Where feasible, exterior lighting pole heights should not exceed fifteen feet in height. Pole heights should be the minimum necessary to achieve appropriate standards set forth in this chapter.

B. Externally illuminated signs, advertising displays, billboards, and building identification signs should use lighting fixtures which illuminate downward and be fully shielded. These externally illuminated signs shall meet with the light levels set forth in Section 17.27.030(B)(2).

C. By itself, low-pressure sodium lighting should not be used in outdoor light fixtures due to poor color rendition and the need by public safety personnel to identify color in nighttime environments. A combination of low-pressure sodium lighting and other type(s) of lighting, such as fluorescent light, may be used if color rendition can be maintained through such lighting combinations.

D. Outdoor light fixtures used to illuminate landscaping, flags, statues, or any other objects mounted on a pole, pedestal, or platform should use a very narrow cone of light for the purpose of confining the light to the object of interest and minimize spill-light and glare. In addition, the lighting of these features and other monuments should meet with the light levels set forth in Section 17.27.030(B)(10).

E. Light fixtures used for outdoor recreational facilities should be fully shielded except when shielding would cause impairment to the visibility required in the intended recreational activity. In such cases, partially shielded fixtures and directional lighting methods shall be utilized to limit light pollution, glare and light trespass to a reasonable level, as determined by the director, without diminishing the performance standards of the intended recreational activity. Illumination from recreational facility light fixtures shall be shielded to minimize glare extending toward roadways where impairment of the motorist vision might cause a hazard. The lighting of outdoor recreational facilities shall meet with the light levels set forth in Section 17.27.030(B)(7). Outdoor recreational facility lighting in designated scenic corridors should be avoided.

F. All exterior lights and illuminated signs should be designed, located, installed and directed in such a manner as to prevent objectionable light at (and glare across)
the property lines and vision impairing glare at any location on or off the property. No permanently installed lighting should blink or flash. All lighting fixtures should be appropriate in scale, intensity, and height for the architectural design and building uses proposed.

G. Landscaping should be required in areas where plantings can reduce visible glare and enhance natural surroundings.

H. Lighting fixtures located along roadways and parking lots should be fitted with glare shields or be cut-off type fixtures.

I. The location of lighting fixtures along rural scenic corridor roadways should be consistent with adopted streetscape plans (where applicable) and shall be situated at intersections and corners to increase visibility of these sections of the roadway.

J. Lighting fixtures intended for security purposes should be equipped with motion sensors.

K. All design solutions requiring commercial light standards and poles over fifteen feet in height should be redesigned to accommodate lower elevation poles.

L. Exterior lighting within scenic corridor overlay zoning district should be limited to lighting types and levels that are necessary for safety and security.

M. Exterior commercial lighting should have lighting controls such as photocells and other controls which turn-off lighting during daylight hours.

N. New single-family residential projects should be encouraged to install dimmers on both interior and exterior lighting fixtures.

17.27.030 Lighting standards.

The purpose of the following lighting standards is to provide staff and applicants guidance about appropriate lighting levels for a variety of land uses:

A. The standards herein can be measured using an illuminance meter (light meter) by city staff or an agent with training in lighting measurements. Measurements shall be taken immediately outside the cone of illuminance below a fixture.
Lighting design engineers shall use the following maximum thresholds in developing photometric plans for new developments. Some flexibility in final lighting design values should be permitted, but in general, the following values should be considered illumination limits:

1. Roadway Lighting. Lighting for roadways shall provide adequate illumination for safe and efficient vehicular travel. Roadway lighting fixtures shall either be equipped with glare shields or be a high cut-off type of fixture. Lighting of roadways categorized as scenic corridors or identified as wildlife corridors on Figure IV-1 in the General Plan shall be of a minimal level. Fixtures shall be shielded to prevent glare. The following standards should be considered the maximum average lighting values for roadways in these areas. The pedestrian intensity of use values cited below are ordinal scale measures (not quantified) and are intended only to be relative measures of intensity of use. No specific quantities (such as pedestrian counts) are associated with these ordinal measures. Applicability of standards to various pedestrian levels shall be made by the review authority on a case by case basis.

<table>
<thead>
<tr>
<th>Scenic or wildlife corridors and developments with few nighttime pedestrians:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Footcandles on pavement</strong></td>
</tr>
<tr>
<td><strong>Uniform Ratio (maximum to minimum)</strong></td>
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</table>

Developments with frequent moderately heavy nighttime pedestrian activity:

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<tr>
<th>Developments with frequent moderately heavy nighttime pedestrian activity:</th>
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</thead>
<tbody>
<tr>
<td><strong>Footcandles on pavement</strong></td>
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<tr>
<td><strong>Uniform Ratio (maximum to minimum)</strong></td>
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Developments with heavy nighttime vehicular and pedestrian traffic:

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<tr>
<th>Developments with heavy nighttime vehicular and pedestrian traffic:</th>
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</thead>
<tbody>
<tr>
<td><strong>Footcandles on pavement</strong></td>
</tr>
<tr>
<td><strong>Uniform Ratio (maximum to minimum)</strong></td>
</tr>
</tbody>
</table>

2. Externally Lighted Roadway Signs. The lighting of roadway signs shall be limited to a level that allows motorists to quickly and easily recognize the sign type and message. The following standards are the maximum horizontal illuminance values for externally lighted roadways.

<table>
<thead>
<tr>
<th>Rural areas and scenic corridor areas without lighting or areas with very low light levels:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Footcandles on pavement</strong></td>
</tr>
<tr>
<td><strong>Uniform Ratio (maximum to minimum)</strong></td>
</tr>
</tbody>
</table>
Footcandles on sign 20

Areas with small commercial developments and lighted roadways:

Footcandles on sign 40

Areas with high street lighting levels and brightly lighted signs:

Footcandles on sign 80

3. Parking Lot. The lighting for parking lots shall be to a level that provides for the safe movement of vehicles and pedestrians. Parking lot lighting fixtures shall either be equipped with glare shields or be of a high cut-off type. Lighting fixture standard heights shall not be in excess of what is necessary to meet the recommended lighting levels. Lighting poles shall not exceed fifteen feet in height. Decorative standards consistent with neighborhood architecture and adopted design and streetscape plans shall be employed in lighting plans. The following standards are the maximum average lighting values for parking lots:

Footcandles on parking surface 0.2
Uniform Ratio (maximum to minimum) 20:1

4. Parking Garages. The following standards are considered maximum average lighting values for parking garages, except that the top level of parking garages should be no greater than is necessary to ensure pedestrian safety and visibility:

Footcandles on parking surface 1
Uniform Ratio (maximum to minimum) 10:1

5. Security Lighting. If security lighting is located in an area where it is not continuously required, fixtures shall be equipped with motion sensors. The following standards are maximum average lighting values for security lighting in large open areas:

Footcandles on secure area 2
Uniform Ratio (maximum to minimum) 8:1

6. Pedestrian Sidewalks and Bikeways. The lighting for pedestrian sidewalks and bikeways shall be to a level that increases pathway visibility and the safety of
pedestrians. The following standards are the maximum average lighting values for pedestrian sidewalks and bikeways in these areas.

Scenic and wildlife corridors and developments with few nighttime pedestrians:

<table>
<thead>
<tr>
<th>Footcandles on pavement</th>
<th>0.2</th>
</tr>
</thead>
</table>

Intermediate--Medium-sized residential and business developments with frequent moderately heavy nighttime pedestrian activity:

<table>
<thead>
<tr>
<th>Footcandles on pavement</th>
<th>0.6</th>
</tr>
</thead>
</table>

Developments with heavy nighttime vehicular and pedestrian traffic:

<table>
<thead>
<tr>
<th>Footcandles on pavement</th>
<th>1.0</th>
</tr>
</thead>
</table>

7. Sports and Recreation Areas. The lighting of sports and recreation areas shall be to a level that allows for clear and accurate visibility of all elements of the activity. High uniformity and low glare shall permit adequate play visibility. Lighting fixtures within these areas shall be correctly aimed to provide maximum task illuminance while limiting glare and light trespass. These lighting fixtures shall be adequately shielded to prevent glare from extending into surrounding properties. Sports and recreation lighting shall be turned off by eleven p.m. Frequently used lighted recreational facilities should not be located in residential neighborhoods but should, whenever possible, be located in areas buffered from such neighborhoods by open space, institutional, industrial, or commercial uses. The following standards are considered the maximum average lighting values for sports and recreation area lighting.

Baseball and softball:

<table>
<thead>
<tr>
<th>Footcandles on playing surface</th>
<th>30</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uniform Ratio (maximum to minimum)</td>
<td>4:1 or less</td>
</tr>
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</table>

Basketball:

<table>
<thead>
<tr>
<th>Footcandles on playing surface</th>
<th>20</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uniform Ratio (maximum to minimum)</td>
<td>4:1 or less</td>
</tr>
</tbody>
</table>
Football and soccer:

| Footcandles on playing surface | 30 |
| Uniform Ratio (maximum to minimum) | 4:1 or less |

Roller hockey:

| Footcandles on playing surface | 30 |
| Uniform Ratio (maximum to minimum) | 4:1 or less |

Tennis:

| Footcandles on playing surface | 50 |
| Uniform Ratio (maximum to minimum) | 4:1 or less |

Volleyball:

| Footcandles on playing surface | 30 |
| Uniform Ratio (maximum to minimum) | 4:1 or less |

8. Service/Gas Stations. The lighting of service/gas stations shall be to a level that provides customers with a safe and secure environment while limiting glare under canopy areas. Glare to adjacent roadways shall be reduced by either limiting the visibility of lighting fixtures through the use of shields or by reducing the illuminance to the levels set forth herein. The following standards are the maximum average lighting values for a service/gas station.

Pump island area:

| Footcandles on pavement | 5.0 |

Service areas:

| Footcandles on pavement | 2.0 |

9. Auto Dealerships. The lighting of car dealerships should provide lighting levels that evenly disperse light over display lots. Lighting programs for dealerships should be designed to attract customers to the vehicles without producing excessive glare to adjacent roadways and surroundings. Auto dealership display lighting shall be turned off (except for motion sensor security lighting) by eleven
p.m. Fixtures located in inventory lots shall provide adequate levels for inspection of the vehicles while minimizing glare. Lighting levels for car dealerships shall be separated into three distinct categories:

a. Illumination for display should be concentrated around building frontage and sales entry areas. Display lighting shall be limited to no more than thirty vehicles. Display areas should also be proportionate to facility size.

b. Inventory lots are designed for the storage of automobile sales inventory. These lots shall occupy no more than forty percent of the total outdoor vehicle parking lot area.

c. Storage lots shall be designed to accommodate the remainder of a dealership’s vehicle inventory (i.e., vehicles that are not within the display or inventory lots). Storage lots shall form over fifty percent of the parking area for an automobile dealership.

The following standards are the maximum average values for auto dealerships.

**Display/advertising area:**

<table>
<thead>
<tr>
<th>Footcandles on pavement</th>
<th>15--20</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uniform Ratio (maximum to minimum)</td>
<td>10:1</td>
</tr>
</tbody>
</table>

**Inventory and entrance/driveways:**

<table>
<thead>
<tr>
<th>Footcandles on pavement</th>
<th>5.0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uniform Ratio (maximum to minimum)</td>
<td>10:1</td>
</tr>
</tbody>
</table>

**Storage lots:**

<table>
<thead>
<tr>
<th>Footcandles on pavement</th>
<th>2.0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uniform Ratio (maximum to minimum)</td>
<td>5:1</td>
</tr>
</tbody>
</table>

10. Monuments (e.g., flags, statues, or other objects mounted on a pedestal, platform or pole). The monument lighting shall provide levels that sufficiently preserve the visibility of the physical characteristics of the monument. Lighting fixtures shall either be shielded or be of a cut-off type to prevent glare from intruding on the public right-of-way or adjacent properties. The following
standards are considered the maximum average lighting values for lighting monuments:

| Footcandles on vertical target | 5 |

17.27.040 Submission of plans and evidence of compliance.

Submission Contents. The applicant for any project subject to this chapter shall submit (as part of the application for permit) evidence that the proposed project will comply with this code. The submission shall contain but shall not be limited to the following:

A. Plans indicating the lighting location, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices to be installed;

B. Photographs or other renderings and photometric data of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices to be installed; and other descriptions which may include, manufacturer catalog cuts and drawings (including cross sections where required);

C. Photometric plan illustrating the model values produced by the designed lighting.

17.27.050 Exemptions.

A. All commercial outdoor light fixtures legally installed prior to November 20, 2002, prior to the effective date of this chapter, are exempt from this chapter. However any replacement of outdoor commercial light fixtures shall comply with this chapter.

B. All residential (single and multifamily) outdoor light fixtures legally installed prior to November 20, 2002, the effective date of this chapter, are exempt from of this chapter. Any replacement of outdoor light fixtures on residential properties shall not be required to comply with this chapter unless an application for a planning approval is requested consistent with Section 17.27.015.

C. All outdoor light fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps.

D. Construction or emergency lighting.
E. Signs of the type constructed of translucent materials and wholly illuminated from within are exempt from the shielding requirement.

F. Holiday lighting.

G. Exterior lighting for a temporary activity with a temporary use permit approved by the department.

17.27.060 Approved materials and methods of installation.

This chapter is not intended to prevent the use of any design, material or method of installation not specifically proscribed herein.

17.27.070 Variances.

A variance from the requirements of this chapter shall be in compliance with Section 17.62.080 of this Development Code.

17.27.080 Appeals.

Appeals shall be made pursuant to Chapter 17.74 et seq. and within the times set forth therein for the filing of such appeals.

17.27.090 Enforcement.

The director is hereby empowered and directed to administer and enforce the provisions of this chapter.

17.27.100 Violations and penalties.

A. Violation of any provision of this section shall be and is hereby declared to be unlawful and a public nuisance. Any violation of any provision of this chapter shall be subject to summary, administrative or judicial abatement of the nuisance by the city, and be subject to fines, penalties, fees and costs imposed by the city or the court pursuant to the summary or administrative abatement procedures contained in this code or any other provision of law.

B. Enforcement and penalties shall be consistent with applicable sections of this code.
C. Every day that any such violation continues shall constitute a separate offense.

17.27.110 Cumulative remedies.

All remedies set forth in this chapter are cumulative and may be pursued separately or in combination. Provisions of this chapter are to be supplementary and complementary to all of the city ordinances, the city code, and state law.

17.27.120 Nonconforming outdoor lighting.

The city recognizes that the eventual replacement of existing outdoor lighting fixtures that are not in conformity with the provisions of this chapter is as important as the prohibition of new outdoor lighting that would violate this chapter.

A. Continuation of Nonconforming Commercial Outdoor Lighting. A legally established commercial lighting fixture that does not conform to the provisions of this chapter may continue to be used except that the lighting shall not be:

1. Structurally altered to extend its useful life;

2. Expanded, moved, or relocated; or

3. Re-established after a business has been discontinued for ninety days or more.

B. Continuation of Nonconforming Residential Outdoor Lighting. No property with a legally established residential (single and multifamily) lighting fixture will be required to comply with this chapter unless there is a new development application submitted for the property. New development application means any of the applications listed in Section 17.15.015.

C. Correction of Nonconformities Required. When an application is requested for a conditional use permit, site plan review or other development permit, the project site will be required to retrofit all exterior lighting in compliance with this chapter.
Chapter 17.28  Parking and Loading

Sections:

17.28.010  Purpose.
17.28.020  Applicability.
17.28.030  General parking and loading regulations.
17.28.040  Number of parking spaces required.
17.28.050  Reduction of off-street parking requirements.
17.28.060  Handicapped parking requirements.
17.28.070  Development standards for off-street parking.
17.28.080  Driveways and site access.
17.28.090  Bicycle parking and support facilities.
17.28.100  Loading space requirements.
17.28.110  Trip and travel demand reduction measures.

17.28.010  Purpose.

The purpose of the off-street parking and loading standards of this chapter is to:

A. Provide sufficient parking facilities to meet the needs generated by the proposed use;

B. Provide accessible, attractive, secure, properly lighted, and well-maintained and screened off-street parking and loading facilities;

C. Reduce traffic congestion and hazards;

D. Encourage the use of alternative modes of transportation by providing for safe, adequate and convenient bicycle and carpool parking;

E. Protect neighborhoods from the effects of vehicular noise and traffic;

F. Ensure access and maneuverability for emergency vehicles; and

G. Provide loading and delivery facilities in proportion to the needs generated by the proposed use.
17.28.020  Applicability.

Every permanent land use (including a change of use), and every structure shall comply with the requirements of this chapter.

17.28.030  General parking and loading regulations.

A. Maintenance of Required Parking and Loading Areas. All covered or uncovered off-street parking and loading facilities required by this chapter shall be permanently reserved for parking and loading purposes. All parking facilities, including curbs, directional markings, handicapped symbols, landscaping, pavement, signs, striping and wheel stops, shall be permanently maintained by the responsible person, as defined in Chapter 1.17, in good repair, free of litter and debris, potholes, obstructions and stored material.

B. Deferral of Parking Installation. For nonresidential developments of ten thousand square feet or more of gross floor area, the director may approve deferral of the installation of one or more required off-street parking spaces to a future date. The applicant shall demonstrate to the satisfaction of the director that the occupant(s) of the site will not need the required parking spaces and that the area temporarily occupied by landscaping or other aesthetic amenities can readily be used for the required parking spaces when needed. The director may impose reasonable conditions, including requiring a phasing plan for parking development and/or the recordation of an agreement providing that the landscaping or other amenity shall be removed by the applicant and the required off-street parking spaces shall be installed if they are needed to serve the use(s) on the site.

C. Residential Guest Parking. Required guest parking in residential zoning districts shall be designated and restricted for the use of guests.

D. Recreational Vehicle Parking--Residential Areas. The storage of recreational vehicles and boats (parking for any period longer than seventy-two hours) in residential zoning districts shall be allowed only outside of required setback areas, in compliance with Section 17.20.180(G). All stored vehicles that may be visible from the public right-of-way shall be screened by a combination of fencing, walls and/or screening landscaping as determined by the director.

E. Commercial Vehicle Parking--Residential Areas. No commercial vehicle or trailer, as defined in Vehicle Code section 630, exceeding eight feet in height or twenty feet in combined total length, when attached to another vehicle or trailer, shall park between the hours of six p.m. and six a.m. on private property or public
rights-of-way within residential zoning districts. This prohibition shall not apply to
collection sites during the construction process or to vehicles in the process of
making deliveries or pickups. Additional requirements for the parking of
commercial and oversize vehicles are provided by Chapter 10.12 and city
resolution.

17.28.040 Number of parking spaces required.

Each land use shall provide the minimum number of off-street parking spaces required
by this section, except where a greater number of spaces is required through
conditional use permit conditions of approval.

A. Expansion of Structure or Change in Use. When a structure is enlarged or
increased in capacity, or when a change in use requires more parking than the
former use, additional off-street parking spaces shall be provided in compliance
with this chapter.

B. Mixed Uses/Multiple Tenants. A site or facility proposed for multiple tenants or
uses (e.g., a hotel with meeting halls, a building with ground-floor shops and
second-floor offices or residential units,..) shall provide the aggregate number of
parking spaces required by this section for each separate use; except where
shared parking is allowed in compliance with Section 17.28.050(B).

C. Parking Required by Development Agreements and Specific Plans. Parking
requirements established by development agreements or specific plans
supersede the provisions of this section.

D. Parking Requirements by Land Use. The minimum number of parking spaces
shown in the tables within this chapter shall be provided for each use.

1. Additional Requirements. Additional spaces may be required by the review
authority through conditional use permit conditions of approval, where
applicable.

2. Uses not Listed. Land uses not specifically listed in the following table shall
provide parking as required by the director. In determining appropriate off-
street parking requirements, the director shall use the requirements of the
following table as a general guide in determining the minimum number of
off-street parking spaces necessary to avoid undue interference with the
public’s use of the streets.
3. Rounding of Quantities. Where the number of required parking spaces results in a fraction of 0.50 or higher, the requirements shall be rounded up to the next whole space.

4. When a parking study is utilized, as allowed in Table 3-11, to determine the required number of parking spaces, the parking study shall be prepared by a licensed traffic engineer and shall be subject to review and approval by the director and city engineer.

<table>
<thead>
<tr>
<th>Table 3-11</th>
<th>Parking Requirements by Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Land Use</strong></td>
<td><strong>Vehicle Spaces Required</strong></td>
</tr>
<tr>
<td>Agriculture</td>
<td></td>
</tr>
<tr>
<td>Kennels and animal boarding</td>
<td>1 space for each employee, plus 1 space for each 500 sq. ft. of gross floor area.</td>
</tr>
<tr>
<td>Plant nurseries</td>
<td>1 space for each 300 sq. ft. of indoor display area, plus 1 space for each 1,000 sq. ft. of outdoor display area.</td>
</tr>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Multi-Family and senior housing</td>
<td>Studio unit- 1 covered space per unit</td>
</tr>
<tr>
<td></td>
<td>1 bedroom unit – 1.5 spaces per unit, 1 of which shall be covered</td>
</tr>
<tr>
<td></td>
<td>2 bedrooms or more-2 spaces for each bedroom over two. 1 of every 2 required spaces shall be covered.</td>
</tr>
<tr>
<td></td>
<td>Guest parking-1 space per 3 units</td>
</tr>
<tr>
<td>Condominiums and small lot single family housing</td>
<td>As required for multi-family housing. Each driveway with minimum dimensions of 20 ft. by 20 ft. outside of a public right-of-way or private street may be counted as a guest parking space.</td>
</tr>
<tr>
<td>Emergency Shelters</td>
<td>1 space for each 250 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Mobilehome parks</td>
<td>2 covered spaces (may be tandem) per unit, plus guest parking as required for multi-family</td>
</tr>
<tr>
<td>Buildings containing offices, services or recreational activity</td>
<td>1 space for each employee</td>
</tr>
<tr>
<td>Residential care homes, seven or more clients</td>
<td>0.5 spaces per bed; plus 1 space per employee, other than doctors, of the largest shift; plus 1 space per staff or regular visiting doctor or as determined by a parking study</td>
</tr>
<tr>
<td>Rooming and boarding houses</td>
<td>1 space per room or 1 space per 2 beds, whichever is greater</td>
</tr>
<tr>
<td>Secondary housing units</td>
<td>1 space</td>
</tr>
</tbody>
</table>
### Calabasas Land Use and Development Code
#### January 2010

**Parking and Loading**

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family housing</td>
<td>2 spaces within a garage</td>
<td>None</td>
</tr>
<tr>
<td>Transitional/Supportive housing</td>
<td>Based on type of units, use applicable standard for dwellings listed above</td>
<td></td>
</tr>
<tr>
<td><strong>Institutional</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Educational</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Schools - Public and Private</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elementary/junior high</td>
<td>3 spaces for each classroom.</td>
<td>1 space for every 10 students.</td>
</tr>
<tr>
<td>High school</td>
<td>7 spaces for each classroom; plus auditorium parking at a ratio of 1 space for each 5 fixed seats or 1 space for each 35 sq. ft. of auditorium floor area.</td>
<td></td>
</tr>
<tr>
<td>University/College</td>
<td>1 space for every 2 full time students.</td>
<td></td>
</tr>
<tr>
<td>Vocational/Trade schools</td>
<td>1 space for 1.5 students.</td>
<td>5% of vehicle spaces.</td>
</tr>
<tr>
<td><strong>Medical Services</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Veterinary clinics and animal hospital</td>
<td>1 space per 200 sq. ft. of gross floor area.</td>
<td>5% of vehicle spaces.</td>
</tr>
<tr>
<td>Assisted Living/Congregate Care Facility</td>
<td>.5 spaces per unit</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>1 space per employee of the largest shift plus 1 space per regular visiting doctor or as determined by a parking study.</td>
<td></td>
</tr>
<tr>
<td>Convalescent Care Facility (with continuous skilled nursing care)</td>
<td>1 space for each 3 beds</td>
<td></td>
</tr>
<tr>
<td>Hospital</td>
<td>4 spaces for each patient bed.</td>
<td></td>
</tr>
<tr>
<td>Medical services Clinics, medical/dental offices, labs including physical therapists and chiropractors. Under 20,000 sq. ft.</td>
<td>1 space for each 200 sq. ft. of gross floor area.</td>
<td>5% of vehicle spaces</td>
</tr>
<tr>
<td></td>
<td>20,000+ sq. ft.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 space for each 250 sq. ft. of gross floor area.</td>
<td></td>
</tr>
<tr>
<td>Pharmacies and drug stores</td>
<td>1 space for each 250 sq. ft. of gross floor area.</td>
<td>5% of vehicle spaces.</td>
</tr>
<tr>
<td><strong>Public</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Libraries and museums and other cultural facilities</td>
<td>1 space for each 500 sq. ft. of gross floor area.</td>
<td>10% of vehicle spaces.</td>
</tr>
<tr>
<td>Public facilities</td>
<td>Parking study is required to determine the parking demand generated by the use.</td>
<td></td>
</tr>
<tr>
<td><strong>Religious</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Churches and other places of worship</td>
<td>1 space for each 4 fixed seats, or each 7 linear ft. of bench or pew seating or where no fixed seats are provided, 1 per 20 sq. ft. of assembly area.</td>
<td>5% of vehicle spaces for places of worship</td>
</tr>
</tbody>
</table>
## Parking and Loading

### Commercial

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Automobile Repair</strong></td>
<td>5 spaces, plus 1 space for each 200 sq. ft. of gross floor area.</td>
</tr>
<tr>
<td><em>Facilities designed for customer to wait on-site during service</em></td>
<td>2 spaces per service bay plus adequate queuing lanes.</td>
</tr>
<tr>
<td><strong>Self-service vehicle washing</strong></td>
<td>2.5 spaces per washing stall, for queuing and drying.</td>
</tr>
<tr>
<td><strong>Car Wash – Full Service</strong></td>
<td>12 spaces, plus adequate queuing and drying area.</td>
</tr>
<tr>
<td><strong>Service stations</strong></td>
<td>1 space for each 180 sq. ft. of gross floor area; plus 1 space for each service bay.</td>
</tr>
<tr>
<td><strong>Motor vehicle and parts sales</strong></td>
<td>1 space for each 450 sq. ft. of gross floor area for showroom and office, plus 1 space for each 2,000 sq. ft. of outdoor display area, plus 1 space for each 500 sq. ft. of gross floor area for vehicle repair, plus 1 space for each 300 sq. ft. of gross floor area for the parts department.</td>
</tr>
</tbody>
</table>

### Facilities

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Child Day Care Center</strong></td>
<td>2 spaces for each employee, plus an adequate drop-off area as required by the director.</td>
</tr>
<tr>
<td><strong>Large Family Day Care Home (9 to 14 children)</strong></td>
<td>1 for each employee</td>
</tr>
</tbody>
</table>

### Eating/Drinking Places & Food Services

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Bar / Cocktail Lounge/Night Club</strong></td>
<td>1 space for each 100 sq. ft. of gross floor area</td>
</tr>
<tr>
<td><strong>Banquet Hall</strong></td>
<td>1 space for each 100 sq. ft. of gross floor area</td>
</tr>
<tr>
<td><strong>Catering Establishment</strong></td>
<td>1 space for each 500 sq. ft. of gross floor area</td>
</tr>
<tr>
<td><strong>Restaurant - counter service</strong></td>
<td>1 space for each 180 sq. ft. of gross floor area.</td>
</tr>
<tr>
<td><strong>Restaurants - table service</strong></td>
<td>1 space for each 2.5 seats or 1 space for each 100 sq. ft. of gross floor area, whichever is greater.</td>
</tr>
<tr>
<td><strong>Outdoor dining</strong></td>
<td>0 spaces for areas 250 sq. ft. or less in size</td>
</tr>
<tr>
<td></td>
<td>1 space for each 250 square feet of floor area over 250 sf. ft. in size</td>
</tr>
</tbody>
</table>

### Entertainment and Recreation

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Athletic Fields</strong></td>
<td>Parking study is required to determine the parking demand generated by the use.</td>
</tr>
<tr>
<td><strong>Arcade</strong></td>
<td>1 space for each 200 sq. ft. of gross floor area.</td>
</tr>
<tr>
<td><strong>Auditoriums &amp; Other Public Assembly Facilities</strong></td>
<td>Parking study is required to determine the parking demand generated by the use.</td>
</tr>
<tr>
<td><strong>Bowling Alley</strong></td>
<td>5 spaces per lane.</td>
</tr>
<tr>
<td><strong>Dance halls</strong></td>
<td>1 space for each 50 sq. ft. of dance floor area.</td>
</tr>
<tr>
<td><strong>Health and Fitness Club</strong></td>
<td>1 space for each 150 sq. ft. of gross floor area.</td>
</tr>
<tr>
<td><strong>Golf courses and golf</strong></td>
<td>1 space per tee; plus clubhouse spaces as required for restaurants.</td>
</tr>
</tbody>
</table>

None
<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driving ranges</td>
<td>1 space per every 3 seats per every 3 fixed seats</td>
</tr>
<tr>
<td>Motion Picture Theater</td>
<td>1 space per every 3 seats per every 3 seats</td>
</tr>
<tr>
<td>Outdoor commercial</td>
<td>Parking study is required to determine the parking demand generated by the use.</td>
</tr>
<tr>
<td>recreation</td>
<td></td>
</tr>
<tr>
<td>Pool and billiard rooms</td>
<td>3 spaces per table.</td>
</tr>
<tr>
<td>Recreation</td>
<td>5% of vehicle spaces.</td>
</tr>
<tr>
<td>Skate Park</td>
<td>Parking study is required to determine the parking demand generated by the use.</td>
</tr>
<tr>
<td>Tennis/racquetball courts</td>
<td>3 spaces per court, plus as required for incidental uses.</td>
</tr>
<tr>
<td>Theaters</td>
<td>1 space for every 3 fixed seats.</td>
</tr>
<tr>
<td>Lodging</td>
<td>10% of vehicle spaces.</td>
</tr>
<tr>
<td>Bed and Breakfast Inn</td>
<td>1 space per room or suite; or 1 space per 2 beds, whichever is greater</td>
</tr>
<tr>
<td>Hotels and motels</td>
<td>1 space for each guest room, plus 1 space for each 10 guest rooms.</td>
</tr>
<tr>
<td>Offices, business, professional</td>
<td>1 space for each 250 sq. ft. of gross floor area.</td>
</tr>
<tr>
<td>Retail stores</td>
<td>1 space for each 250 sq. ft. of gross floor area.</td>
</tr>
<tr>
<td>Furniture, furnishings, and home equipment stores</td>
<td>1 space for each 600 sq. ft. of gross floor area.</td>
</tr>
<tr>
<td>Garden Supply / Nursery</td>
<td>1 space for each 400 sq. ft. of indoor display area, plus 1 space for each 1,000 sq. ft.</td>
</tr>
<tr>
<td>Food and Beverage Stores</td>
<td>5% of vehicle spaces</td>
</tr>
<tr>
<td>Convenience Store</td>
<td>1 space for each 150 sf. ft. of gross floor area.</td>
</tr>
<tr>
<td>Grocery / Supermarket</td>
<td>5% of vehicle spaces</td>
</tr>
<tr>
<td>Warehouse Retail Stores</td>
<td>1 space for each 200 sq. ft. of gross floor area.</td>
</tr>
<tr>
<td>Shopping centers</td>
<td>1 space for each 250 sq. ft. of gross floor area. Where restaurants exceed ten (10) percent</td>
</tr>
<tr>
<td>of the total gross floor area, that portion in excess of ten percent</td>
<td>of vehicle spaces.</td>
</tr>
<tr>
<td>of the gross floor area shall be calculated at one parking space per</td>
<td></td>
</tr>
<tr>
<td>one hundred square feet or as determined by a parking study.</td>
<td></td>
</tr>
<tr>
<td>Studios for dance, art, music, photography, etc.</td>
<td>1 space for each 2 students</td>
</tr>
<tr>
<td>Business Services (Advertising agency, data processing services,</td>
<td>1 space for each 250 sq. ft. of gross floor area.</td>
</tr>
<tr>
<td>photocopying, photography studio, and other similar uses.)</td>
<td>5% of vehicle spaces</td>
</tr>
<tr>
<td>Financial Services</td>
<td>1 space for each 250 sq. ft. of gross floor area, plus 2 spaces per ATM.</td>
</tr>
<tr>
<td>Barber Shop &amp; Beauty /Nail Salon</td>
<td>2.5 spaces for each service chair.</td>
</tr>
<tr>
<td>Beauty /Nail salons with and without massage therapy</td>
<td>2.5 spaces for each service chair and 1 space for each 250 sq. ft. of gross floor area</td>
</tr>
<tr>
<td></td>
<td>devoted to massage therapy.</td>
</tr>
<tr>
<td></td>
<td>5% of vehicle spaces.</td>
</tr>
</tbody>
</table>
### Parking and Loading

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Parking Demand Calculation</th>
<th>Percentage of Vehicle Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cemeteries and Mausoleums</strong></td>
<td>Parking study is required to determine the parking demand generated by the use.</td>
<td></td>
</tr>
<tr>
<td><strong>Day Spa</strong></td>
<td>1 space for each 250 sq. ft. of gross floor area</td>
<td>5% of vehicle spaces.</td>
</tr>
<tr>
<td><strong>Laundry – Commercial</strong></td>
<td>1 space for every 3 washing machines.</td>
<td>5% of vehicle spaces.</td>
</tr>
<tr>
<td><strong>Public self storage</strong></td>
<td>1 space for each 5,000 sq. ft. of gross floor area plus 2 spaces for any resident manager.</td>
<td>None</td>
</tr>
<tr>
<td><strong>Repair services</strong></td>
<td>1 space per 400 sq. ft. of gross floor area</td>
<td></td>
</tr>
<tr>
<td><strong>Land Use Type Industrial</strong></td>
<td>1 space for each 500 sq. ft. of gross floor area plus 1 space for each vehicle operated in connection with each on-site use.</td>
<td>5% of vehicle spaces.</td>
</tr>
<tr>
<td><strong>Recycling collection facilities</strong></td>
<td>If the facility is open to the public, an on-site parking area shall be provided for a minimum of 10 customers at any one time. Space shall be also provided for the anticipated peak load of customers to circulate, park and deposit recyclable materials. One employee parking space shall be provided on-site for each commercial vehicle operated by the processing center.</td>
<td>5% of vehicle spaces.</td>
</tr>
<tr>
<td><strong>Research and development</strong></td>
<td>1 space for each 333 sq. ft. of gross floor area.</td>
<td>5% of vehicle spaces.</td>
</tr>
<tr>
<td><strong>Warehousing</strong></td>
<td>1 space for each 500 sq. ft. of gross floor area plus 1 space for each company vehicle parked on-site.</td>
<td>5% of vehicle spaces.</td>
</tr>
</tbody>
</table>

**TEMPORARY AND INTERIM USES (Section 17.62.030)**

| Temporary Uses                      | Determined by Temporary Use Permit                                                        |
17.28.050 Reduction of off-street parking requirements.

A. General Parking Reduction. The review authority may grant up to a twenty-five (25) percent reduction in number of off-street parking spaces required by Section 17.28.040 in compliance with Section 17.62.060. The applicant shall provide evidence to demonstrate, to the satisfaction of the director and the city engineer that any requested reduction is necessary for the efficient operation of the subject use and will not result in a parking deficiency.

The review authority may also grant a reduction in off-street parking requirements in compliance with Section 17.62.060 for development projects:

1. That are located in close proximity to a public transit stop;

2. Where the applicant agrees to provide housing for low- and very low-income persons in compliance with Section 17.22.030; and/or

3. Where the applicant agrees to provide transportation demand management (TDM) programs that exceed the minimum requirements of this code, the Los Angeles County Congestion Management Program, and state law.

B. Shared Parking Reduction. Nonresidential parking facilities may be shared if multiple uses cooperatively establish and operate the facilities and if 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 week days only, or where patrons are likely to visit more than one business establishment on a single trip.) The applicant shall provide documentation (i.e., shared parking use analysis) to the satisfaction of the review authority, substantiating the reasons for the requested shared parking reduction. Shared parking may be approved only if:

1. A sufficient number of spaces are provided to meet the greater parking demand of the participating uses;

2. Evidence satisfactory to the review authority has been submitted by the parties operating the shared parking facility. The evidence shall describe the nature of the uses and the times when the uses operate so as to demonstrate the lack of potential conflict between them; and
3. Additional documents, covenants, deed restrictions or other agreements as may be deemed necessary by the review authority are executed and recorded with the County Recorder’s Office to ensure that the required parking spaces provided are maintained and used as approved for the life of the nonresidential development.

17.28.060 Handicapped parking requirements.

Parking areas shall include parking spaces accessible to the handicapped persons in compliance with this section.

A. Number of Spaces-Design Standards. Handicapped parking requirements are established by the state and are contained in the California Code of Regulations, Title 24, Part 2, Chapter 2-71, Section 2-7102, and in the California Vehicle Code, Section 22511.8. State law may be amended from time to time, so reference should be made directly to the California Code of Regulations for standards on the required number, dimensions, and location of handicapped parking spaces, signage and related facilities. The department will provide information on current requirements and space design upon request.

B. Reservation of Spaces Required. All handicapped accessible spaces required by this section shall be reserved by the property owner and tenant for use by the disabled throughout the life of the approved land use.

C. Upgrading of Markings Required. If amendments to state law change state standards for the marking, striping and signing of handicapped parking spaces, all handicapped spaces within the city shall be upgraded in compliance with the new state standards. This upgrading shall be completed by affected property owners within sixty days of receiving written notification from the city regarding the new state standards.

17.28.070 Development standards for off-street parking.

Off-street parking areas shall be provided on the subject site, outside of any public right-of-way, in compliance with this section and Section 17.28.110.

A. Access.

1. Driveway Location and Design. Site access driveways shall be located and designed in compliance with Section 17.28.080;
2. Internal Maneuvering Area. Parking areas shall provide suitable maneuvering room so that all vehicles may enter an abutting street in a forward direction. Single-family homes and duplexes are exempt from this requirement and the director may approve exceptions for other residential projects; and

3. Parking Space Location. No parking space shall be located so that a vehicle will maneuver within twenty feet of a vehicular entrance measured from the property line.

4. Vehicle Turnaround/Backup Area. A vehicle turnaround space or backup area shall be provided at the end of all dead-end parking aisles which contain eight or more spaces. The turnaround space or backup area shall be sized to allow for a safe backing movement, and provide a minimum depth of five feet for the width of the aisle. See Figure 3-14.

B. Adjacent Site Access. Nonresidential development applicants should be encouraged to provide cross-access to adjacent nonresidential properties for convenience, safety and efficient circulation of motor vehicles. A mutual access agreement should be executed where cross-access is provided.

C. Parking Lot and Space Dimensions.

1. General Requirements. Parking stalls, aisles, bays and other parking lot features shall be designed and constructed with the minimum dimensions indicated in the following table, and as illustrated by Figures 3-12 and 3-14 set out at the end of this section.

<table>
<thead>
<tr>
<th>Minimum Parking Stall Dimensions</th>
<th>Width</th>
<th>Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard Spaces</td>
<td>9 feet</td>
<td>18 feet</td>
</tr>
<tr>
<td>Spaces located adjacent to columns, walls or other obstructions</td>
<td>11 feet</td>
<td>18 feet</td>
</tr>
<tr>
<td>Parallel Spaces</td>
<td>9 feet</td>
<td>24 feet</td>
</tr>
</tbody>
</table>
Table 3-12
Parking Lot and Space Dimensions

<table>
<thead>
<tr>
<th>Minimum Parking Stall Dimensions</th>
<th>Width</th>
<th>Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking angle (degrees)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>One-Way Traffic and Single-Loaded Aisles</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>18 feet</td>
<td>14 feet</td>
</tr>
<tr>
<td>45</td>
<td>19 feet</td>
<td>14.5 feet</td>
</tr>
<tr>
<td>60</td>
<td>20 feet</td>
<td>18 feet</td>
</tr>
<tr>
<td>90</td>
<td>18 feet</td>
<td>24 feet</td>
</tr>
<tr>
<td>One-Way Traffic and Double-Loaded Aisles</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>18 feet</td>
<td>14 feet</td>
</tr>
<tr>
<td>45</td>
<td>19 feet</td>
<td>14.5 feet</td>
</tr>
<tr>
<td>60</td>
<td>22 feet</td>
<td>18 feet</td>
</tr>
<tr>
<td>90</td>
<td>20 feet</td>
<td>24 feet</td>
</tr>
<tr>
<td>Two-Way Traffic and Double-Loaded Aisles</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>18 feet</td>
<td>24 feet</td>
</tr>
<tr>
<td>45</td>
<td>19 feet</td>
<td>24 feet</td>
</tr>
<tr>
<td>60</td>
<td>20 feet</td>
<td>24 feet</td>
</tr>
<tr>
<td>90</td>
<td>20 feet</td>
<td>24 feet</td>
</tr>
</tbody>
</table>

2. Dimensions for Private Garages or Carports. The following minimum unobstructed inside dimensions shall be provided for private garages and carports:

Table 3-13
Dimensions for Private Garages and Carports

<table>
<thead>
<tr>
<th>Garage/Carport Dimension</th>
<th>Required Dimensions by Number of Parking Spaces Provided: 1 car</th>
<th>Required Dimensions by Number of Parking Spaces Provided: 2 car</th>
<th>Required Dimensions by Number of Parking Spaces Provided: 3 car</th>
</tr>
</thead>
<tbody>
<tr>
<td>Width</td>
<td>10 ft.</td>
<td>20 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Depth</td>
<td>20 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Door/access width</td>
<td>8 ft.</td>
<td>16 ft.</td>
<td>24</td>
</tr>
</tbody>
</table>
D. Drainage. All required off-street parking/loading areas shall be designed and constructed:

1. So that surface water will not drain over any sidewalk or adjacent site (drainage from a site to a street across a driveway may be approved), or adjacent parcels;

2. In compliance with Chapter 17.56 and the city’s best management practices, adopted in compliance with the requirements of the National Pollution Discharge Elimination System (NPDES);

3. To include facilities for the sub-surface filtering of oil and grease contaminants, in new or reconstructed nonresidential parking lots with five or more parking spaces.

E. Landscaping and Pervious Surface. Required parking area landscaping shall be provided as set forth in Chapter 17.26, and as shown on Figure 3-14 set out at the end of this section, unless otherwise specified in this chapter.

F. Lighting. Parking areas shall have lighting capable of providing adequate illumination for security and safety in conformance with Chapter 17.27. Lighting standards shall be energy-efficient and in scale with the height and use of the on-site structure(s). Any illumination, including security lighting, shall be directed downward, away from adjoining properties and public rights-of-way. See Figure 3-13 set out at the end of this section.

G. On-Site Location Required. All parking spaces shall be located on the same parcel as the primary structure or use, unless approved otherwise by the director. The director may approve a portion or all of the required off-street spaces to be located on an adjacent parcel. This approval shall be based on accessibility to the primary structure or use, and the use and development of the neighboring parcel.

The applicant shall provide evidence, to the satisfaction of the director, that a suitable long-term lease or other binding agreement can be executed and recorded which would guarantee that the parcel containing the primary structure or use has an irrevocable right to utilize the adjacent parcel for parking for the life of the approved use.

H. Screening. Commercial/industrial and public parking areas abutting residentially zoned parcels shall provide a six-foot high wood or decorative masonry wall at
the property line adjacent to the residential zoning district, to properly screen the parking area(s), subject to approval by the director. The director may waive or modify this requirement to protect the views of adjacent residences. All decorative wall features shall occur on both sides of the wall.

I. Shopping Cart Storage. Parking facilities for commercial uses that offer shopping cars for use by patron (e.g. grocery stores) shall contain shopping cart storage areas when appropriate. The dimensions and locations of the storage areas shall be determined by the review authority.

J. Striping. Parking stalls shall be identified with double, four-inch wide stripes of paint on the parking lot surface, in compliance with Figure 3-15 set out at the end of this section. Parallel spaces may be marked with single lines.

K. Tandem and Valet Parking. Tandem parking shall not be permitted to satisfy off-street parking requirements, except within mobile home parks. Valet parking shall not be permitted to reduce off-street parking requirements, except within Old Town Calabasas, where authorized by conditional use permit approval. Valet parking operations on sites that meet off-street parking requirements shall be allowed in all commercial districts where authorized by a conditional use permit approval.

L. Wheel Stops/Curbing. Continuous concrete curbing at least six inches high and six inches wide shall be provided for all parking spaces located adjacent to walls, fences, property lines and structures. All parking lots shall have curbing around all parking areas and aisle planters in compliance with subsection (E) of this section.

M. Underground parking facilities shall conform to all the provisions of this chapter; provided however, that underground parking facilities may be located in the side, front and rear yards which are completely below the existing ground level of the development. No portion of such facility shall have less than seven feet inside vertical clearance, except doorways may be six feet eight inches.

17.28.080 Driveways and site access.

Driveways providing ingress and egress to off-street parking spaces shall be designed, constructed and maintained as follows.

A. Number of Access Points. One driveway access point per parcel shall be permitted unless the city engineer determines, based on a development/
circulation plan submitted by the applicant, or recommendations from the fire department, that more than one access is required to handle traffic volumes or specific designs, such as residential circular driveways. Additional access shall not be permitted if the city engineer determines it will be detrimental to the traffic flow and the safety of adjacent public streets. Whenever a property has access to more than one road, access shall generally be limited to the road with the lowest traffic volume, where the impact of a new access will be minimized. All access from private property to a public street shall require an encroachment permit.

B. Location of Access.

1. Distance from Street Intersections. No portion of a driveway access shall be permitted within curb returns. The edge of the access shall not be less than ten feet from the end of curb returns for single-family residential developments. For all other developments, this distance shall not be less than one hundred fifty feet. Where the lot size does not permit the access to be located one hundred fifty feet from the end of curb return, the access shall be located the maximum distance possible from the end of the curb return. This distance does not include the three-foot transition or wing sections on each side of the driveway.

2. Driveway Spacing. Two or more driveway access points on a public street shall be separated as follows.

   a. Single-Family Residential Development. Where two or more accesses serve adjacent single-family residential parcels, the minimum distance between the nearest points of the two accesses shall be at least twenty feet, unless a shared, single driveway access is approved by the director. The twenty foot separation does not include the three-foot transition or wing sections on each side of the driveway, and may be reduced by the director for a cul-de-sac street.

   b. Multifamily and Nonresidential Development. Where two or more accesses serve the same or adjacent non-single-family residential development, the minimum distance between the centerline of accesses should be preferably at least two hundred feet on streets with design speeds below thirty mph and three hundred feet on streets with design speeds above thirty mph.

   c. Corner and Double Frontage Lots. For corner and double frontage residential lots, one access on each frontage may be permitted if it is
determined by the city engineer that two driveways are needed to provide safe access for traffic entering and leaving the lot because of site distance and geometric design considerations.

3. Driveway Alignments--Commercial Development. Where commercial lots are not large enough to allow accesses on opposite sides of the street to be aligned, the center of driveways not in alignment will normally be offset a minimum of one hundred fifty feet on all collector roads, and three hundred feet on all major and arterial roads. Greater distances may be required if needed for left-turn storage lanes.

C. Driveway Width and Length.

1. RS Zoning District. Driveways in the RS zoning district shall have direct access to a garage, and a minimum width of eighteen feet within twenty feet of the garage entrance, and the remaining portions of the driveway shall be a minimum width of twelve feet. Maximum width shall be twenty-seven feet for a double or triple garage. The minimum length of a single-family driveway shall be twenty feet measured from the back of the sidewalk to the front of the garage, to permit vehicle parking in the driveway without blocking the sidewalk. Where access to a garage, carport, or open parking space is perpendicular (ninety degrees) to the driveway, a minimum twenty-four foot deep unobstructed back-out area shall be provided.

2. RM and Commercial Districts. Within RM and commercial zoning districts, driveways shall be a minimum width of twenty-five feet and a maximum of thirty-five feet. The minimum length of a multifamily driveway serving an individual garage shall be eighteen feet where a roll-up garage door is used, and twenty feet where a non-roll-up door is used, to permit vehicle parking in the driveway without blocking the sidewalk or extending into a traffic lane. Curb return radii shall be a minimum of twenty feet where curb returns are deemed necessary by the city engineer.

3. Manufacturing/Industrial Uses. Accesses serving manufacturing/industrial uses shall be a minimum of thirty-five feet in width and a maximum of forty feet, with minimum curb return radius of twenty-five feet, or as otherwise specified by the city engineer.

4. Hillside Properties. Driveways located on hillside properties shall meet the requirements of Section 17.20.150(E).
D. Access Grades. Residential and commercial driveways shall be designed with grades as shown in Figure 3-16 located at the end of this section, and in compliance with Section 17.20.150(E). Access grades for driveways to underground parking structures may be increased to a maximum of fifteen percent or as approved by the review authority.

E. Clearance from Appurtenances. The nearest edge of any driveway curb cut shall be at least three feet from (i) the nearest property line (except where the review authority has approved a shared driveway between two parcels), and (ii) the centerline of a fire hydrant, utility pole, drop inlet, traffic signal installation, light standard, or any appurtenance. Street trees shall be a minimum of ten feet from the driveway access.

F. Sight Distance at Driveways. At least three hundred fifty feet of clear sight distance shall be provided for all access onto local streets; four hundred fifty for collector streets; five hundred fifty feet for arterial streets, unless otherwise approved by the city engineer.

G. Temporary Access. The director may grant temporary access to underdeveloped property prior to approval of all development permits required by this title, or completion of development, if access is needed for construction. Temporary accesses are subject to removal, relocation, or redesign after all permits are approved in the manner required by the department.

17.28.090 Bicycle parking and support facilities.

Bicycle parking facilities, showers and lockers shall be provided in compliance with this section.

A. Applicability. Bicycle parking spaces facilities are required for all commercial and industrial uses that have more than fifty thousand square feet of floor area. These include buildings owned by the city and used for government purposes. The number of bicycle spaces required is determined by Section 17.28.040.

B. Bicycle Parking Design and Devices. Bicycle parking areas shall be designed and provided with devices for locking bicycles as follows.

1. Parking Equipment. Each bicycle parking space shall include a stationary parking device to adequately support the bicycle. At least half of the bicycle parking spaces shall include a stationary parking device that will securely lock the bicycle without a user-supplied cable or chain. Devices that hold the
bicycle upright by wheel contact must hold at least one hundred eighty degrees of wheel arc.

2. Parking Layout.
   a. Aisles. Aisles providing access to bicycle parking spaces shall be at least five feet in width.
   b. Spaces. Each bicycle space shall be a minimum of two feet in width and six feet in length, and have a minimum of six feet of overhead clearance.
   c. Relationship to Building Entrances. Bicycle spaces shall be located no farther than the distance from a main entrance of the building to the nearest off-street motor vehicle parking space.
   d. Relationship to Motor Vehicle Parking. Bicycle spaces shall be separated from automobile parking spaces or aisles by a wall, fence or curb, or by at least five feet of open area marked to prohibit motor vehicle parking.

3. Signs. Each automobile entrance to a parking facility shall be provided clearly legible signs indicating the availability and location of bicycle parking.

C. Required Shower Facilities. All new buildings and additions to existing buildings that result in a total floor area shall be required to provide showers and dressing areas for each gender as shown in the following table.
Table 3-14
Number of Required Shower Facilities

<table>
<thead>
<tr>
<th>Type of Land Use</th>
<th>Number of Showers Required for Specified Building Floor Area: 1 Shower for Each Gender</th>
<th>Number of Showers Required for Specified Building Floor Area: 1 Additional Shower for Each Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial - Office Uses (government, business, professional)</td>
<td>50,000 to 149,999 sq. ft.</td>
<td>Each 100,000 sq. ft. over 250,000</td>
</tr>
<tr>
<td>Commercial - Retail Trade, Service Uses</td>
<td>100,000 to 300,000 sq. ft.</td>
<td>Each 200,000 sq. ft. over 300,000</td>
</tr>
<tr>
<td>Industrial Uses</td>
<td>50,000 sq. ft. or more</td>
<td>N.A.</td>
</tr>
</tbody>
</table>

D. Required Locker Facilities. Land uses required by this section to provide bicycle parking spaces shall also provide one locker for each required bicycle parking space. Required lockers shall be located in relation to required showers and dressing areas to permit access to locker areas by either gender.

17.28.100 Loading space requirements.

A. Number of Loading Spaces Required. Unless modified by the director in compliance with Section 17.62.020, off-street freight and equipment loading spaces shall be provided for all nonresidential uses, except hotels and motels. The following minimum number of loading spaces shall be provided for each use:

Table 3-15
Loading Space Requirements

<table>
<thead>
<tr>
<th>Type of Land Use</th>
<th>Gross Floor Area</th>
<th>Loading Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial, industrial, institutional, and service uses</td>
<td>Less than 4,000 sq. ft.</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>4,001 to 25,000 sq. ft.</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>25,001+ sq. ft.</td>
<td>2, plus additional as required by director</td>
</tr>
<tr>
<td>Office uses</td>
<td>Less than 25,000 sq. ft.</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>25,001+ sq. ft.</td>
<td>1, plus additional as required by director</td>
</tr>
</tbody>
</table>
Requirements for uses not specifically listed shall be determined by the director based upon the requirements for comparable uses and upon the characteristics of the proposed use, in compliance with Section 17.28.040.

B. Development Standards for Off-Street Loading. Off-street loading areas shall be provided in the following manner:

1. Dimensions. Required freight and equipment loading spaces shall be not less than fifteen feet in width, twenty-five feet in length, with fourteen feet of vertical clearance.

2. Lighting. Loading areas shall have lighting capable of providing adequate illumination for security and safety. Lighting standards shall be energy-efficient and in scale with the height and use of the structure(s). Any illumination, including security lighting, shall be directed away from adjoining parcels and public rights-of-way and shall conform to the requirements for security lighting in Section 17.27.030(5).

3. Location. Freight and equipment loading spaces shall be located and designed as follows:

   a. Next to, or as close as possible to, the main structure,
   
   b. Situated to ensure that the loading facility shall not be visible from any major public rights-of-way,
   
   c. Situated to ensure that all loading and unloading takes place on-site, and in no case within adjacent public rights-of-way, or other traffic areas on-site,
   
   d. Situated to ensure that all vehicular maneuvers occur on-site, and,
   
   e. Situated to avoid adverse noise impacts upon neighboring residential properties, in compliance with city noise regulations.

4. Screening. All loading areas shall be screened from public view by walls and/or landscaping. Loading areas abutting residentially zoned parcels shall have a seven-foot high solid, architecturally treated decorative masonry wall, approved by the director, to properly screen the loading area(s). All decorative treatments shall occur on both sides of the wall.
5. Loading Doors and Gates. Loading bays and roll-up doors shall be located on the rear of the structure only. Bays and doors may be located on the side of a building away from a street frontage where it can be demonstrated that the bays, doors, and related trucks will be adequately screened from public view from any public right-of-way.

6. Striping. Loading areas shall be striped indicating the loading spaces and identifying the spaces for “loading only.” The striping shall be permanently maintained by the property owner and tenant in a clear and visible manner at all times.

17.28.110 Trip and travel demand reduction measures.

A. Purpose. This section provides requirements for new and reconstructed residential, commercial and manufacturing/industrial projects that are intended to reduce vehicle trips and travel demand. These provisions, together with the requirements of this chapter for bicycle parking and support facilities (Section 17.28.090), constitute the city’s transportation demand ordinance, in compliance with the Los Angeles County Congestion Management Program (CMP) and state law.

B. Review of Transit Impacts. The processing of a land use permit or subdivision by the city for any project required to have an environmental impact report (EIR) in compliance with the City of Calabasas CEQA Guidelines shall include assessment of impacts on transit. Transit operators serving the city shall be sent a notice of preparation (NOP) for all contemplated EIRs. Operators shall be given the opportunity as part of the NOP to comment on the impacts of the project, to identify recommended transit service or capital improvements that may be required as a result of the project, and to recommend mitigation measures that will minimize automobile trips on the CMP network. Impacts and recommended mitigation measures identified by the transit operators shall be evaluated in the draft EIR.

Phased projects, projects with development agreements, or projects requiring subsequent approvals, need not repeat this process as long as the director determines that no significant changes (e.g., land use changes, project intensifications, and site circulation system changes.) are made to the project.

C. Applicability of Development Standards. Specific trip and travel demand reduction measurements shall be incorporated into the design of residential and nonresidential projects as provided by this subsection. All facilities and
improvements constructed or otherwise required shall be permanently maintained in good repair.

1. Residential Developments. Proposed residential developments with thirty or more housing units shall provide the following, as part of the land use or subdivision approval process.

a. A ridesharing, public transportation, and bicycle information packet to be included with buyer move-in materials;

b. A transit stop and shelter, or other transit amenities as determined by the city;

c. Bicycle amenities such as bicycle storage areas and bicycle lanes, paths or routes as determined by the city;

d. An additional phone/fax/modem line in each housing unit to encourage telecommuting; and

e. Electric vehicle recharging facilities at each housing unit to encourage the use of electric vehicles.

2. Nonresidential Developments. Commercial, office and manufacturing/industrial uses shall provide the features set forth in Table 3-16, as part of the land use permit or subdivision approval process. The following subsection (D) of this section provides standards for each of the required features.

Additions to buildings which existed prior to the adoption of the ordinance originally codified as Chapter 10.16 of this code shall comply with the applicable requirements of this Chapter. Existing floor area shall be exempt from these requirements. All calculations shall be based on gross floor area, in square feet.
D. Development Standards. Where specific trip and travel demand reduction measures are required by subsection (C) of this section, each required measure shall be provided as follows:

1. Electric Vehicle Recharging. Electric vehicle recharging facilities shall be provided to encourage the use of electric powered vehicles.

2. Enhanced Access. Access facilities shall be provided as follows:

   a. A safe and convenient zone in which vanpool and carpool vehicles may deliver and 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; and

   c. Safe and convenient access from the external circulation system to bicycle parking facilities onsite.
3. Move-in Materials. The property owner shall provide tenants ridesharing and public transportation information as part of occupancy move-in materials.

4. Preferential Parking. Preferential parking facilities shall be provided as follows:

   a. Number and Location of Spaces. Not less than ten percent of parking spaces reserved for employees shall be located as close as is practical to the employee entrance(s), and shall be reserved for carpool/vanpool vehicles, motorcycles, and electric and hybrid vehicles, without displacing handicapped and customer parking needs. Spaces reserved for vanpools must be accessible to vanpool vehicles, in compliance with paragraph (4)(c) of this subsection.

   b. Minimum Number of Spaces Required. At least one preferential space shall be provided for projects of fifty thousand square feet to ninety-nine thousand nine hundred ninety-nine square feet. Two spaces for projects of one hundred thousand square feet or more shall be for preferential parking vehicles.

   c. Space Layout and Vertical Clearance. Vanpool vehicle spaces within a parking structure and parking space access routes shall be provided a minimum vertical clearance of seven feet, two inches. Adequate turning radii and space dimensions shall also be provided in vanpool areas.

   d. Information on Space Availability. A statement that preferential parking spaces for employees are available and a description of the method for obtaining the spaces shall be posted at the building’s required transportation information center.

   e. Signage and Striping. Spaces shall be signed and striped as required by the director.

   f. Permit Application Information. The preferential parking area shall be identified on a site plan submitted with a land use permit or building permit applications for a project, to the satisfaction of the director.

5. Shower/Locker Facilities. Shower and locker facilities shall be provided in compliance with Section 17.28.090.
6. Transit stop. Transit stop improvements shall be provided, if city determines it to be necessary to mitigate project impacts. The city will consult with the local transit service providers in determining appropriate improvements. When the city requires an applicant to locate transit stops or plan building entrances, the applicant shall design entrances shall be designed to provide safe and efficient access to nearby transit stations and stops.

7. Transportation Information Center. A bulletin board, display case, or kiosk with transportation information shall be 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:

a. Current maps, routes and schedules for public transit routes serving the site;

b. Telephone numbers for public transportation services, including numbers for the regional ridesharing agency and local transit operators;

c. Ridesharing promotional material supplied by commuter-oriented organizations;

d. Bicycle route and facility information, including regional and local bicycle maps and bicycle safety information; and

e. A listing of facilities available for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians at the site.
Figure 3-12 Parking Lot Dimensions

Figure 3-13 Parking Area Lighting
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Fig 3-14 Parking Space Design and Layout

Note: The identification letters in the Figure (e.g. "L Landscaping"), correspond to the same letters in Section 17.28.070.)
Calabasas Land Use and Development Code
January 2010

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Fig 3-16 Across Grades

Fig 3-16 Parking Stall Striping
Chapter 17.30 Signs*

Sections:

17.30.010 Purpose.
17.30.020 General provisions.
17.30.030 Exempt signs.
17.30.040 Prohibited signs.
17.30.050 Sign permits and program required.
17.30.060 Sign design criteria.
17.30.070 Measurement of sign area and height.
17.30.080 On-site sign regulations.
17.30.090 Nonconforming signs.
17.30.100 Nonconforming sign abatement.
17.30.110 Removal of illegally installed or unsafe signs.
17.30.120 Appeal of approval or denial of sign permit.


17.30.010 Purpose.

A. The purpose of this chapter is to establish uniform sign regulations that are intended to:

B. Support and promote viable businesses by allowing signage that provides adequate identification, is of high quality design, and appropriate scale and visibility;

C. Protect the general public health, safety, welfare and aesthetics of the community;

D. Reduce possible traffic and safety hazards to pedestrians, bicyclists and motorists through safe signage;

E. Promote signs that identify uses and premises without confusion;

F. Implement community design standards, consistent with the General Plan;
Signs

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G. Promote the community’s appearance by regulating the design, character, location, type, quality of materials, scale, color, illumination and maintenance of signs;

H. Eliminate visual blight and promote safety by reducing the amount of signage throughout the city within constitutional limitations;

I. Protect the character of residential neighborhoods;

J. Provide public notice to ensure participation in the democratic process; and

K. Protect the public safety by allowing signs that serve to direct traffic and to identify locations for the provisions of emergency services by visible street identification signs.

17.30.020 General provisions.

A. Signs shall only be erected or maintained in compliance with this chapter. The number and area of signs as outlined in this chapter are intended to be maximum standards, which do not necessarily ensure architectural compatibility. The review authority shall consider a sign’s relationship to the overall appearance and scale of the site, buildings and the surrounding community, in addition to the standards of this chapter.

B. It is unlawful for any person to construct, maintain, display or alter or cause to be constructed, maintained, displayed or altered, a sign within the City of Calabasas except in conformance with this chapter.

C. If a new zoning district is created after the enactment of this chapter, the director shall have the authority to make determinations as to the applicability of appropriate sign regulations in compliance with Chapter 17.03 until this chapter is amended to govern the new zoning district. Any interpretation by the director may be appealed to the commission as provided by Chapter 17.74.

D. The city’s sign design criteria (Section 17.30.060) will be used in the evaluation of sign permit applications to ensure that signs are well designed, compatible with their surrounding, and do not detract from the overall visual quality of the city.

E. Definitions for this chapter are provided in Chapter 17.90.020.
F. Noncommercial Sign. Noncommercial sign copy is allowed wherever commercial signage is permitted and such signs are subject to the same standards and total maximum allowances per site, building, or each design type specified in this chapter. An approval is required for a permanent noncommercial sign only when a permanent commercial sign has not been previously approved. For purposes of this chapter, all noncommercial speech messages shall be deemed to be “on-site” regardless of location.

G. Substitution of Noncommercial Message. Subject to the consent of the property owner, a noncommercial message of any type may be substituted for all or part of the commercial or noncommercial message on any sign allowed pursuant to this chapter. Design criteria which may apply to commercial signs shall not apply to noncommercial signs, including, the following: color, lettering style, and compatibility with other signs on the same parcel or other signs subject to a sign program. No special or additional approval is required to substitute a noncommercial message for any other message on an allowable sign, provided the sign structure is already approved or exempt from the approval requirement. When a noncommercial message is substituted for any other message, the sign is still subject to the same locational and structural regulations, such as size, height, illumination, maintenance, duration of display, building and electrical code requirements, as would apply if the sign were used to display a commercial message or some other noncommercial message. In the event of any perceived or actual conflict between the general provisions of this subsection and other specific provisions in this chapter, the provisions of this subsection shall prevail.

H. Substitution of Commercial Messages. The substitution of one commercial message for another commercial message is not automatically allowed. The substitution of a commercial message for a noncommercial message is also not automatically allowed. In addition, no off-site commercial messages may be substituted for on-site commercial messages.

I. Severability Clause. Should any provision of this chapter or a subsequent amendment thereto be held by a court of competent jurisdiction to be either invalid, void or unenforceable, the remaining provisions of this title shall remain in full force and effect.

17.30.030 Exempt signs.

The following signs shall not require approval nor shall the area of the signs be included in the maximum sign area permitted for any site or use:
A. Required Signs. Official notices required by law, a court, or other government agency.

B. Government Signs. Signs for traffic, safety, street identification, government services, emergency services, historical locations, interpretive signs, or city-sponsored events.

C. Educational and directional signs for the purposes of identifying a trail or other recreational amenities in the OS-DR zoning district.

D. Informational Signs. Signs less than four square feet that indicate the following: addresses, telephone numbers, emergency address and telephone numbers, hours and days of operation, credit information, and whether a business is open or closed. An unlit analog clock that is an integral part of a building’s architecture shall also be considered an informational sign.

E. Window Signs. Temporary non-illuminated window signs advertising products for sale on the premises shall be allowed on the inside portion of the window or on the interior of the building within three feet of the window. No window shall have more than twenty percent of its window area covered by these signs. This limitation shall also include products displayed on the interior of the premises immediately in front of the window when the name of the product is visible.

F. Noncommercial Flags. Noncommercial flags are exempt but only if they meet the following criteria: (i) a maximum vertical dimension of five feet; (ii) a maximum horizontal dimension of eight feet; (iii) a maximum cumulative square footage of all flags on a parcel of forty (40) feet (one side); (iv) a maximum height of pole of twenty feet for one story buildings and twenty-five feet for two story buildings; (v) a maximum number of poles per lot or parcel of one; and (vi) in no case shall a flag pole be higher than the height of the building. In residential zones, unless an administrative plan review is obtained, flags must be house mounted and may not be on freestanding poles. A pole mounted flag in the RS, RC, RR and OS zone may be permitted subject to an administrative plan review but shall be subject to criteria (i) through (v) herein.

G. Open House Signs. One temporary “open house” sign is exempt, provided it does not exceed three square feet in area on a property for sale, lease or rent. This sign shall only be posted when an owner or salesperson is present. A maximum of two off-site open house directional signs not exceeding three square feet in area shall be allowed and shall contain only the address of the property where the open house is being held and the name of the real estate agent or
party holding the open house. Such signs shall be erected and removed on the day the open house is held. Such signs shall not be located on any public right-of-way.

H. Temporary Noncommercial Signs and Banners. Temporary signs and banners are permitted in all zones subject to the following regulations:

1. Two temporary freestanding signs per lot containing only noncommercial messages are permitted at all times. In addition, one temporary freestanding campaign sign shall be allowed for each political candidate or issue on each street frontage per lot. All campaign signs shall be removed within ten days after the election for which they are intended. Each sign shall not exceed six square feet in sign area with a maximum height of four feet. Such signs are in addition to all other signage allowed in this chapter.

2. Such signs shall not be illuminated or posted on trees, fence posts or public utility poles, or located within any public right-of-way or on any publicly owned property and shall not be within the traffic safety visibility area required by Section 17.20.140(F).

I. Historical Site Plaques. Plaques or signs not exceeding six square feet designating a building or site as a historical structure or site may be displayed without a permit.

J. Construction Trade Signs. One on-site non-illuminated sign per street frontage advertising the various construction trades participating in the project is permitted on construction sites with a valid building permit. Such signs shall not exceed a maximum of thirty-two square feet in sign area and shall be removed prior to an issuance of a certificate of occupancy. No construction trade sign shall exceed six feet in height.

K. Temporary Real Estate Signs.

1. For developed property, non-illuminated real estate signs are allowed in compliance with California Civil Code Section 713 as follows:

   a. In all residential and special purpose zones except OS-DR, a temporary real estate sign shall be permitted subject to the following conditions:

      i. A maximum of one six square foot sign either wall or pole mounted on a single-family or duplex property. A pole mounted sign may have two
faces. One on-site sign shall be permitted for each street frontage. Maximum sign height is six feet for pole mounted signs.

ii. A maximum of one twelve square foot sign either wall or pole mounted on a multi-family property. Pole mounted signs may have two faces. One on-site sign shall be permitted for each street frontage. Maximum sign height is six feet for pole mounted signs.

iii. One eight square foot wall or pole mounted per lot on public facility, open space or recreation property. Pole mounted sign may have, two faces. Maximum sign height is six feet for pole mounted signs.

iv. The sign may only remain on the property until the property is sold or leased. For properties with an approved subdivision map, the sign may remain on the property until the last unit is sold, rented or leased for the first time after construction.

b. In commercial zones a temporary real estate sign shall be permitted subject to the following conditions:

i. One twenty-four square foot wall sign for each occupancy.

ii. No lighting of sign allowed.

iii. Sign may not project above eave.

iv. The sign may only remain on the property until the property is sold or leased.

2. For undeveloped property with or without an approved subdivision map a temporary real estate sign shall be allowed subject to the following conditions:

a. One on-site sign shall be permitted for each street frontage. The sign area shall not exceed twenty-five square feet.

b. The sign shall be non-illuminated.

c. Sign height shall not exceed eight feet above ground level. In those instances when the ground level is below the surface of the street, the sign height may be increased to a maximum of eight feet above the
surface of the street. Zoning clearance (Section 17.62.090) and building permit approval shall be obtained for any sign of six feet or more in height.

d. Signs should not be placed on or near ridgelines so that they appear silhouetted against the sky when viewed from any point on a roadway designated as a scenic corridor.

e. In the case of a corner lot, the sign shall not obstruct the vision of motorists by being located within the traffic safety visibility area of the parcel, which shall consist of a triangular area formed by measuring thirty-five feet from the intersection of the street property lines, and connecting the lines across the parcel.

f. For properties with an approved subdivision map, the sign may remain on the property until the last unit is sold, rented or leased for the first time after construction.

17.30.040 Prohibited signs.

The following signs are inconsistent with the purposes and standards of this chapter, and are therefore prohibited:

A. Abandoned signs that advertise or otherwise identify a business or activity which has been discontinued on the premises for a period of ninety days or more;

B. Animated, moving, flashing, blinking, reflecting, revolving, digital screen or any other similar moving or simulated moving signs;

C. Bus stop bench signs or any copy painted on any portion of a bus stop bench;

D. Billboards and other off-site signs, except where allowed by Section 17.30.030;

E. Cabinet (can) signs with translucent plastic faces and internal illumination;

F. Inflatable signs, balloons, pennants, streamers and flags, except where allowed by Section 17.30.030;

G. Neon signs;

H. Permanent pole mounted signs except where allowed by Section 17.30.030;
I. Roof-mounted signs;

J. Signs on public property or in a public right-of-way, except as provided in Section 17.30.030(A) and (C);

K. Signs tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles (including utility and street name), stakes, electrical transformers or other accessory structures. Whenever a sign is so posted, the sign itself shall constitute prima facie evidence that the person or business identified on the sign authorized its placement;

L. Signs painted on fences or roofs;

M. Signs that simulate in color or design a traffic sign or signal, or which make use of words, symbols or characters in a manner to interfere with, mislead or confuse pedestrian or vehicular traffic;

N. Temporary signs, including pedestal signs, “A” frame signs and sandwich boards, except as allowed by this chapter and the Old Town Master Plan;

O. Temporary vehicle mounted or trailer-mounted signs. Signs on vehicles are allowed on vehicles, without sign permits, only when the copy or message (i) relates only to the business or establishment of which the vehicle itself is a part; (ii) pertains to the sale, rent, lease or hire of such vehicle; or (iii) is a noncommercial message. Vehicles displaying signs may not be parked for the primary purpose of commercial advertising. Vehicles may not be used as mounting or holding devices for commercial signs. This provision shall not apply to public transportation vehicles; and

P. Service station ancillary advertising signs located on the exterior of any structure or equipment. Such ancillary advertising signs include business card kiosks and other displays that advertise businesses, services, or products not located on the site.

17.30.050 Sign permits and program required.

A. Sign Permit. Signs shall only be constructed, displayed or altered with sign permit approval by the review authority.
1. Application Filing. Sign permit applications shall be filed on the forms provided by the department and shall include all information required therein. Sign permit application shall also be accompanied by the required filing fee.

2. Review and Decision. A sign permit shall be approved or disapproved by the director or commission in compliance with subsection (E) of this section. The decision of the director is appealable to the commission and decisions by the commission are appealable to the council pursuant to Chapter 17.74.

B Sign Program. A sign program shall be required for all new shopping centers with five or more tenants or remodels of existing shopping centers with five or more tenants where new tenant spaces are created or changes are proposed to the exterior of the building. A program shall also be required as deemed necessary by the director to ensure compliance with the provisions of this chapter.

A sign program shall consist of a description, including dimensions, materials, locations, and illustration of all signs proposed on the site. The sign program shall have a unifying design theme or style, as approved by the director. A separate sign permit shall be required for all signs constructed pursuant to an approved sign program.

The purpose of a sign program is to integrate a project’s signs into the architectural design of a subject site and to ensure visibility of all signs. A sign program also enables the city to ensure high quality in the design and display of multiple permanent signs and to encourage creativity and excellence in sign design.

C. Approval Authority. A sign program shall be subject to commission approval. The director may approve minor revisions to a sign program if the intent of the original approval is not affected. Revisions that would substantially deviate from the original approval shall require the approval of a new sign program.

D. If a shopping center has an approved sign program prior to the adoption of an amendment to this chapter it shall conform to the provisions of that approved sign program and not the amendment.

E. Modifications to On-Site Sign Regulations (Section 17.30.080). In order to provide for flexibility in sign design, the commission and/or director shall have the authority to approve a sign modification for any new or existing business to allow modifications to sign area, height, and location. The commission shall have the
authority to modify the sign area and height (from the ground) of a sign by no more than fifteen percent. The director shall have the authority to modify the sign area and height (from the ground) of a sign by no more than five percent.

The review authority shall consider the following when it determines whether to grant a modification: sign visibility, compliance with design criteria, distance from intended audience, and relative size of the sign to existing signs. A modification shall not be based on the content of a sign.

F. Findings for Approval. The director and/or the commission may approve or modify a sign permit, sign program or modification application in whole or in part, with or without conditions, only if the following findings are made:

1. The proposed sign is permitted within the zoning district including any overlay zone and, except as provided in subsection (D) of this section, complies with all applicable provisions of this chapter, and any other applicable standards.

2. The sign is in compliance with Section 17.30.060.
17.30.060   Sign design criteria.

Each sign in the city shall comply with the applicable provisions of (i) any adopted sign program; (ii) the business park development urban design performance standards of Section 17.20.070; and (iii) the following requirements:

A. Relationship to Structures. Building wall and fascia signs shall be compatible with the predominant visual elements of the structure(s), including construction materials, color, or other design feature consistent with Section 17.30.050(E). Commercial centers, offices, industrial complexes, and other similar facilities
shall be required to develop a sign program in compliance with the provisions of this chapter, and shall provide a compatible visual design common in theme to all applicable structures and uses.

B. Relationship to Other Signs. Where there is more than one sign on a site or building, all permanent signs displaying a commercial message shall have designs that similarly treat or incorporate the following design elements:

1. Letter size and style of copy;

2. Shape of total sign and related components:
   a. Type of construction materials,
   b. Sign/letter color and style of copy,
   c. Method used for supporting sign (i.e. wall or ground base),
   d. Type of illumination, and
   e. Location.

C. Sign Illumination. Illumination from or upon any sign shall be shaded, shielded, directed or reduced so as to minimize light spillage onto the public right-of-way or adjacent properties. Externally illuminated signs shall be lighted by screened or hidden light sources.

D. Materials and Colors. All permanent signs shall be constructed of durable materials, which are compatible in kind or appearance to the building supporting or identified by the sign. Such materials may include, but are not limited to ceramic tile, sand blasted, hand carved or routed wood, channel lettering, concrete, stucco or stone monument signs with recessed or raised lettering. Sign colors and materials should be selected to be compatible with the existing building designs and should contribute to legibility and design integrity.

E. Construction. Every sign including all parts, portions and materials thereof, shall be manufactured, assembled and erected in compliance with all applicable state, federal and city regulations including Title 15 of this code.

F. Maintenance. Every sign including all parts, portions and materials thereof, shall be maintained and kept in good repair. The display surface of all signs shall be
kept clean, neatly painted and free from rust, cracking, peeling, corrosion or other states of disrepair. All temporary signs, banners and balloons shall be constructed and mounted in such a manner that they shall not rip, shred, tear or blow away by exposure to normal weather conditions. Signs constructed of paper, cardboard or other non-permanent materials shall be in place no more than sixty days.

G. Relationship to Streets/Public Rights-of-Way. Signs shall be designed and located to not obstruct any pedestrian, bicyclist, or driver’s view of the public right-of-way.

1. No sign shall be located in or project into the present or future right-of-way of any public street unless specifically authorized by other provisions of this section.

2. No sign shall interfere with the sight distance of motorists and cyclists proceeding on or approaching adjacent streets, alleys, driveways, or parking area(s), or of pedestrians proceeding on or approaching adjacent sidewalks or pedestrian ways as determined by the city engineer.

3. No sign suspended over or projecting into the area above a driveway located on private property shall be situated at a height of less than fifteen feet above the surface of the driveway.

4. No sign suspended over, or projecting into, the area above a pedestrian way shall be situated at a height of less than eight feet, six inches above the ground surface.

H. Screening. To minimize the visual mass and projection of the sign, all electrical transformer boxes and raceways shall be concealed from public right-of-way and adjacent properties. If a raceway cannot be mounted internally-behind a finished exterior wall, the exposed metal surfaces of the raceway shall be finished to match the background wall, or integrated into the overall design of the sign. All exposed conduit shall be concealed from public view.

17.30.070 Method of measuring of sign area and height.

For the purposes of determining compliance with this chapter, the area and height of signs shall be measured as provided by this section.
A. Sign Area. Sign area shall be computed by drawing a line around the outer perimeter of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. The total area of the sign shall include all sign faces. See Figure 3-18.

B. Monument Sign Height and Area. Sign area shall be measured using the criteria described in Section 17.30.060(A) except area calculations shall not include architectural treatments and support structures that are separately regulated. One side of a double-faced (back to back) sign shall be included when calculating sign area. Sign height shall be measured as the vertical distance from grade adjacent to the base of the sign footing, to the top of the sign, including the support structure and any design elements. In no case shall an artificial grade be established for the sole purpose of elevating the grade adjacent to the base of the sign footing for purposes of sign measurement. See Figure 3-19.
17.30.080 On-site sign regulations.

The signs described in this section may be allowed only on the same site as the use being advertised or identified unless otherwise noted.

A. Signs Allowed by Permit in All Zoning Districts. The following signs are allowed in all zoning districts, subject to the regulations in this chapter and issuance of a sign permit or other permit as specified below:

1. Directional Signs. Signs necessary for public convenience and safety, not exceeding four square feet in size or three feet in height, containing information including “entrance,” “exit,” or directional arrows designed to be viewed by on-site pedestrians or motorists.

2. Temporary Banners. One temporary banner not exceeding twenty square feet in size shall be permitted for special events if authorized by a temporary use permit. A temporary banner shall be allowed one time for not more than two weeks per year. Banner signs within commercial centers provided for under an adopted sign program shall not be considered temporary banners. Balloons shall be permitted for special events in conjunction with temporary banners if authorized by a temporary use permit.

All temporary banners and balloons shall be constructed and mounted in such a manner that they shall not rip, shred, tear or blow away by exposure to normal weather conditions. These signs shall not be illuminated or posted on trees, fence posts or public utility poles, or located within any public right-of-way or on any publicly owned property and shall not be within the traffic safety visibility area required by Section 17.20.120(D).
B. Signs Allowed by Permit in Specific Zoning Districts. A permit shall be required for the installation of any sign within the zoning district listed in Tables 3-17 through 3-21. No permit shall be issued except for a sign in compliance with these tables.

Subject to sign program approval, decorative and other supportive architectural graphics, including company logos, are allowed in a commercial zoning district in addition to permitted building-mounted signs. The graphics shall be clearly secondary to the main sign in terms of their size and the portion of wall area covered, and shall complement the building and main sign in color and style. The area of the graphics and any logo shall be counted as part of the total sign area allowed on the building.

1. Flag and Land Locked Commercial Lots. Subject to the limitations set forth in the following tables, one monument sign may be located in a private access easement adjacent to a public street to provide business identification and directional information for a parcel without street frontage when (i) a wall sign would not be easily seen from the public street; and (ii) there is sufficient area to accommodate a monument sign. The sign shall maintain an adequate separation from other monument signs in the vicinity and shall be placed to avoid undue concentration of monument signs as determined by the director.

2. Kiosks. Kiosks shall be allowed with the approval of a sign program subject to the following standards:

   a. In multi-tenant projects of greater than twenty thousand square feet with outdoor spaces of greater than one thousand square feet.

   b. Located in a manner that allows for proper handicap access around the entire kiosk area.

   c. Maximum height shall not exceed eight feet.

   d. Maximum area of each kiosk shall not exceed forty square feet.

   e. Maximum number shall not exceed one for every twenty thousand square feet of building area.

   f. The sign area shall be in addition to the sign area allowed in the tables below.
g. Signs located in the kiosk shall only advertise businesses or services offered by the businesses located within the shopping center. No off-site advertising is allowed. Noncommercial sign copy is allowed wherever commercial signage is permitted.

3. Calabasas Road District. Monument signs shall be permitted along both sides of Calabasas Road from the east side of Mureau Road to the west side of Parkway Calabasas (“Calabasas Road district”). The maximum height of a monument sign in the Calabasas Road district shall be twenty) feet in height with the sign area not to exceed one hundred square feet. Notwithstanding the forgoing, the council, following review and consideration from the commission, may grant an exception allowing a monument sign up to twenty-five feet in height and up to one hundred fifty square feet in sign area, upon finding that increased height or sign area is necessary to allow the applicant visibility comparable to that enjoyed by a substantial number of other properties in the Calabasas Road district. A property which contains a nonconforming pole sign(s) shall not be authorized to construct a monument sign under this paragraph unless the applicant agrees to abate the pole sign(s) as a condition of this approval.

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Sign Class</th>
<th>Maximum Number</th>
<th>Maximum Sign Area</th>
<th>Maximum Sign Height</th>
<th>Location Requirements</th>
<th>Lighting Allowed?</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wall or monument</td>
<td>Single-family neighborhood identification and Multifamily or mobile home park identification</td>
<td>1 of each sign type per street frontage</td>
<td>5 sq. ft. per acre, not to exceed 30 sq. ft. per sign</td>
<td>8 ft. monument</td>
<td>10 ft. minimum front setback, 5 ft. side setback</td>
<td>Yes</td>
<td>Copy limited to name and address of project.</td>
</tr>
<tr>
<td>Institutional</td>
<td>1 of each sign type per street frontage</td>
<td>5 sq. ft. per acre, not to exceed 20 sq. ft. per sign</td>
<td>8 ft. monument</td>
<td>10 ft. minimum front setback, 5 ft. side setback</td>
<td>Yes</td>
<td>Name of institution and illuminated Directory only. Religious and educational facilities may have marquee sign consistent with monument sign requirements.</td>
<td></td>
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</table>

Note: Maximum sign area includes all monument and building mounted signs. All lighting must comply with the Lighting Ordinance.

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<thead>
<tr>
<th>Sign Type</th>
<th>Sign Class</th>
<th>Maximum Number</th>
<th>Maximum Area</th>
<th>Maximum Height</th>
<th>Location Requirements</th>
<th>Lighting Allowed</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monument</td>
<td>Commercial center/complex</td>
<td>1 per center or complex 2 for each center/complex with 2 access driveways and a minimum separation between signs of 300 ft.</td>
<td>100 sq. ft. per face, 2 faces max. Sign copy limited to 50 sq. ft. with remaining square footage devoted to architectural support &amp; design. 150 sq. ft. max. in Calabasas Road district only and up to 25 ft. with council approval, per Section 17.30.080(B)(3)</td>
<td>10 ft., except that 20 ft. maximum is permitted in Calabasas Road district only and up to 25 ft. with council approval, per Section 17.30.080(B)(3)</td>
<td>Must be in landscaped area generally equal the area of the sign. Must not block views at corners and driveways.</td>
<td>Interior or exterior. All lighting shall comply with Lighting Ordinance.</td>
<td>Allowed to advertise the name of the center or complex and one major tenant. Multitenant signs may be allowed with an approved Sign Program. Consideration shall be given to the placement and compatibility with adjoining properties and signs.</td>
</tr>
<tr>
<td>Single purpose building</td>
<td>1 per building 2 for each single purpose bldg. with 2 access driveways and a minimum separation between signs of 300 ft.</td>
<td>100 sq. ft. per face, 2 faces max. Sign copy limited to 50 sq. ft. with remaining square footage devoted to architectural support &amp; design. 150 sq. ft. max. in Calabasas Road district only and up to 25 ft. with council approval, per Section 17.30.080(B)(3)</td>
<td>10 ft., except that 20 ft. maximum is permitted in Calabasas Road district only and up to 25 ft. with council approval, per Section 17.30.080(B)(3)</td>
<td>Must be in landscaped area generally equal the area of the sign. Must not block views at corners and driveways.</td>
<td>Interior or exterior. All lighting shall comply with Lighting Ordinance.</td>
<td>Allowed to advertise the name of the center or complex and one major tenant. Multitenant signs may be allowed with an approved Sign Program. Consideration shall be given to the placement and compatibility with adjoining properties and signs.</td>
<td></td>
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<tr>
<td>Building Mounted</td>
<td>Commercial office or business park</td>
<td>1 per building</td>
<td>0.5 sq. ft. per linear foot of store front; 15 sq. ft. minimum and 80 sq. ft.</td>
<td>Shall not project above an eave or parapet, including the eaves of a mansard roof.</td>
<td>Centered on wall or canopy over store front and proportional to building mass.</td>
<td>Interior or exterior. All lighting shall comply with Lighting.</td>
<td>Letters to be individually mounted on the building. Sign area may not be accumulated on one lineal dimension of the building &amp;</td>
</tr>
<tr>
<td>Sign Type</td>
<td>Sign Class</td>
<td>Maximum Number</td>
<td>Maximum Sign Area</td>
<td>Maximum Sign Height</td>
<td>Location Requirements</td>
<td>Lighting Allowed</td>
<td>Additional Requirements</td>
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<tr>
<td>Building Mounted</td>
<td>Retail – Tenant Identification</td>
<td>1 per street frontage or 1 for each occupancy for multitenant building. 1 additional for each tenant space that faces on more than 1 street. Max. 2 signs per business</td>
<td>0.5 sq. ft. per linear Shall not project foot of store front; 15 sq. ft. minimum and 80 sq. ft. maximum per sign.</td>
<td>Shall not project above an eave or parapet, including the eaves of a mansard roof.</td>
<td>Centered on wall or canopy over store front and proportional to building mass.</td>
<td>Interior or exterior. All lighting shall comply with Lighting Ordinance.</td>
<td>Letters to be individually mounted on the building. Sign area may not be accumulated on one lineal dimension of the building &amp; shall not exceed the allowed area on any one dimension of the building. Businesses that sublease a minimum of 100 square feet within a major tenant located in a shopping center shall be allowed a 15 square foot sign.</td>
</tr>
<tr>
<td>Sign Type</td>
<td>Sign Class</td>
<td>Maximum Number</td>
<td>Maximum Sign Area</td>
<td>Maximum Sign Height</td>
<td>Location Requirements</td>
<td>Lighting Allowed</td>
<td>Additional Requirements</td>
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<tr>
<td>Building Mounted</td>
<td>Retail – Tenant Identification</td>
<td>1 additional sign allowed for secondary main public entrance located on the side of a building adjacent to public parking. Max. 2 signs per business.</td>
<td>1/2 the total signage allowed on the front may be located on the side entrance</td>
<td></td>
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<td></td>
<td>Letters to be individually mounted on the building</td>
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<tr>
<td>Building Mounted,</td>
<td>Commercial office, retail or</td>
<td>1 per single purpose building or 1 per commercial center or complex 1 additional for bldgs. Over 50,000 sq. ft. for a 2nd tenant with at least 30% of floor area</td>
<td>.5 sq. ft. per linear foot of building frontage with a maximum of 80 sq. ft. per sign</td>
<td>Shall not project above an eave or parapet, including the eaves of a mansard roof.</td>
<td>100 ft. separation between freeway facing signs an same building</td>
<td>Non-illuminated only</td>
<td>Sign copy limited to a single business name. Sign design to be consistent with design of building and other signs on site. Shall be consistent with Scenic Corridor Ordinance.</td>
</tr>
</tbody>
</table>
### Table 3-18
Permitted Signs in CL, CR, CMU, CO, and CB Zoning Districts

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Sign Class</th>
<th>Maximum Number</th>
<th>Maximum Area</th>
<th>Sign Location Requirements</th>
<th>Lighting Allowed</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pedestrian</td>
<td>Commercial office, retail or business park</td>
<td>1 projecting sign per tenant</td>
<td>3 sq. ft. per face. 2 faces max.</td>
<td>Lower edge must be min. 8 ft. above finished grade.</td>
<td>No</td>
<td>May not project into street. Sign shall appear to be architectural and integral part of bldg.</td>
</tr>
<tr>
<td>Window</td>
<td>Commercial office, retail or business park</td>
<td>1 per window</td>
<td>3 sq. ft.</td>
<td>None</td>
<td>None</td>
<td>No</td>
</tr>
</tbody>
</table>

Note: A commercial center or complex is defined as where a project shares similar landscape features, common access ways, reciprocal parking or architectural features. Multitenant sites shall have Sign Program, per Section 17.30.050. In street corridors with adopted design guidelines or Master Plans, signage shall be consistent with adopted plans.
3. Signs permitted in the CT (Commercial-Old Town) Zone:

### Table 3-19
Permitted Signs in CT Zoning District

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Sign Class</th>
<th>Maximum Number</th>
<th>Maximum Sign Area</th>
<th>Maximum Sign Height</th>
<th>Location Requirements</th>
<th>Lighting Allowed</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monument</td>
<td>Commercial center/complex</td>
<td>1 per center or complex 2 for each center/complex with 2 access driveways and a minimum separation between signs of 300 ft.</td>
<td>100 sq. ft. per face, 2 faces max. Sign copy limited to 50 sq. ft. with remaining square footage devoted to architectural support &amp; design.</td>
<td>8 ft.</td>
<td>Must be in landscaped area generally equal the area of the sign. Must not block views at corners and driveways.</td>
<td>Interior or exterior. All lighting shall comply with Lighting Ordinance.</td>
<td>Allowed to advertise the name of the center or complex and one major tenant. Multitenant signs may be allowed with an approved Sign Program. Consideration shall be given to the placement and compatibility with adjoining properties and signs.</td>
</tr>
<tr>
<td>Monument</td>
<td>Single purpose building</td>
<td>1 per building 2 for each single purpose bldg. with 2 access driveways and a minimum separation between signs of 300 ft.</td>
<td>100 sq. ft. per face, 2 faces max. Sign copy limited to 50 sq. ft. with remaining square footage devoted to architectural support &amp; design.</td>
<td>8 ft.</td>
<td>Must be in landscaped area generally equal the area of the sign. Must not block views at corners and driveways.</td>
<td>Interior or exterior. All lighting shall comply with Lighting Ordinance.</td>
<td>Allowed to advertise the name of the center or complex and one major tenant. Multitenant signs may be allowed with an approved Sign Program. Consideration shall be given to the placement and compatibility with adjoining properties and signs. During construction, on-site advertising of the construction trades participating in the project shall be allowed.</td>
</tr>
<tr>
<td>Building Mounted</td>
<td>Commercial office or business park</td>
<td>1 per tenant</td>
<td>10 sq. ft. max Shall not project above an eave or parapet, including the</td>
<td>Centered on wall or canopy over store front and proportional to building mass.</td>
<td>Interior or exterior. All lighting shall comply with Lighting</td>
<td>Letters to be individually mounted on the building.</td>
<td></td>
</tr>
</tbody>
</table>


### Table 3-19
Permitted Signs in CT Zoning District

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Sign Class</th>
<th>Maximum Number</th>
<th>Maximum Sign Area</th>
<th>Maximum Sign Height</th>
<th>Location Requirements</th>
<th>Lighting Allowed</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Mounted</td>
<td>Retail – Tenant Identification</td>
<td>1 per street frontage or 1 for each occupancy for multitenant building. 1 additional for each tenant space that faces on more than 1 street. Max. 2 signs per business</td>
<td>10 sq. ft. max.</td>
<td>Shall not project above an eave or parapet, including the eaves of a mansard roof.</td>
<td>Centered on wall or canopy over store front and proportional to building mass.</td>
<td>Ordinance.</td>
<td>Letters to be individually mounted on the building. Sign area may not be accumulated on one lineal dimension of the building and shall not exceed the allowed area on any one dimension of the building.</td>
</tr>
<tr>
<td>Building Mounted</td>
<td>Retail – Tenant Identification</td>
<td>1 additional sign allowed for secondary main public entrance located on the side of a building adjacent to a public parking. Max. 2 signs per business</td>
<td>1/2 the total signage allowed on the front may be located on the side entrance.</td>
<td>Shall not project above an eave or parapet, including the eaves of a mansard roof.</td>
<td>Centered on wall or canopy over store front and proportional to building mass.</td>
<td>Interior or exterior. All lighting shall comply with Lighting Ordinance.</td>
<td>Letters to be individually mounted on the building.</td>
</tr>
<tr>
<td>Building Mounted</td>
<td>Commercial office, retail or</td>
<td>1 per single purpose</td>
<td>0.5 sq. ft. per linear foot of</td>
<td>Shall not project above</td>
<td>100 ft. separation between freeway</td>
<td>Non-illuminated</td>
<td>Sign copy limited to a single business name. Sign design to be ( \ldots )</td>
</tr>
</tbody>
</table>
### Table 3-19
Permitted Signs in CT Zoning District

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Sign Class</th>
<th>Maximum Number</th>
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<th>Maximum Sign Height</th>
<th>Location Requirements</th>
<th>Lighting Allowed</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freeway Facing</td>
<td>business park</td>
<td>building or 1 per commercial center or complex. 1 additional for bldgs. Over 50,000 sq. ft. for a 2nd tenant with at least 30% of floor area</td>
<td>frontage; 15 sq. ft. min. and 80 sq. ft. max. per sign</td>
<td>an eave or parapet, including the eaves of a mansard roof.</td>
<td>facing signs on same building</td>
<td>only</td>
<td>consistent with design of building and other signs on site. Shall be consistent with Scenic Corridor Ordinance.</td>
</tr>
<tr>
<td>Pedestrian</td>
<td>Commercial office, retail or business park</td>
<td>1 projecting sign per tenant</td>
<td>3 sq. ft. per face. 2 faces max.</td>
<td>Lower edge must be min. 8 ft. above finished grade.</td>
<td>Perpendicular to building wall. Must be centered under canopy or eave.</td>
<td>No</td>
<td>May not project into street. Sign shall appear to be architectural and integral part of bldg.</td>
</tr>
<tr>
<td>Window</td>
<td>Commercial office, retail or business park</td>
<td>1 per window</td>
<td>3 sq. ft.</td>
<td>None</td>
<td>None</td>
<td>No</td>
<td>Sign copy limited to business identification.</td>
</tr>
<tr>
<td>Portable A-Frame</td>
<td>Retail – Tenant Identification</td>
<td>1 per business</td>
<td>7 sq. ft.</td>
<td>3 ft.</td>
<td>Must be placed within 5 feet of retail storefront</td>
<td>No</td>
<td>Sign may only be displayed during hours of operation</td>
</tr>
</tbody>
</table>

Note: A commercial center or complex is defined as where a project shares similar landscape features, common access ways, reciprocal parking or architectural features. Multitenant sites shall have Sign Program, per Section 17.30.050. In street corridors with adopted design guidelines or Master Plans, signage shall be consistent with adopted plans.
4. Signs permitted in PF, OS, and REC (Public-Facilities, Open Space and Recreation) Zones:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Sign Type</th>
<th>Maximum Number</th>
<th>Maximum Sign Area</th>
<th>Maximum Sign Height</th>
<th>Location Requirements</th>
<th>Lighting Allowed?</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>PF</td>
<td>Building-mounted or monument (public site)</td>
<td>1 per lot</td>
<td>5 sq. ft. per acre up to 100 sq. ft. max. 25 sq. ft. min.</td>
<td>8 ft. for monument, eave height for wall-mounted</td>
<td>None</td>
<td>Yes</td>
<td>Public sites include public utilities, schools, police and fire stations, etc.</td>
</tr>
<tr>
<td>PF</td>
<td>Building-mounted or monument (private site)</td>
<td>1 per lot</td>
<td>5 sq. ft. per acre up to 100 sq. ft. max. 25 sq. ft. min.</td>
<td>8 ft. for monument, eave height for wall-mounted</td>
<td>10 ft. from any property line for monument sign</td>
<td>No</td>
<td>Private sites include day care centers, recreational uses, and private schools.</td>
</tr>
<tr>
<td>Building identification</td>
<td>1 per building</td>
<td>10 sq. ft.</td>
<td>Height of eave</td>
<td>Flat on wall</td>
<td>No</td>
<td>Copy should identify name and address of facility.</td>
<td></td>
</tr>
<tr>
<td>OS, REC, OS-DR</td>
<td>Building-mounted or monument (public site)</td>
<td>1 per street or parking lot frontage</td>
<td>5 sq. ft. per acre up to 100 sq. ft. max. 25 sq. ft. min.</td>
<td>8 ft. monument, eave height for wall-mounted</td>
<td>None</td>
<td>Yes</td>
<td>Copy limited to name and address of facility, or as approved by director.</td>
</tr>
<tr>
<td>OS, REC, OS-DR</td>
<td>Building-mounted or monument (private site)</td>
<td>1 per lot</td>
<td>5 sq. ft. per acre up to 100 sq. ft. max. 25 sq. ft. min.</td>
<td>8 ft. monument, eave height for wall-mounted</td>
<td>10 ft. from any property line for any monument sign</td>
<td>No</td>
<td>Copy limited to name and address of facility, or as approved by director.</td>
</tr>
</tbody>
</table>
5. Specific land use signs shall be allowed in addition to other permitted signs authorized by this chapter:

<table>
<thead>
<tr>
<th>Sign Class</th>
<th>Sign Type</th>
<th>Maximum Number</th>
<th>Maximum Sign Area</th>
<th>Maximum Sign Height</th>
<th>Location Requirements</th>
<th>Lighting Allowed?</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drive-through restaurant</td>
<td>Menu board</td>
<td>1 per building</td>
<td>30 sq. ft.</td>
<td>6 ft.</td>
<td>Shall be screened from street and shall not block views at corners and driveways.</td>
<td>Yes, during hours of operation. All lighting shall comply with Lighting Ordinance.</td>
<td>Light shall not negatively impact adjacent residential properties.</td>
</tr>
<tr>
<td>Service Station</td>
<td>Special service signs</td>
<td>1 per service</td>
<td>10% of building face; 25 sq. ft. maximum</td>
<td>Shall not project above an eave or parapet, including the eaves of a mansard roof.</td>
<td>Flat on wall</td>
<td>Yes</td>
<td>Copy limited to special service use (e.g., car wash, mini-mart, repair services).</td>
</tr>
<tr>
<td>Price signs</td>
<td>1 each for self- and full-service</td>
<td>20 sq. ft. total, or as required by State law</td>
<td>Shall not project above an eave or parapet, including the eaves of a mansard roof.</td>
<td>Flat on wall or canopy</td>
<td>No</td>
<td>Copy limited to fuel grades and related prices.</td>
<td></td>
</tr>
<tr>
<td>Directional signs</td>
<td>1 per pump island, 4 per sign face</td>
<td>2 sq. ft. per sign face</td>
<td>Four (4) feet from ground to top of sign</td>
<td>Flat on wall or canopy</td>
<td>No</td>
<td>Copy limited to directions such as self-serve, full-serve, air water, cashier etc.</td>
<td></td>
</tr>
<tr>
<td>Auto Dealership*</td>
<td>Special service signs</td>
<td>1 per service</td>
<td>10% of building face; 25 sq. ft.</td>
<td>Shall not project above an eave or</td>
<td>Flat on wall</td>
<td>Yes. Interior or exterior. All lighting shall</td>
<td>Copy limited to special service use (e.g. Service, Parts, etc.).</td>
</tr>
</tbody>
</table>

*The

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Table 3-21
Permitted Signs for Specific Land Uses

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Table 3-21
Permitted Signs for Specific Land Uses

<table>
<thead>
<tr>
<th>Sign Class</th>
<th>Sign Type</th>
<th>Maximum Number</th>
<th>Maximum Sign Area</th>
<th>Maximum Sign Height</th>
<th>Location Requirements</th>
<th>Lighting Allowed?</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>aggregate of all building mounted signs shall not exceed 1 sq. ft. per linear foot of building frontage</td>
<td></td>
<td></td>
<td>maximum</td>
<td>parapet, including the eaves of a mansard roof.</td>
<td>comply with Lighting Ordinance.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Directional signs</td>
<td>4 per site maximum</td>
<td>2 sq. ft. per sign face</td>
<td>Four (4) feet from ground to top of sign</td>
<td>No</td>
<td></td>
<td></td>
<td>Copy limited to directions to special service uses such as service, parts, etc.</td>
</tr>
<tr>
<td>Franchise signs</td>
<td>1 per each franchise</td>
<td>80 sq. ft. maximum</td>
<td>Shall not project above an eave or parapet, including the eaves of a mansard roof.</td>
<td>Flat on wall</td>
<td>Yes</td>
<td>Copy limited to name of franchise (e.g. Mercedes, Volvo, etc.).</td>
<td></td>
</tr>
</tbody>
</table>
17.30.090 Nonconforming signs.

This section recognizes that the eventual elimination of existing signs (on-site and off-site) that are not in conformity with the provisions of this chapter is as important as the prohibition of new signs that would violate these regulations.

A. Continuation of Nonconforming Sign. A legally established sign that does not conform to the provisions of this chapter may continue to be used in compliance with Section 17.30.100, except that the sign shall not be:

1. Structurally altered to extend its useful life;

2. Expanded, moved, or relocated;

3. Re-established after a business has been discontinued for ninety days or more; or

4. Re-established after damage or destruction of more than fifty percent of the value of the physical structure of the sign, as determined by the director.

B. Sign Copy Changes. The sign copy and sign faces of a nonconforming sign may be changed upon obtaining a sign permit provided that the change does not include a structural change in the display.

C. Correction of Nonconformities Required. Approval of any structures on a site or a change in the land use on a site shall require that all nonconforming signs on the site be brought into conformity with this chapter.

17.30.100 Nonconforming sign abatement.

A. Time Limits. A nonconforming sign shall comply with this chapter within the period of time prescribed in subsection (B) of this section.

B. Amortization Schedule.
Table 3-22
Nonconforming Sign Amortization Schedule

<table>
<thead>
<tr>
<th>Nonconforming Classification</th>
<th>Period for removal or modification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Billboards</td>
<td>Life of sign, unless removal is required as part of a project because the project cannot be built without removing the display or as required by Section 17.30.090.</td>
</tr>
<tr>
<td>Pole signs over 25 feet in height</td>
<td>15 years from the adoption of this Code</td>
</tr>
<tr>
<td>Roof signs</td>
<td>15 years from the adoption of this Code</td>
</tr>
<tr>
<td>Animated, moving or flashing signs</td>
<td>15 years from the adoption of this Code</td>
</tr>
<tr>
<td>All other nonconforming signs</td>
<td>Life of sign or as required by Section 17.30.090.</td>
</tr>
</tbody>
</table>

C. Notice of Abatement. Upon the expiration of the amortization period set forth in subsection B of this section, the director may abate a nonconforming sign. The director shall first send a written notice of abatement by certified mail, return receipt requested to owners of the businesses advertised on the signs and the owners of the property on which the sign is located as shown in the current assessor’s records. The date of service shall be the date the director places the notice in a U.S. Postal Service mail receptacle. A notice of abatement shall state the following:

1. A description of the nonconformity; applicable amortization schedule;

2. A statement that the amortization period has expired; date of expiration;

3. That an appeal may only be filed with respect to the director’s determination regarding the applicable amortization period.

4. That an appeal must be filed thirty days from the date of service of the notice.

D. Appeal. The owners of the businesses advertised on the sign and the owners of the property on which the sign is located may appeal the director’s determination regarding the applicable amortization period or request a time extension, on a form provided by the director and accompanied by any required fee in compliance with Section 17.60.040, within thirty days of the date of service of the notice.

1. Hearings. Within sixty days after receipt of an appeal, the commission shall hold a public hearing and shall forward a recommendation to the council as to
whether the nonconformity should be abated as indicated in the notice, or whether a time extension should be granted in compliance with subsection (D)(2) of this section.

a. Notice of Hearing. Notice of the commission and council hearings shall be provided in the same manner as provided by Chapter 17.78. Both the owner of the business advertised on the sign and the owner of the property on which the sign is located shall be given notice of the hearing.

b. Conduct of Hearing. The commission shall receive written and oral testimony at the hearing relating to the term of abatement. During the hearing, the owner shall be permitted to call witnesses and be represented by counsel.

c. Commission Recommendation. At the close of the hearing, the commission shall make a recommendation to the council regarding an appeal. The burden of proof shall be upon the appellant to demonstrate by a preponderance of the evidence that he or she is entitled to a longer abatement period than that contained in the notice of abatement. If the appellant is requesting a time extension, the commission may grant or deny the appeal in compliance with subsection (D)(2) of this section.

d. Council Hearing. The council shall hold a hearing with notice given in compliance with subsection (D)(1) of this section and render a decision regarding an appeal.

2. Extension of Time. The council may grant an extension of the time for abatement of a nonconforming sign where it can be demonstrated that an unreasonable hardship would otherwise be imposed on the appellant. The council shall base its decision on any competent evidence presented, including the following:

a. The nature of the sign and the use it advertises;

b. The amount of the owner's investment in the sign;

c. The detriment, if any, caused to the neighborhood by continuance of the nonconforming sign beyond the amortization period;

d. The amount of time needed to amortize the investment in the sign; and,
Signs  Chapter 17.30

e. Any available depreciation information from the owner’s latest federal income tax return, or other applicable documentation.

3. Decision and Order. The council’s decision and the findings in support of the decision shall be in the form of a written order and shall be served upon the appellant personally or by certified mail, return receipt requested, within ten days after the decision is rendered. The order shall be binding upon the appellant, the owners of the business advertised on the sign, the owners of the property on which the sign is located, and the owners’ successors, heirs and assignees. If the council grants a time extension, the council may require reasonable modifications or alterations to the sign for the purpose of improving the sign’s appearance or compliance with this development code, the municipal code or state law.

4. Recordation of Order. Within thirty days after the hearing, notice of the decision and order of the council shall be recorded with the Los Angeles County recorder’s office.

E. Applicability of Section.

1. This section applies only to legal nonconforming signs.

2. Nothing herein prevents the earlier removal of a legal nonconforming sign pursuant to Section 17.30.110.

17.30.110 Removal of illegally installed or unsafe signs.

A. Unsafe Signs. Any sign that presents an immediate danger to the public health or safety may be removed by the city without prior notice. Alternatively, the director may issue a notice of violation and give the permit holder, property owner, or person in possession and control of the property fifteen days to cure the violation. The date of service shall be the date the director places the notice in a U.S. Postal Service mail receptacle. In the case of an unsafe sign removed by the city, the costs of such removal and storage shall be borne by the permit holder, property owner, or person in possession and control of the property, as applicable and may be collected by the city in the same manner as it collects any other debt or obligation. No unsafe sign that has been removed and stored by the city shall be released until the costs of removal and storage have been paid. If an unsafe sign remains uncured for a period of thirty days after service of the notice, the city may remove the sign and dispose of it.
B. Illegal Signs. Any illegal sign shall be removed or brought into conformity by the permit holder, property owner, or person in possession and control of the property following written notice from the director as specified in Chapter 17.80. The director’s order may be appealed to the council in the manner provided in Chapter 17.80.

C. Abandoned Signs. A sign that advertises or otherwise identifies a business or activity which has been discontinued on the premises for a period of ninety days shall be considered abandoned and shall be removed by the owner or lessee of the premise.

D. Penalties. Illegal signs shall be subject to the remedies established in Municipal Code Chapter 17.80.

E. Removal of Illegal Signs in the Public Right-of-Way. The director may cause the immediate removal of any sign within the public right-of-way or on property that is otherwise abandoned that has been placed there without first complying with the requirements of this chapter.
Chapter 17.32 Oak Tree Regulations

Sections:

17.32.010 Oak trees, oak tree permit.

A. Purpose.

1. The City of Calabasas lies within a unique area of Los Angeles County, the beauty and welfare of which is greatly enhanced by the presence of large numbers of oak trees and scrub oak habitat areas. Past development of the area resulted in removal of a great number of these trees and diminished resource habitat areas. Further destruction of these finite resources would detrimentally affect the ecosystem and aesthetics of the city.

2. It is the policy of the city to preserve and enhance its ecosystem, one element being its inventory of oak trees and scrub oak habitat, due in part to their contribution to the hardwood canopy and wildlife habitat. Other identified benefits of oak trees and scrub oak habitat to the health, safety and welfare of the citizens of Calabasas include, but are not limited to, erosion control, solar benefits, dust control, visual enjoyment, energy reduction, property values and the sense of community and place created by the surrounding vistas.

3. The preservation program outlined in this section contributes to the historical and environmental value of these trees to the community. Accordingly, the spirit and intent of this section are meant to have an equal parity to its articulated contents.

B. Oak Tree and Scrub Oak Habitat Preservation.

1. Any person or entity that owns, controls or has custody or possession of any real property within the city shall maintain all oak trees and scrub oak habitat located thereon in a state of good health pursuant to the most current “Oak Tree Preservation and Protection Guidelines” (Guidelines) adopted by council Resolution 91-36, which can be found on file in the office of the city clerk.

2. In an effort to further the goals and intent of this section, the city shall establish an oak tree preservation program. The objectives of this program shall include, but not be limited to, the following:
Oak Tree Regulations

C. Oak Tree Permit Requirements and Exemptions.

1. Requirements.

   a. No person shall alter any oak tree or scrub oak habitat on any real property within the city, unless a valid oak tree permit is issued pursuant to the provisions of this section and the guidelines.

   b. Any other permit issued for the purpose of development of any public or private property shall also comply with this section.

2. Exemptions. A permit is not required to cut or remove an oak tree or alter scrub oak habitat under the following circumstances:

   a. If the oak tree is less than two inches in diameter, unless the tree is within a scrub oak habitat or was planted as mitigation for a prior removal;

   b. If an oak tree or scrub oak habitat is damaged by thunderstorms, windstorms, floods, earthquakes, fires, or other natural disaster or incident and verified by city staff;
c. Replacement or repair of existing utility lines or structures, while performing emergency or routine maintenance activities that may impact oak trees or scrub oak habitat, and which are necessary to maintain the facilities or other property of a public utility. The utility shall notify the city of any action taken that impacts oak trees or scrub oak habitat as soon as reasonably possible.

3. Minor Oak Tree Permit. A minor oak tree permit shall be required to remove or alter oak trees, under the following circumstances:

a. When an oak tree is less than six inches in diameter, as confirmed by city staff, and has any portion of its trunk located within forty feet of an existing primary structure, unless the tree was planted as mitigation for a prior removal. Oak trees located within a public right-of-way, however, are not exempted by this subsection;

b. Pruning of oak trees or vegetation on scrub oak habitat for fuel modification to meet city requirements. Official agency documentation must be provided to the city and verified by city staff prior to commencing work;

c. Routine maintenance action needed to maintain the continued good health of an oak tree, limited to removal of deadwood, insect control spraying, fertilization, cabling, mulching and watering;

d. Routine maintenance actions needed to assure safe clearance for pedestrians, vehicles or structures;

e. Replacement, modification or repair of existing improvements within the protected zone of an oak tree, as long as the tree is not impacted by the action.

4. Utility Projects. New construction, modification or replacement of existing facilities, excluding the replacement or repair of utility lines and structures as discussed in subsection (C)(2)(c) of this section, shall be governed by the provisions of this section. Utilities shall be responsible for damage to oak trees. Utilities shall be required to notify the city five working days prior to any maintenance activity that might affect an oak tree or scrub oak habitat. As an alternative to individual prior notifications for each maintenance activity, the utility may submit an annual notification of maintenance activities to the city. This notification shall include, but is not limited to, the following:
a. List of facilities;

b. Schedule of work;

c. Extent of maintenance activities;

d. List of oak trees and/or scrub oak habitat that might be affected.

Utilities may take emergency action with respect to oak trees without giving advance notice when immediate action is required in order to protect the public or the utility’s employees, prevent damage or destruction of facilities and property, or to effect expeditious reinstatement of service following an interruption. The utility shall notify the city of such action taken as soon as reasonably possible.

D. Permit Processing. The applicant shall furnish all necessary information required by the guidelines and pay the appropriate filing fee to the city.

1. An application shall be completed and submitted to city staff for review and approval.

   a. Removal of up to three living oak trees, less than six inches in diameter each, and not greater than twelve inches in diameter aggregate. This limit shall be on a cumulative basis for the parcel. Following such removals, a notice shall be recorded regarding the subject property, requiring that any subsequent removal of oak trees from the subject site be approved by the planning commission, as appropriate;

   b. Removal of any number of dead and/or hazardous oak trees or portions of oak trees or scrub oak habitat of any size, which is required due to health and safety concerns, or a public emergency, as determined by the director and the city arborist;

   c. Pruning for clearance from existing structures or above roadways, sidewalks, trails or other transportation corridors, comprising not more than twenty-five percent of the live foliage for each oak tree;

   d. Minor encroachments into a protected zone of an oak tree including, but not limited to, fence installations or minor improvements that may impact up to ten percent of the total area included within the protected zone;
e. Replacement or repair of existing improvements located within the protected zone of an oak tree, as long as the impacts to the tree do not increase.

3. The recommendation of the director shall be forwarded to the planning commission for consideration and disposition for the following types of activity:

   a. Removal of any number of oak trees (beyond that allowed by subsection (D)(2)(a) or (D)(2)(b) of this section) or any amount of scrub oak habitat, excluding any living heritage oak;

   b. Pruning comprising more than twenty-five percent of the live foliage for an individual oak tree;

   c. Encroachments impacting more than ten percent of the total area included within the protected zone of an oak tree;

   d. Impacts to any oak tree of special or significant community interest or exceptional, aesthetic, environmental or historical value. Such tree shall have been previously designated as having special or significant value by a specific action of the planning commission or council.

4. The recommendation of the planning commission shall be forwarded to the council for consideration and disposition for the following levels of activity:

   a. Any oak tree permit for a project that involves the removal of any living heritage oak;

   b. Any oak tree permit for a project that requires a separate development project approval from the council.

E. Permit Findings. An oak tree permit may be approved by the city based upon at least one of the following findings:

   1. The request to remove an oak tree or scrub oak habitat is warranted to enable reasonable and conforming use of the subject property, which would otherwise be prevented by the presence of the oak tree or scrub oak habitat. Reasonable use of the property shall be determined in accordance with the guidelines.
2. The request to alter or encroach within the protected zone of an oak tree or scrub oak habitat is warranted to enable reasonable and conforming use of the property, which would otherwise be prevented by the presence of the oak tree or scrub oak habitat. In addition, such alterations and encroachments can be performed without significant long-term adverse impacts to the oak tree or scrub oak habitat. Reasonable use of the property shall be determined in accordance with the guidelines.

3. The condition or location of the oak tree or scrub oak habitat requires altering to maintain or aid its health, balance or structure.

4. The condition of the oak tree or scrub oak habitat warrants its removal due to disease, dangerous condition, proximity to existing structures, high pedestrian traffic areas, such as parking lots and pedestrian walkways when such conditions may be unsafe or cannot be controlled or remedied through reasonable preservation and/or prevention procedures and practices.

5. Removal or altering of the oak tree(s) will have minimal impact on the total hardwood canopy with special emphasis on associated tree growth and their natural regeneration, wildlife habitat and heritage oak trees.

F. Required Oak Tree Report. The applicant shall submit an oak tree report, prepared by a city-qualified arborist. The exact information and format of the information required is described in the guidelines.

1. An inventory of the individual oak trees and scrub oak habitat areas associated with the project;

2. An oak tree location map indicating the current topography and proposed grading plan, the tag number, exact trunk location, dripline, and protected zone of each oak tree within the project area, as well as the outline of proximate scrub oak habitat areas;

3. All proposed site development activities including, but not limited to, excavation for foundations, utility corridors and construction access routes;

4. Analysis of the potential impacts of the proposed development activities upon the oak trees and scrub oak habitat;

5. A mitigation program for the proposed impacts.
G. Permit Conditions. A gain or loss in oak tree inventory on the site shall be described in terms of species, total inches of diameter aggregate gain or loss, and the magnitude of the impacts. A gain or loss of scrub oak habitat shall be described in terms of acres of habitat coverage and the magnitude of the impacts. Conditions may be imposed on an oak tree permit by the city, including but not limited to any combination of the following:

1. A cash fee paid to the oak tree mitigation fund, which shall include maintenance and monitoring costs. The determination of the dollar value, cost or loss shall be calculated in accordance with the most current mitigation schedule established by the council. The council shall review and approve such fees at least once every three years. The city may accept appropriate dedication of land in lieu of cash;

2. One inch of oak tree diameter shall be planted for each inch of tree removed. Scrub oak habitat shall be replaced on a land area basis. Locations appropriate for new replacement plantings may be proposed by the applicant and approved by the city arborist prior to the granting of a permit based upon the potential for long-term viability;

3. Replacement or placement of additional oak trees, scrub oak habitat, associated hardwood canopy, land or wildlife habitat to proportionally offset the impacts associated with the loss of oak trees, scrub oak habitat, limbs, roots or potential long-term adverse impacts due to alterations or encroachment within the protected zone. Locations appropriate to such new plantings may be proposed by the applicant and must be approved by city staff prior to the granting of a permit based upon the potential for long-term viability;

4. Relocation of oak trees over ten inches in diameter shall not be considered as mitigation.

5. Restrictions on construction activities within the protected zone of oak trees or within scrub oak habitat areas;

6. Remedial maintenance programs to improve the health of existing oak trees and scrub oak habitat areas;

7. Monitoring. Monitoring shall be conducted during all grading and construction activities at intervals warranted by the site conditions and
level of activity. The monitoring program shall consist of quantitative and qualitative observations useful in identifying stress-related responses of oak trees and scrub oak habitat. Monitoring activities shall be performed in accordance with the procedures adopted in the guidelines.

a. Duration of and Responsibility for Monitoring. As noted above, monitoring shall be maintained during grading and construction activities; furthermore, following construction, annual monitoring shall be performed for a minimum of five years as warranted by site conditions, to ensure continued health of the trees and habitat areas. A city-qualified arborist shall conduct all monitoring. Costs shall be borne by the applicant. Restitution or remediation shall be required, should a project fail to comply with the desired establishment goals.

b. Use of Monitoring Information. Information provided by monitoring shall be used in establishing realistic mitigation measures and to ensure the future of oak resources throughout the city.

c. Establishment Goals. Criteria for evaluating the success of oak tree and scrub oak habitat preservation and establishing associated vegetation shall be specified in the permit conditions. Remediation shall be required as necessary to enable a site to meet the establishment criteria;

8. Registration. All replacement oak trees and scrub oak habitat areas shall be registered with the city in accordance with the guidelines;

9. Maintenance. All oak trees and scrub oak habitat areas shall be maintained in accordance with the guidelines;

10. Bond. The city may require adequate security to ensure performance, correct construction procedures, reforestation, monitoring and maintenance, in an amount to be determined by the city;

11. Recordation. As deemed necessary by the city or as set forth in this section, conditions of approval for an oak tree permit shall be recorded. The specific wording of the recorded permit shall be subject to the approval of the director.
H. Non-liability of City. Nothing in this section or within the guidelines shall be deemed to impose any liability for damages or a duty of care and maintenance upon the city or upon any of its officers or employees.

I. Other Laws and Authorities. The granting of an oak tree permit by the city shall not be construed as a permit to ignore any other law or authority. Among the laws that should be considered are the following at the California state level:

1. California Department of Fish and Game Code laws prohibit the destruction of a tree that contains a nest of certain birds.

2. State law includes the California Environmental Quality Act, which addresses tree removals.

3. The California Department of Forestry published the Integrated Hardwood Range Management Program, which has specific guidelines for oak rangeland.

J. Violation--Penalty.

1. Any person or entity that violates this section is guilty of a misdemeanor and upon conviction, may be punished as set forth in this code.

2. Any person or entity that violates this section shall be required to obtain a retroactive oak tree permit and to comply with any mitigation measures specified therein.

3. Violation of this section and the guidelines during any construction shall result in an immediate stop-work order issued by the city, and work may not continue until permits are obtained and proper mitigation is completed.

4. Removal of an oak tree or scrub oak habitat may also result in a building or improvement moratorium being placed on the property for a period not to exceed ten years and will apply to any subsequent owner of the property until the term is completed. A notice of noncompliance may also be recorded on the property. (Ord. 2006-222 § 2, 2006; Ord. 2005-210 § 1, 2005; Ord. 2001-166 § 3, 2001)
Chapter 17.34 Green Development Standards

Sections:

17.34.010 Standards.
17.34.020 Applicability.
17.34.030 Exemptions.

17.34.010 Standards.

A. The city will use the Leadership in Energy and Environmental Design rating system, referred to herein as Calabasas-LEED, to assess the environmental sensitivity of new structures in the city that is subject to this chapter. The Calabasas-LEED system is the United States Green Building Council’s LEED Rating System Version 2.0, or current version adopted by the city.

B. The development of all structures subject to this chapter shall be required to achieve the equivalent of the following Calabasas-LEED rating prior to issuance of a certificate of occupancy: structures up to five thousand square feet must achieve at least a “Certified” rating and structures above five thousand square feet must achieve at least a “Silver” rating.

C. The development of all structures subject to this chapter shall comply with all other applicable California laws and regulations. Such compliance shall not be qualified by any standard in this chapter.

17.34.020 Applicability.

A. This chapter shall apply to the establishment, construction or replacement of privately-owned and city-owned, non-residential structures over five hundred square feet.

B. Each applicant seeking approval of the development of a structure subject to this chapter shall submit a Calabasas-LEED application to the city, together with a fee in an amount established by resolution of the council to cover the cost of the city’s review of the application.

C. The director shall implement this chapter, and determine whether the development of a structure meets the applicable Calabasas-LEED standard and
Green Development Standards Chapter 17.34

no permit, approval or other entitlement under this title, nor any certificate of occupancy under chapter 15.04 of this code, may issue until such a determination is made. The director shall implement the Calabasas-LEED rating system so that nothing required therein shall alter any energy consumption or insulation standards established by the State of California or any of its agencies or commissions.

17.34.030 Exemptions.

This chapter shall not apply to additions to existing structures of less than five hundred square feet and remodels of existing structures which do not involve the creation of more than five hundred square feet of new, useable interior space.
Chapter 17.36 Historic Preservation Ordinance

Sections:

17.36.010 Title.
17.36.020 Purpose.
17.36.030 Applicability.
17.36.040 Historic contexts and historical resource surveys.
17.36.050 Eligibility and designation criteria.
17.36.060 Calabasas register of historic places.
17.36.070 Requirements for archaeological resources.
17.36.080 Designation procedures.
17.36.090 Alterations to historical resources (certificates of appropriateness).
17.36.100 Certificates of economic hardship.
17.36.110 Conservation plan.
17.36.120 Demolition of historic structures (certificates of appropriateness).
17.36.130 Time extensions for certificates of appropriateness.
17.36.140 Revocation of certificates of appropriateness and economic hardship.
17.36.150 The Mills Act.
17.36.160 Historic rehabilitation financing program.
17.36.170 Incentives for historic preservation.
17.36.180 State Historic Building Code.
17.36.190 Preservation easements.
17.36.210 Duty to keep in good repair.
17.36.220 Ordinary maintenance and repair.
17.36.230 Unsafe or dangerous conditions.
17.36.240 Enforcement and penalties.
17.36.250 Historic preservation guidelines.

17.36.010 Title.

This chapter shall be known as the historic preservation ordinance of the City of Calabasas.
17.36.020 Purpose.

The council declares that the recognition, preservation, protection and reuse of historic resources are required in the interests of the health, prosperity, safety, social and cultural enrichment, general welfare and economic well-being of the people of Calabasas. The designation and preservation of historic resources and districts, and the regulation of signs, alterations, additions, repairs, removal, demolition or new construction to perpetuate the historic character of historic resources and districts, is declared to be a public purpose of the city.

Therefore, the purposes of this chapter include the following:

A. Safeguarding Calabasas’ heritage by protecting resources that reflect elements of the city’s cultural, social, economic, architectural and archaeological history;

B. Promoting public understanding, appreciation and involvement in the city’s unique heritage;

C. Fostering civic pride in notable accomplishments of the past;

D. Deterring demolition, misuse or neglect of historic resources, landmarks, districts, contributing resources, and potential historic resources, landmarks or districts, which represent important links to Calabasas’ or California’s past;

E. Promoting conservation, preservation, protection and enhancement of historic resources and potential historic resources;

F. Protecting and enhancing the city’s attractiveness to residents and visitors, and supporting economic development;

G. Restoring and improving the city’s visual and aesthetic character;

H. Promoting the use of historic resources, especially for the education, appreciation and general welfare of the people of Calabasas.

17.36.030 Applicability.

The provisions of this chapter shall apply to all historical resources within the City of Calabasas.
17.36.040 Historic contexts and historical resource surveys.

The city shall develop, from time to time, historic contexts and historic resource surveys. Historic contexts and historic resource surveys can serve many purposes, including providing the basis to identify and evaluate properties that have the potential to be considered eligible historical resources, as identified in Section 17.36.050. For the purposes of this chapter, historic contexts and historical resource surveys are explained below to provide greater knowledge of the role they serve in an historic preservation program.

A. Historical Context. An historic context provides the background and the basis for evaluating properties to determine their historical significance. An historic context is an organizational framework for historic preservation. The historic context organizes information based on a cultural theme and its geographical and chronological limits. Contexts describe the significant broad patterns of development in an area that may be represented by historic properties. The development of historic contexts is the foundation for decisions about identification, evaluation, registration and treatment of historic properties. An historic context provides an understanding of the relationship of individual properties to other similar properties, which in turn allows decisions about the identification, evaluation, registration and treatment of historic properties to be made reliably. Information about historic properties representing aspects of history, architecture, archeology, engineering and culture must be collected and organized to define these relationships.

B. Historical Resource Surveys. Surveys are performed to identify properties that have the potential to become eligible historical resources as well as areas and neighborhoods that, due to the concentration of potential historical resources, have the potential to be historic districts. Surveys are conducted at two different levels: reconnaissance and intensive. Properties surveyed at the reconnaissance level in accordance with the standards set forth by the California Office of Historic Preservation are identified but not evaluated for historic significance. Intensive-level surveys identify and evaluate properties for historic significance.

17.36.050 Eligibility and designation criteria.

A. Eligibility.

1. Any property surveyed at the intensive level in accordance with the standards set forth by the California Office of Historic Preservation, and determined by the historic preservation commission to meet the designation
criteria for historic landmarks set forth in this section, is considered an eligible historical resource.

2. Any cultural landscape surveyed at the intensive level in accordance with the standards set forth by the California Office of Historic Preservation, and determined by the commission to meet the designation criteria for historic landscapes set forth in this section, is considered an eligible historical landscape.

3. Any area or neighborhood surveyed at the intensive level in accordance with the standards set forth by the California Office of Historic Preservation, and determined by the commission to meet the designation criteria for historic districts set forth in this section, is considered an eligible historic district.

B. Historic Landmarks. Any eligible historical resource may be designated an historic landmark by the council pursuant to Section 17.36.080, if it meets the criteria for listing in the National Register of Historic Places or the California Register of Historical Resources, or it meets one of the following criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of Calabasas' history;

2. Is associated with the lives of persons important to Calabasas' history;

3. Embodies the distinctive characteristics of a type, period, region or method of construction; represents the work of a master; or possesses high artistic values;

4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

C. Historic Districts. Any eligible historic district may be designated as an historic district by the council pursuant to Section 17.36.080, if the neighborhood meets the criteria for listing in the National Register of Historic Places or the California Register of Historical Resources, or the neighborhood meets one of the following criteria:

1. Is a contiguous area possessing a concentration of eligible historic resources or thematically related grouping of structures which contribute to each other and are unified by plan, style, or physical development; and (b)
embraces the distinctive characteristics of a type, period, region, or method of construction, represents the work of a master, or possesses high artistic values.

2. Reflects significant geographical patterns, including those associated with different areas of settlement and growth; particular transportation modes; or distinctive examples of a park landscape, site design, or community planning.

3. Is associated with, or the contributing resources are unified by, events that have made a significant contribution to the broad patterns of Calabasas’ history.

4. Its contributing resources are associated with the lives of persons important to Calabasas’ history.

D. Historic Landscapes. Any eligible historical landscape may be designated as an historic landscape pursuant to Section 17.36.080, if the landscape meets the criteria for listing in the National Register of Historic Places or the California Register of Historical Resources, or the neighborhood meets one of the following criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of Calabasas’ history;

2. Is associated with the lives of persons important to Calabasas’ history;

3. Embraces the distinctive characteristics of a type, period, region or method of construction; represents the work of a master; or possesses high artistic values;

4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

E. Automatic Designation. Any property listed in the National Register of Historic Places or the California Register of Historical Resources is a local historic landmark. Any cultural landscape listed in the National Register of Historic Places or the California Register of Historical Resources is a local historic landscape. Any neighborhood or area listed in the National Register of Historic Places or the California Register of Historical Resources is a local historic district. Any property identified as a contributing structure to a district listed on the
National Register of Historic Places or the California Register of Historical Resources is a contributing structure in the local historic district.

F. Considerations in Evaluating Properties--Integrity. In addition to having significance, a resource must have integrity for the time period in which it is significant. The period of significance is the date or span of time within which significant events transpired, or significant individuals made their important contributions. Integrity is the authenticity of a historical resource’s physical identity as evidenced by the survival of characteristics or historic fabric that existed during the resource’s period of significance. Only after significance has been established should the issue of integrity be addressed. The following factors should be considered when evaluating properties for integrity.

1. Design. Any alterations to the property should not have adversely affected the character-defining features of the property. Alterations to a resource or changes in its use over time may have historical, cultural, or architectural significance.

2. Setting. Changes in the immediate surroundings of the property (buildings, land use, topography, etc.) should not have adversely affected the character of the property.

3. Materials and Workmanship. Any original materials should be retained or, if they have been removed or altered, replacements have been made, that are compatible with the original materials.

4. Location. The relationship between the property and its location is an important part of integrity. The place where the property was built and where historic events occurred is often important to understanding why the property was created or why something happened. The location of an historic property, complemented by its setting, is particularly important in recapturing the sense of historic events and persons. Except in a few cases, the relationship between a structure and its historic associations is destroyed if the structure is moved.

5. Feeling. Feeling is a property’s expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property’s historic character.

6. Association. Association is the direct link between an important historic event or person and a historic property. A property retains association if it is
the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer. Like feeling, association requires the presence of physical features that convey a property’s historic character. For example, a Revolutionary War battlefield the natural and man-made elements of which have remained intact since the 18th century retains its quality of association with the battle.

Because feeling and association are subjective criteria, their retention alone is never sufficient to support eligibility. Historical resources must retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance.

17.36.060 Calabasas register of historic places.

City of Calabasas resolutions designating historic landmarks, landscapes, and districts shall comprise the Calabasas Local Register of Historical Resources. The Calabasas historical preservation officer shall maintain the local register and ensure it lists the resources automatically designated pursuant to Section 17.36.050(E) of this chapter.

17.36.070 Requirements for archaeological resources.

The following studies are required for any project that has the potential to affect archaeological resources. All reports will be prepared in accordance with federal and state guidelines, and by persons who meet the Secretary of the Interior’s professional qualification standards.

A. Phase I Archaeological Assessment. A phase I archaeological assessment is required for any property listed or located within a historical resources sensitivity area as identified in the City of Calabasas General Plan.

B. Exceptions to a Phase I Study. Exceptions to the phase I study requirement can be made by the city’s historic preservation officer in any of the following situations:

1. Prior archaeological or historic studies have been performed and no significant deposits have been found;

2. Building additions and modifications will not exceed five percent of the existing building footprint square footage;
3. Interior remodeling or exterior facade renovation is proposed;

4. In other circumstances that, in the city historic preservation officer’s judgment, warrant an exemption from the phase I study requirement. Exemption decisions should be coordinated as part of planning staff review of a project. Exemptions shall not be permitted for phase I, II, or III studies on any parcel where archaeological deposits or historic structures meeting CEQA definitions of significance are met.

C. Phase II Study--Archaeological Significance Evaluations. A phase II study is required if archival or physical evidence on the surface of a location proposed for development indicates that historic or prehistoric archaeological resources or important historical resources may be present. Any phase II (subsurface) archaeological test excavations shall be designed and implemented by trained historic and/or prehistoric archaeologists. The phase II requirements are mandatory where any significant cultural resource is identified as a result of phase I evaluation.

A phase II study shall also determine the probable area and vertical extent of archaeological remains and determine whether the deposits are intact and meet CEQA eligibility requirements pursuant to CEQA guidelines. In the cases of historic structures, the phase II study shall identify the significance of the structure and any potential mitigation plan which may reduce impacts to the structure. The phase II report shall include a plan for mitigation complying with Appendix K of the CEQA guidelines if significant deposits or historic buildings or sites are encountered.

D. Phase III Data Recovery and Mitigation Program. A phase III data recovery and mitigation program shall be required when any archaeological resources are determined to be eligible historical resources under this chapter or CEQA guidelines. Any impacts to a significant historic or prehistoric archaeological site or standing structure shall be mitigated through a phase III (subsurface testing or architectural documentation) data recovery program. Financial limitations on phase III programs shall conform with Appendix K of the CEQA guidelines unless construction is undertaken with federal funds, in which case mitigation funding shall comply with and be limited by federal standards and guidelines. If feasible, construction impacts to significant archaeological deposits shall be minimized through the use of less destructive footing construction technology (post-tensioned slabs, pier footings, etc.). All studies must include mitigation measures to reduce the impact of the proposed project on the archaeological resources.
These studies must be completed as part of a certificate of appropriateness application.

E. Public Records Act. The City of Calabasas will treat all archeological site information, including reports with specific site locations, as confidential information. However, since many nonsensitive properties (such as rock walls, ditches, Victorian buildings, etc.) have been recorded in archeological site records, a review of the individual site record should be accomplished to determine whether a specific property’s location and information should be withheld under any given circumstance. This information will be kept on file with the City of Calabasas’ community development department. The city historic preservation officer, in consultation with the historic preservation commission, will develop a policy regarding access to such records. Any policy should be consistent with state or federal regulations.

17.36.080 Designation procedures.

A. Applications for Nomination.

1. Any person or group, including the city, may request the designation of an historical resource as an historic landmark, landscape or district by submitting an application to the city historic preservation officer.

2. All applications shall include the following:

   a. Documentation indicating how the nominated resource satisfies the designation criteria;

   b. Any other information determined to be necessary for review of the proposed work;

   c. Required fees.

B. Initial Application Review. All applications filed with the CHPO as required by this title shall be initially processed as follows:

1. Completeness Review. Within thirty days of filing, the CPHO shall review all applications for completeness and accuracy before they are accepted as complete.
2. Notification of Applicant and Property Owner. The applicant shall be informed by letter that the application is either complete and has been accepted for processing; or, that the application is incomplete and that additional information, specified in the letter, must be provided. When an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness must occur. The time available to an applicant for submittal of additional information is limited by subsection (B)(3) of this section.

3. Appeal of Determination. Where the CPHO has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the CPHO is not required, the applicant may appeal the determination in compliance with Chapter 17.74.

4. Expiration of Application. If a pending application is not completed by the applicant (i.e., not accepted as complete by the CPHO) within six months after its first filing, the application shall expire and be deemed withdrawn. A new application may then be filed in compliance with this chapter.

C. Historic Preservation Commission. The historic preservation commission shall evaluate each application for landmark, landscape or district nomination, in accordance with the criteria established in Section 17.36.050, at a public hearing, and shall decide by majority vote whether to approve any nomination and forward it to the council with a recommendation for historic designation.

1. The secretary of the commission shall set the time and place for such hearings, which may be continued from time to time.

2. The secretary shall give the applicant(s) and property owner(s) notice of the time, place and purpose of such hearings in writing. The secretary shall also publish a notice of commission hearings according to the noticing requirements in Chapter 17.78. Notwithstanding the requirements of Chapter 17.78, notice shall not be required for all owners of real property within five hundred feet of the subject site. The secretary may also give such additional notice as deemed desirable and practicable.

3. Following the hearing, the historic preservation commission shall recommend by resolution that the council approve or reject the nomination. If the commission votes to nominate the historic resource for landmark,
landscape or district designation, the secretary shall forward the nomination to the council with a written recommendation for designation.

4. Within ten days of the commission’s decision, the secretary shall mail notice thereof to the applicant(s) and owner(s) of record of the property proposed for nomination.

D. Council. The council has sole authority to designate an historic resource as an historic landmark, landscape or historic district.

1. Within ten days of the historic preservation commission’s nomination, the secretary shall send a copy of the historic landmark or district nomination to the city clerk. The city clerk or his/her designee shall set a public hearing at which the council shall consider the commission’s recommendation.

2. The secretary shall give the applicant(s) and property owner(s) notice of the council hearing time and place at least ten days prior to the hearing date, together with a copy of the commission’s written recommendation to the council, according to the noticing procedures contained in Chapter 17.78. Notwithstanding the requirements of Chapter 17.78, notice shall not be required for all owners of real property within five hundred feet of the subject site.

3. Following the hearing, the council shall adopt or reject the historic designation or, at its discretion, continue consideration of the matter, or refer the proposed designation to the commission for further review within a period of time the council sets.

4. Designation of an historic resource as an historic landmark, landscape or district shall be by resolution and shall reference the specific criteria and/or findings on which the historic designation is based.

5. Within ten days of the council’s decision, the city clerk shall mail notice thereof to the applicant(s) and owner(s) of record of the nominated property.

6. All buildings or structures designated as historic landmarks or as part of an historic district pursuant to this chapter shall be so recorded by the city in the office of the Los Angeles County recorder. The recorded document shall contain the name of the owner or owners; a legal description of the property; the date and substance of the designation; a statement explaining that
alteration; relocation or demolition are restricted; and a reference to this section authorizing the recordation.

E. Permits. No building, alteration, demolition, or removal permits for any historical resource shall be issued while a nomination of that resource for designation as an historic landmark or for designation of an historic district to which the resource contributes is pending.

F. Removal. The historic preservation commission shall not recommend that a resource be removed from the local register unless it is discovered that the information relied on by the commission and the council in making the original designation was erroneous or false; or that circumstances wholly beyond the owner’s control have rendered the resources ineligible for designation based on the criteria listed in Section 17.36.050, and it would be infeasible to restore the resource. A resource cannot be removed from the local register merely because the value of the resource has been degraded by neglect.

G. Owner Objection to Designation. No property shall be designated an historic landmark if the owner objects to the designation, unless the council makes the findings listed in subsection (H) below. No area will be designated an historic district if a majority of the property owners of the contributing properties to the proposed district object, unless the council makes the findings listed in subsection (H) below. For historic landscapes, if the landscape is located on a single property, the property shall not be designated as an historic landscape if the property owner objects, unless the council makes the findings listed in subsection (H) below. If the landscape is contained on multiple properties, the properties shall not be designated as an historic landscape if a majority of the property owners object, unless the council makes the findings listed in subsection (H) below.

H. Council Override of Owner’s Objection to Designation. The council may, by a four-fifths vote, designate an historic landmark, historic district, or historic landscape over the objection of the owner(s) as described above in subsection (G) of this section, if all of the following findings are made:

1. The landmark, district, or landscape meets the criteria for designation under Section 17.36.050 of this code;

2. The landmark, district, or landscape is an especially valuable historic resource as compared to other designated resources in and near the city;
3. The social benefit of designating the landmark, district or landscape can be shown by clear and convincing evidence to outweigh the private burden of designation, and designation would not damage the owner of the property unreasonably in comparison to the benefits conferred on the community.

17.36.090 Alterations to historical resources (certificates of appropriateness).

A certificate of appropriateness process is established to ensure that any alteration to an historical resource is in keeping with the historic character of the resource.

A. General Requirements.

1. A certificate of appropriateness is required for any of the following:

   a. Alteration, addition, restoration, rehabilitation, remodeling, demolition or relocation of an historical resource, including interior improvements, when the historic preservation commission has determined that interior features of the historic resource are significant features. Approval of such work shall be required even if no other permits are required by this code or other law.

   b. Any work, including alterations, additions, restorations, rehabilitations, remodeling, or demolition to the exterior of any noncontributing structure in an historic district. Reasonable efforts shall be made to make such exterior alternations compatible with the historic district, and in no event shall alteration of the exterior of a noncontributing structure increase the dissimilarity of the structure and its historic context.

   c. Infill development within an historic district.

   d. Any work, including alterations, additions, restorations, rehabilitations, remodeling, or demolition to any historic landscape.

   e. Development projects that may impact archaeological resources.

2. No permit shall be issued for work on an historical resource until a certificate of appropriateness or waiver has been issued in accordance with this section.
3. Once a certificate of appropriateness has been issued, the city historic preservation officer may inspect the work to ensure that it complies with the approved certificate of appropriateness.

B. Initial Staff Review.

1. The city historic preservation officer shall review all proposed work on any historical resource to determine if a certificate of appropriateness is required.

2. If the CPHO determines the proposed work is consistent with the guidelines set forth in Section 17.36.120(H), a waiver shall be issued.

3. If the CPHO determines the proposed work is not consistent with the guidelines set forth in Section 17.36.120(H), a certificate of appropriateness shall be required.

4. Determinations by the CPHO pursuant to this subsection shall be made within thirty days of the date an application is deemed complete.

C. Applications.

1. All applications shall be filed with the city historic preservation officer. The applicant is encouraged to confer with the CPHO before submittal of the application.

2. All applications shall include the following:

   a. Plans and specifications showing the existing and proposed exterior appearances;

   b. Materials and colors to be used on the exterior of the resource;

   c. Relationship of the proposed work to the surrounding environment, if necessary;

   d. For new construction in historic districts, relationship to the existing scale, massing, architectural style, site and streetscape, landscaping and signage;

   e. Any other information the CHPO reasonably determines to be necessary for review of the proposed work;
f. Required fees.

D. Procedures. Applications for certificates of appropriateness shall be processed in accordance with the procedures listed in Chapter 17.60.

E. Findings of Fact. One of the following findings shall be required for the approval of a certificate of appropriateness:

1. The proposed alteration, restoration, relocation or construction, in whole or in part, will not do any of the following:
   a. Detrimentally change, destroy, or adversely affect any significant architectural feature of the resource;
   b. Detrimentally change, destroy, or adversely affect the historic character or value of the resource;
   c. Be incompatible with the exterior features of other improvements within the district;
   d. Adversely affect or detract from the character of the district.

2. The applicant has obtained a certificate of economic hardship, in accordance with Section 17.36.100.

F. Infill Development.

1. New structures constructed within an historic district shall be designed to be compatible with the architectural style, features and historic character of the district.

2. New buildings shall be compatible with the original style of the contributing resources within an historic district. The design of the new building shall incorporate the following considerations:
   a. The design shall incorporate the design features and details of contributing buildings/structures;
b. The height, width, and length of the new building/structure shall be consistent with the original characteristics of the contributing structures;

c. The exterior materials and treatment shall be similar to the contributing structures.

G. Waivers. When alterations, restorations, rehabilitations, remodeling and additions to historical resources are accomplished in substantial accord with the guidelines set forth in this section, as determined by the city historic preservation officer, a certificate of appropriateness from the historic preservation commission is not required prior to issuance of a building permit in the following cases:

1. Minor Alterations. The CHPO may deem that certain alterations to historical resources are “minor.” Those alterations may include but are not limited to the following, if no change in appearance occurs or the proposed change restores period features:

a. Roofing;

b. Foundation;

c. Chimney;

d. Construction, demolition or alteration of side, rear and front yard fences;

e. Landscaping, unless the property is designated as an historic landscape or the historic landmark or district designation specifically identifies the landscape, layout, features, or elements as having particular historical, architectural, or cultural merit;

f. Wall or monument signs.

2. Additions and Accessory Structures. A waiver may be issued for the construction of accessory structures or small additions to historical resources not visible from a public right-of-way, if the new construction is accomplished in substantial accord with the design guidelines set forth in this section. New construction where a waiver can be issued may include, but is not limited to, the following, if the construction is consistent with the design guidelines:
a. Additions under five hundred square feet;

b. Accessory structures.

17.36.100 Certificates of economic hardship.

A certificate of economic hardship process is established to ensure that denial of a certificate of appropriateness does not impose undue hardship on the owner of a historical resource.

A. General Requirements. No action shall be taken to demolish or otherwise alter an historical resource for a period of fourteen days following the issuance of a certificate of economic hardship.

B. Applications.

1. All applications shall be filed with the city historic preservation officer. The applicant is encouraged to confer with the CPHO before submittal of the application.

2. An application for a certificate of economic hardship shall include the following information. Private financial information shall be maintained in confidence by the city.

   a. Cost estimates for the proposed construction, addition, alteration, demolition or relocation, and an estimate of additional costs that would be incurred to comply with the recommendations of the historic preservation commission for issuance of a certificate of appropriateness.

   b. A rehabilitation report from a licensed engineer or architect with expertise in rehabilitation, as to the structural soundness of any structures on the property and their suitability for rehabilitation.

   c. The estimated market value of the property in its current condition.

   d. The estimated market value of the property after completion of the proposed construction, alteration, demolition, or relocation.
e. The estimated market value of the property after any condition recommended by the commission.

f. In the case of demolition; the estimated market value of the property after renovation of the existing property for continued use.

g. In the case of demolition; an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional with experience in rehabilitation, as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

h. For income-producing properties, information on annual gross income, operating and maintenance expenses, tax deductions for depreciation and annual cash flow after debt service, current property value appraisals, assessed property valuations, and real estate taxes.

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

j. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property.

k. The amount paid for the property if purchased within the previous thirty-six months; the date of purchase; and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.

l. Any listing of the property for sale or rent, including the prices asked and offers received, if any occurred within the previous two years.

m. Any other information considered necessary by the commission to determine whether or not the property does or may yield a reasonable return to the owners.

n. Required fees.

C. Procedures. Applications for a certificate of economic hardship shall be processed in accordance with the procedures listed in Chapter 17.60.
D. Findings of Fact. One or more of the following findings are required for the approval of a certificate of economic hardship.

1. Denial of the application will diminish the value of the subject property, so as to leave substantially no value or otherwise work a taking of the property under the U.S. or State Constitution.

2. Sale or rental of the property is impractical, when compared to the cost of holding such property for uses permitted in the zone.

3. An adaptive reuse study has been conducted and found that lawful use of the property is impractical.

4. Rental at a reasonable rate of return is not feasible.

5. Denial of the certificate of appropriateness would damage the owner of the property unreasonably, in comparison to the benefits conferred on the community.

6. All other means involving city-sponsored incentives, such as transfer of development rights, tax abatements, financial assistance, building code modifications, changes in the zoning ordinance, loans, grants and reimbursements, have been explored to relieve the asserted economic hardship.

17.36.110 Conservation plan.

A conservation plan process is established to expedite review of certificates of appropriateness for proposed work on multiple historical resources in a project area.

A. Contents. A conservation plan should identify the proposed work to be completed within the plan area, any work requiring further review, the structures covered by the plan, and other information reasonably required by the city historic preservation officer to facilitate review of the proposed plan.

B. Procedures. A conservation plan shall be evaluated under the procedures and standards established by this chapter for a certificate of appropriateness.

C. Amendments. Conservation plans may be amended with the approval of the council, upon a recommendation by the historic preservation commission.
D. Findings of Fact. Approval of a conservation plan shall require findings that the proposed alterations, restorations, relocations or construction within the plan area will not, in whole or in part, do any of the following:

1. Detrimentally change, destroy, or adversely affect any significant architectural feature of historical resources;

2. Detrimentally change, destroy, or adversely affect the historic character or value of historical resources;

3. Be incompatible with the exterior features of other improvements within the plan area;

4. Adversely affect or detract from the character of the plan area.

17.36.120 Demolition of historic structures (certificates of appropriateness).

A certificate of appropriateness process is established for demolitions to ensure that any demolition of an historic resource complies with the requirements of this chapter and CEQA guidelines to mitigate the impacts of demolition.

A. General Requirements.

1. A certificate of appropriateness is required for any demolition, in whole or in part, of an historical resource.

2. No permit shall be issued for demolition of an historic resource until a certificate of appropriateness has been issued in accordance with the provisions of this section.

3. Once a certificate of appropriateness has been issued the city historic preservation officer shall, from time to time, inspect the work to ensure compliance with the approved certificate.

B. Applications.

1. All applications shall be filed with the CHPO. The applicant is encouraged to confer with the CHPO before submitting the application.

2. All applications shall include the following information:
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a. Plans and specifications showing the proposed exterior appearance of the project site following demolition, and any proposed new construction;

b. Materials and colors to be used on the exterior of structures on the site following the proposed demolition;

c. Relationship of the proposed work to the surrounding environment, if necessary;

d. Relationship of proposed new construction to the existing scale, massing, architectural style, site and streetscape, landscaping and signage in an historic district;

e. Any other information the CHPO reasonably determines to be necessary for review of the proposed work;

f. Required fees.

C. Procedures. Applications for certificates of appropriateness shall be processed in accordance with Chapter 17.60.

D. Review for Significance. Properties determined to be potential historical resources, but not yet designated as landmarks or contributing resources to an historic district, shall be evaluated for significance in conjunction with any application for demolition. The city historic preservation officer shall review the property for significance and determine its eligibility for listing on the National Register of Historic Places, the California Register of Historical Resources, or local designation in conjunction with the certificate of appropriateness. The review may include, but is not limited to, a historical resources survey at the intensive level in accordance with standards set forth by the office of historic preservation. The historic preservation commission shall make any determination of significance, subject to appeal to the council pursuant to Chapter 17.74.

E. Findings of Fact. One of the following findings shall be made prior to approval of a demolition application.

1. The proposed demolition, in whole or in part, is necessary because of both of the following:
a. All efforts to restore, rehabilitate, and/or relocate the resource have been exhausted;

b. Restoration or rehabilitation is not practical because the extensive alterations required would render the resource not worthy of preservation.

2. The applicant has obtained a certificate of economic hardship in accordance with Section 17.36.100.

F. Mitigation Measures. Prior to the issuance of a permit to demolish an historic resource in accordance with this section, the following mitigation measures must be completed.

1. Documentation. Each historic structure shall be documented to provide a record of the buildings. Plans shall include, but are not limited to, a site plan; floor plans; elevations; and detailed drawings of character-defining features such as moldings, stairs, etc. Photographs shall include the structure’s exterior and interior, and include relevant character-defining features such as moldings, light fixtures, trim patterns, etc.

2. Replacement Structures.

   a. A certificate of appropriateness shall not be issued for the demolition, in whole or in part, of an historical resource, until the city historic preservation officer or the commission has approved a site plan for (a) replacement structure(s).

   b. No permit shall be issued for the demolition, in whole or in part, of an historical resource, until a permit has been issued for (a) replacement structure(s), unless demolition is required in conformance with Section 17.36.230.

3. Salvaged Features and Artifacts. In an effort to preserve features and artifacts from historic structures, a determination whether items within or appurtenant to the building should be salvaged shall be made by the city historic preservation officer, who may consult the Calabasas Historical Society prior to the issuance of the demolition permit.

G. Waiver of Replacement Structure Requirement. The historic preservation commission, upon the recommendation of the city historic preservation officer, may waive the requirement for replacement structures if the ultimate project
proposed for the site of the demolition provides an exceptional benefit to the community.

1. Findings. The following findings must be made to waive the replacement structure requirement.
   a. The demolition is necessary to allow for the acquisition and assembly of land for a future housing project.
   b. The future project will provide exceptional benefits to the city with respect to employment, fiscal, social, housing and economic needs of the community; or will provide new public facilities which are needed by the city (i.e., off-site improvements, parks, open space, recreation, or other community facilities, not including parking lots).

2. Conditions of approval. When the historic preservation commission approves a waiver of the replacement structure requirement, the following conditions shall be applied to the approval.
   a. Any new project on the site shall follow the process for a certificate of appropriateness for a historic landmark or district.
   b. Any new project on the site shall follow the infill guidelines listed in Section 17.36.090(F), to ensure compatibility with the surrounding area or neighborhood.

17.36.130 Time extensions for certificates of appropriateness.

A certificate of appropriateness shall lapse and become void twelve months after the date of approval, unless a building permit (if required) has been issued, work authorized by the certificate of appropriateness has commenced prior to such expiration date, and said work is diligently pursued to completion. Upon request of the property owner and a showing of delays due to no fault of the applicant, or a showing of reasonable diligence by the applicant, the city historic preservation officer director may extend a certificate of appropriateness for an additional period of twelve months. The CHPO may approve, approve with conditions, or deny any request for extension.
17.36.140 Revocation of certificates of appropriateness and economic hardship.

A. A certificate of appropriateness or a certificate of economic hardship may be revoked or modified following notice to the applicant and property owner and a hearing pursuant to Chapter 17.78, upon a finding by the historic preservation Commission that the applicant or property owner is responsible for any of the following:

1. Noncompliance with any terms or conditions of the certificate;
2. Noncompliance with any provision in this chapter;
3. Fraud or misrepresentation in the obtaining of the certificate.

B. Procedures. Revocation proceedings pursuant to subsection A. of this section may be initiated by a dated writing signed by the secretary of the historic preservation commission, who shall give notice of the potential revocation to the applicant and the property owner by certified mail. Upon receipt of such notice, the applicant and property owner, and their agents and contractors, shall cease all work pursuant to the certificate until a final determination by the historic preservation commission can be made, unless the secretary provides written authorization for specified work to secure the project site and protect historic resources pending a historic preservation commission decision.

1. A proposal to revoke a certificate shall be scheduled for the next historic preservation commission meeting, allowing for public noticing pursuant to Chapter 17.78.
2. The historic preservation commission shall determine whether or not to revoke the certificate within sixty days of initiation of the proceedings.
3. The applicant shall be notified of the historic preservation commission’s decision by mail within ten days.

17.36.150 The Mills Act.

A Mills Act contract process is established to provide economic incentives for the preservation of a designated historic landmark or contributing structure within a designated historic district.
A. General Requirements. All designated historic landmarks, contributing structures in designated historic districts, and properties listed on the National Register of Historic Places or the California Register of Historical Resources, are eligible for Mills Act contracts, pursuant to the provisions of Article 12, Sections 50280 through 50289, Chapter 1, Part 1, Title 5, of the California Government Code.

B. Required Provisions of a Mills Act Contract. All Mills Act contracts shall comply with Section 50281 of the California Government Code, which include, but are not limited to, the following provisions:

1. The term of the contract shall be for a minimum of ten years.

2. The applicant and property owner shall be required to comply during the term of the contract with the U.S. Secretary of the Interior’s Standards for Treatment of Historic Properties with guidelines for preserving, rehabilitating, restoring and reconstructing historic buildings, as well as the State Historic Building Code.

3. The city shall be authorized to conduct periodic inspections to determine the applicant’s and property owner’s compliance with the contract.

4. The contract shall be binding upon, and inure to the benefit of, all successors in interest to the owner and the applicant.

5. The contract shall require written notice to the State Office of Historic Preservation within six months of execution of the contract.

C. Applications. All applications shall be filed with the community development department. The applicant is encouraged to confer with the department before submittal of the application. All applications shall include the following:

1. A copy of the latest grant deed for the property;

2. A rehabilitation plan/maintenance list of the work to be completed within the ten-year contract period, including cost estimates and the year in which the work will be completed;

3. A financial analysis form showing current property taxes and estimated taxes for the property under a Mills Act contract;

4. Required fees.
D. Procedures. Applications for certificates of appropriateness shall be processed in accordance with Chapter 17.60.

E. Recordation. The approved contract shall be recorded with the county recorder within twenty days of approval.

F. Nonrenewal. A Mills Act contract shall be a perpetual, ten-year contract that automatically renews annually unless and until either party gives written notice to the other that the contract will not be renewed upon the expiration of its current term.

G. Cancellation. A Mills Act contract may be cancelled or modified if the historic preservation Commission finds, after written notice to the applicant and the property owner, and a hearing pursuant to Chapter 17.78, either of the following conditions.

1. The owner or applicant is responsible for any of the following:
   a. Noncompliance with any terms or conditions of the contract;
   b. Noncompliance with any provision in this chapter;
   c. Misrepresentation or fraud used in the process of obtaining the contract.

2. The historic resource has been subject to either of the following:
   a. Destroyed by fire, flood, wind, earthquake or other calamity, or the public enemy;
   b. Taken by eminent domain.

H. Cancellation Procedures. Cancellation proceedings may be initiated by any member of the historic preservation commission.

1. Once notice of possible cancellation has been given under subsection (G) of this section, the proposed cancellation shall be scheduled for the next historic preservation commission meeting, allowing for public noticing requirements in conformance with Chapter 17.78.
2. The historic preservation commission shall make a recommendation to the council, which the commission’s secretary shall transmit to the council and to the applicant and property owner by certified mail.

3. The council, within sixty days of initiation of the proceedings, shall cancel or continue the contract.

4. The historic preservation commission’s secretary shall notify the applicant and the property owner of the council’s decision by certified mail within ten days.

I. Cancellation Fee. If a Mills Act contract is cancelled pursuant to subsection (G)(1) of this section, the property owner shall be liable to the city for a cancellation fee equal to twelve and one-half percent of the current fair market value of the property.

17.36.160 Historic rehabilitation financing program.

The Marks Historic Rehabilitation Act of 1976 was established by the state of California to allow cities and counties to provide long-term, low-interest loans to finance the preservation, restoration, and rehabilitation of historical resources. The City of Calabasas establishes a historic rehabilitation financing program, in accordance with and subject to, the provisions of the Marks Historic Rehabilitation Act.

A. Rehabilitation Area. This area shall consist of all properties within the city.

B. Eligible Structures. Any property eligible for funding under this program must be located within a rehabilitation area as defined in subsection (A) of this section, and must be a designated local historic landmark or landscape, a contributing structure to a designated local historic district, or listed or determined eligible for listing on the California Register of Historical Resources or the National Register of Historic Places.

C. Rehabilitation Requirements. Any property rehabilitated with funding from this program must meet the following requirements.

1. Rehabilitation Standards. Any rehabilitation must use the Secretary of the Interior’s Standards for the Treatment of Historic Properties with guidelines for preserving, rehabilitating, restoring, and reconstructing historic buildings, as well as any local preservation and design guidelines adopted by the city.
2. Maintenance. Any property rehabilitated with funding from this program must be maintained in good condition for a period of at least ten years from the completion of the rehabilitation.

D. Advisory Board. The council will establish an advisory board pursuant to and in accord with state law, if and when an application for funding under this section is received by the city.

17.36.170 Incentives for historic preservation.

The following section is provided to allow for incentives to be used to support the preservation, maintenance and appropriate rehabilitation of the city's designated historical resources.

A. Eligible Properties. Preservation incentives shall be made available to owners of any of the following types of properties:

1. Properties listed on the National Register of Historic Places;
2. Properties listed on the California Register of Historical Resources;
3. Properties designated as local historic landmarks or landscapes;
4. Properties that are contributing structures in designated local historic districts.

B. Eligible Projects. The following types of projects are eligible for preservation incentives. Any project listed below must comply with the Secretary of the Interior’s Standards for the Treatment of Historic Properties and be approved by the historic preservation commission:

1. Restoration or exterior rehabilitation that includes the restoration, repair or replacement, in kind, of significant architectural features;
2. Re-roofing with similar material, or repair and replacement of roofing, where the roof is a significant architectural feature;
3. Relocation to another site;
4. Restoration of designated interior spaces;

5. Seismic reinforcement or structural rehabilitation;

6. Replacement of building systems that will further the preservation of the historical resource;

7. Additions shall be eligible for development incentives only.

C. Incentives. The following incentives may be used for eligible projects as listed in subsections (A) and (B) of this section:

1. Economic and Financial Incentives. The following incentives may be applied to a project approved by the historic preservation commission, and subject to approval by the city manager:

   a. Approval of a Mills Act contract pursuant to Section 17.36.150;

   b. Approval of funding through the historic rehabilitation financing program, as prescribed in Section 17.36.160;

   c. Grants or loans through other city funding sources, including housing funds;

   d. Preservation easements;

   e. Reduction or elimination of building plan-check or permit fees;

   f. Reduction or elimination of development-impact fees;

   g. Reduction or elimination of any other applicable city fees;

   h. Federal Rehabilitation Tax Credits (applied through the California Office of Historic Preservation).

2. Development Incentives.


   b. Parking Variances. For single-family residences, the zoning requirement for two parking spaces within an enclosed garage when
adding floor area shall be waived, if an existing one-car garage contributes to the significance of the property and/or district and is in good condition or, if deteriorated, will be returned to good condition as part of work to add new living space to the residence.

c. Setback Reduction. Reductions in required setbacks or height requirements may be granted when a reduction allows for the restoration of a character-defining feature, or allows for character-defining features to be replicated in additions to historic structures. In no case shall a reduction in a setback be granted when the reduction will cause an adverse affect to the property or cause an adverse affect to the character of the neighborhood or district.

17.36.180 State Historic Building Code.

The California State Historic Building Code (SHBC) provides alternative building regulations for the rehabilitation, preservation, restoration, or relocation of structures surveyed and identified as historical resources. The SHBC shall be used in evaluating any building permit for work affecting an historical resource.

17.36.190 Preservation easements.

Preservation easements on the facades of buildings designated as historical resources may be acquired by the city, or on the city’s behalf, by a nonprofit group designated by the city through purchase, donation, or condemnation pursuant to California Civil Code Section 815.

17.36.210 Duty to keep in good repair.

In addition to any duty of maintenance established by another provision of this code or other applicable law, the owner or other person in possession of an historical resource has a duty to keep in good repair all of the exterior features of said resource, and all interior features thereof which, if not maintained, may cause or tend to cause the exterior features of said resource to deteriorate, decay, become damaged or fall into a state of disrepair.

A. All historical resources shall be preserved against such decay and be kept free from structural defects through the prompt repair of any of the following:

1. Facades which may fall and injure a member of the public or property;
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2. Deteriorated or inadequate foundations, defective or deteriorated flooring or floor supports, and deteriorated walls or other vertical structural supports;

3. Members of ceilings, roofs and roof supports or other horizontal members which age, split or buckle;

4. Deteriorated or insufficient waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors;

5. Defective or insufficient weather protection for exterior walls, including lack of paint or weathering due to lack of paint, or other protective covering;

6. Any fault or defect in the building, which renders it not watertight or otherwise structurally unsafe.

B. A certificate of appropriateness shall not be issued for the demolition of an historical resource because of the failure of the owner to comply with this section.

C. It shall be the duty of the city’s building officials to enforce this section.

17.36.220 Ordinary maintenance and repair.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this chapter that does not involve a change in design, material, or external appearance thereof.

17.36.230 Unsafe or dangerous conditions.

Nothing contained in this chapter shall prohibit the construction, alteration, restoration, demolition or relocation of any historical resource, when such action is required for public safety due to an unsafe or dangerous condition which cannot be rectified through the use of the California State Historic Building Code.

The community development department shall, upon the assessment and recommendation of the city’s building official, certify that such a condition exists and inform the historical preservation commission of that determination. Upon such certification, a certificate of appropriateness shall not be required for work within the scope of this section.
17.36.240 Enforcement and penalties.

A. Any person who violates a requirement of this chapter, fails to obey an order issued by the historic preservation commission, or fails to comply with a condition of approval for any certificate or permit issued under this chapter, shall be guilty of a misdemeanor punishable pursuant to Section 1.16.020(A) of this code.

B. Any alteration or demolition of an historical resource in violation of this chapter is expressly declared to be a nuisance and shall be abated by restoring or reconstructing the property to its original condition prior to the violation. Any person or entity who demolishes, or substantially alters or causes substantial alteration or demolition of, a structure in violation of the provisions of this chapter, shall be liable for a civil penalty pursuant to subsection (D) of this section and/or Chapter 1.17, as well as any other criminal or civil remedies authorized by this code or other law.

C. Alteration or demolition of an historical resource in violation of this chapter shall authorize the city to issue a temporary moratorium for the development of the subject property for a period not to exceed twenty-four months from the date the city becomes aware of the alteration or demolition. The purpose of the moratorium is to provide the city an opportunity to study and determine appropriate mitigation measures for the alteration or removal of the historic structure, and to ensure measures are incorporated into any future development plans and approvals for the subject property. Mitigation measures as determined by the city historic preservation officer shall be imposed as conditions of any subsequent permit for development of the subject property.

D. In the case of demolition, the civil penalty authorized by subsection (B) of this section shall be equal to one-half the assessed value of the historical resource prior to the demolition. In the case of alteration, the civil penalty authorized by subsection (B) of this section shall be equal to one-half the cost of restoration of the altered portion of the historical resource. Building and construction permits and/or a certificate of occupancy may not be issued for additional work on the property (other than work pursuant to Section 17.36.230) until the penalty has been paid in full to the city.

E. In addition to any other remedies available at law or in equity, the city attorney may maintain an action for injunctive relief to restrain a violation, or cause, where possible, the complete or partial restoration, reconstruction or replacement of any
structure demolished, partially demolished, altered or partially altered in violation of this chapter.

17.36.250 Historic preservation guidelines.

In order to ensure that Calabasas’ historic buildings are preserved for future generations, the historic preservation commission may recommend guidelines for adoption by the council to assist owners in the preservation, rehabilitation, protection and maintenance of historic buildings. Any guidelines shall be consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties with guidelines for preserving, rehabilitating, restoring and reconstructing historic buildings.

A. Secretary of the Interior’s Standards for the Treatment of Historic Properties. Any proposed work on an historical resource should follow the intent of the Secretary of the Interior’s Standards for the Treatment of Historic Properties with guidelines for preserving, rehabilitating, restoring and reconstructing historic buildings. These standards were developed by the federal government to set up very broad, general philosophical principles regarding work done to historic properties. Any proposed work should follow these general principles while meeting any guidelines adopted by the historic preservation commission.
Chapter 17.38 Reasonable Accommodation

Sections:

17.38.010 Purpose.
17.38.020 Application – General.
17.38.030 Application – Contents.
17.38.040 Criteria for granting accommodations
17.38.050 Reviewing authority

17.38.010 Purpose.

In accordance with federal and state law, it is the policy of the city to provide disabled persons reasonable accommodations as necessary to ensure equal access to their dwelling unit and/or place of business. The purpose of this section is to provide a clear and defined process for disabled persons to make reasonable accommodation requests from existing standards in the city’s development code.

17.38.020 Application – General.

Any disabled person, or his or her representative, may request a reasonable accommodation from the application of a land use or zoning regulation, policy, practice or procedure when necessary to afford such persons equal opportunity to use and enjoy their dwelling unit or place of business.

17.38.030 Application – Contents.

A. Application. A disabled person or his/her representative who desires to request a reasonable accommodation may file an application with the department. A reasonable accommodation may be approved only for the benefit of one or more individuals with a disability. An application for a reasonable accommodation from a land use or zoning regulation, policy, or practice shall be made on a form provided by the department. No fee will be required for a request for reasonable accommodation, but if the project requires another discretionary permit and environmental review, then the prescribed fee shall be paid for that discretionary permit and environmental review.

B. If a project for which a reasonable accommodation request is made requires another discretionary approval, then the applicant may file the reasonable accommodation request together with the application for the other discretionary
approval. The processing procedures of the non-reasonable accommodation discretionary approval shall govern the joint processing of both the reasonable accommodation request and the non-reasonable accommodation discretionary permit.

C. Application Contents. In addition to the materials required under other applicable provisions of this code, the applicant is required to submit the following information with the application:

1. The applicant's name, address, and telephone number.
2. If not the applicant, the identity of the disabled person(s), and the applicant's relation to the disabled person(s).
3. Identification and description of the disability which is the basis for the request for reasonable accommodation. The applicant shall include current written certification of the disability and a description of the disability's effects on the individual's medical, physical or mental limitations.
4. The specific exception or modification to this development code, or other land use or development regulation, policy, or practice requested by the applicant.
5. Documentation that the specific exception or modification requested by the applicant is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy his or her residence or business. Where appropriate, the applicant shall include a summary of any alternatives to the reasonable accommodation.
6. Copies of memoranda, correspondence, pictures, plans, or background information reasonably necessary for the review authority to reach a decision regarding the need for reasonable accommodation.
7. Other supportive information deemed necessary by the city to facilitate proper consideration of the request so long as any request for additional information complies with state and federal law.

17.38.040 Criteria for granting accommodations.

A reasonable accommodation request will be reviewed in accordance with the following procedures:
A. Findings. The written decision to approve, conditionally approve, or deny a request for reasonable accommodation shall be based on the following findings, all of which are required for approval:

1. The requested accommodation is requested by or on behalf of one or more individuals with a disability protected by federal or state law.

2. The requested accommodation is necessary to provide accommodation is requested by or on behalf of one or more individuals with a disability protected by federal or state law.

3. The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy their dwelling or business.

4. The requested accommodation will not impose an undue financial or administrative burden to the city.

5. The requested accommodation will not result in a fundamental alteration of a neighborhood’s character or will not substantially undermine any express purpose of the General Plan or any applicable specific plan.

6. The requested accommodation will not, under the specific facts of a case, result in a direct threat to the health and safety of other individuals or substantial physical damage to the property of others.

In making these findings, the review authority may approve alternative reasonable accommodations which provide an equivalent level of use and enjoyment.

B. Conditions. Any modifications granted for an individual with a disability may, at the discretion of the review authority, be considered as a personal accommodation for the individual applicant and may, at the determination of the review authority, not run with the land. The conditions of approval may, where deemed appropriate, provide for any or all of the following:

1. Inspection of the affected property periodically, as specified in the conditions, to verify compliance with this chapter and with any applicable conditions of approval.
2. Prior to any transfer of interest in the property, notice to the transferee of the existence of the modification, and the requirement that the transferee apply for a new modification as necessary. Once such transfer takes effect, the originally approved modification shall have no further validity.

3. Other necessary conditions deemed necessary to protect the public health, safety, and welfare.

17.38.050 Review Authority

A. Director’s review. Requests for reasonable accommodation shall be reviewed by the director, if no discretionary approval is sought other than the request for reasonable accommodation.

The director shall issue a written decision on a request for reasonable accommodation within forty five days of the date of the application and may either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with the required findings set forth in Section 17.38.040.

If necessary to reach a determination on the request for reasonable accommodation, the director may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the forty five day period to issue a decision is stayed until the applicant responds to the request.

B. Concurrent review. A request for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority reviewing the discretionary land use application. The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the review authority in compliance with the applicable review procedure for the discretionary review. The written determination to grant or deny the request for reasonable accommodation shall be made in accordance with Section 17.38.040 of this section.
17.38.060 Discontinuance

Unless the review authority determines a reasonable accommodation runs with the land, a reasonable accommodation shall lapse if the rights granted by it are discontinued for one hundred and eighty consecutive days. If the person initially occupying a residence or business vacate, the reasonable accommodation shall remain in effect only if the director determines that (i) the modification is physically integrated into a structure and cannot easily be removed or altered to comply with the municipal code; (ii) its removal would constitute an unreasonable financial burden; and (iii) the accommodation is necessary to give another disabled individual an equal opportunity to enjoy the dwelling or business. The director may request the applicant or his or her successor-in-interest to the property to provide documentation that subsequent occupants are persons with disabilities. Failure to provide such documentation within ten days of the date of a request by the director shall constitute grounds for discontinuance by the city of a previously approved reasonable accommodation.
ARTICLE IV. SUBDIVISIONS

Chapter 17.40 Subdivision Map Approval Requirements

Sections:

17.40.010 Title and purpose of article.
17.40.020 Applicability and exemptions.
17.40.030 Review authority.
17.40.040 Exceptions.
17.40.050 Notice of judicial challenge.

17.40.010 Title and purpose of article.

This article is and may be cited as the City of Calabasas subdivision ordinance. The regulations in this article are intended to supplement and implement the California Subdivision Map Act, Sections 66410 et seq. of the California Government Code (hereafter referred to as the Map Act). This article is not intended to replace the Map Act, and must be used in conjunction with it in application preparation, and the review, approval and construction of proposed subdivisions.

17.40.020 Applicability and exemptions.

A. Tentative, and Final or Parcel Map Required. Except as otherwise provided by subsection (B) of this section, any subdivision of land in the city shall require the filing and approval of a tentative map in compliance with Chapter 17.41 and:

1. Parcel map: a parcel map (Sections 17.42.100 and following) for a subdivision creating four or fewer parcels, with or without a designated remainder in compliance with Chapter 1, Article 2 of the Map Act; or

2. Final map: a final map (Sections 17.42.200 and following) for a subdivision of five or more parcels.

B. Exemptions—No Subdivision Approval Required. In compliance with Article 1, Chapter 1 of the Map Act, the following subdivisions do not require the filing or approval of tentative, parcel or final maps.
1. Agricultural Leases. Leases of agricultural land for the cultivation of food or fiber, or the grazing or pasturing of livestock.

2. Cellular Antenna Facilities. The leasing or licensing of a portion of a parcel, or the granting of an easement, development plan, or similar right on a portion of a parcel, to a telephone corporation as defined in Public Utilities Code Section 234, exclusively for the placement and operation of cellular radio transmission facilities, including but not limited to antenna support structures, microwave dishes, structures to house cellular communications transmission equipment, power sources, and other incidental equipment.


4. Commercial/Industrial Financing or Leases. The financing or leasing of:
   a. Offices, stores or similar spaces within commercial or industrial buildings; existing separate commercial or industrial buildings on a single parcel; or
   b. Any parcel or portion of a parcel, in conjunction with the construction of commercial or industrial buildings on the same site when Article II of this Development Code requires a site plan review or conditional use permit for the project.

5. Condominium Conversions. The conversion of:
   a. A community apartment project or a stock cooperative to condominiums, if the conversion satisfies the requirements of Map Act Sections 66412(g) or 66412(h), respectively; or
   b. Certain mobilehome parks to condominiums as provided by Map Act Section 66428(b).

6. Lot Line Adjustments. A lot line adjustment between four or fewer adjoining parcels processed in compliance with Chapter 17.44.

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8. Public Agency or Utility Conveyances. Any conveyance of land, including a fee interest, an easement, or a license, to a governmental agency, public entity, public utility or a subsidiary of a public utility for rights-of-way.

9. Small, Removable Commercial Buildings. Subdivisions of four parcels or less for the construction of removable commercial buildings having a floor area of less than one hundred square feet.

10. Residential Financing or Leases. The financing or leasing of: apartments, or similar spaces within apartment buildings, mobilehome parks or trailer parks; or “granny” units or secondary housing units in compliance with Government Code Sections 65852.1 or 65852.2, respectively.

11. Separate Assessments. Any separate assessment under Section 2188.7 of the Revenue and Taxation Code.

C. Appeals. Any determination or action in compliance with this article may be appealed in compliance with Chapter 17.74.

17.40.030  Review authority.

The authority to review and approve tentative maps, parcel and final maps, lot line adjustments, and certificates and conditional certificates of compliance in compliance with this article, is determined by section 17.60.020 and the provisions of this article.

17.40.040  Exceptions.

An exception to any of the provisions of this article may be requested by a subdivider in compliance with this section. An exception shall not be used to waive or modify provisions of the Map Act.

A. Application. An application for an exception shall be submitted on forms provided by the department together with the required filing fee. The application shall include a description of each standard and requirement for which an exception is requested, together with the reasons why the subdivider believes the exception is justified.

B. Filing and Processing. A request for an exception may be filed with the tentative map application to which it applies, or after approval of the tentative map. An exception shall be processed and acted upon in the same manner as the
tentative map, concurrently with the tentative map if the exception request was filed at the same time. An exception shall not be considered as tentative map approval and shall not extend the time limits for expiration of the map established by Section 17.41.310.

C. Approval of Exception. The commission or council shall not grant an exception unless all the following findings are first made:

1. There are exceptional or extraordinary circumstances or conditions applicable to the proposed subdivision, including size, shape, topography, location or surroundings;

2. The exceptional or extraordinary circumstances or conditions are not due to any action of the subdivider subsequent to the enactment of this Development Code;

3. The exception is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity and zoning district and denied to the proposed subdivision;

4. Granting the exception will not be materially detrimental to the public welfare nor injurious to the property or improvements in the vicinity and zoning district in which the property is located; and

5. The exception will not affect the consistency of the proposed subdivision with the General Plan or any applicable specific plan.

6. In granting an exception, the review authority shall impose substantially the same regulations applicable to a tentative map for which the exception is requested and shall impose whatever conditions it deems necessary to protect the public health, safety, general welfare and convenience. The review authority shall also require the mitigation of any environmental impacts in compliance with CEQA.

17.40.050 Notice of judicial challenge.

At least thirty days prior to filing any judicial action or proceeding to attack, review, set aside, void or annul the decision of the commission or council concerning a tentative, parcel or final map, or any of the proceedings, acts or determinations taken, done or made prior to the decision, or to determine the reasonableness, legality or validity of any
condition attached thereto, written notice shall be served upon the council detailing the nature of the conduct or action intended to be challenged. This section is not intended to extend or toll in any way the statute of limitations provided in Map Act Section 66499.37.
Chapter 17.41 Tentative Map Filing and Processing

Sections:

17.41.010 Tentative map preparation—Application contents.
17.41.020 Tentative map filing—Initial processing.
17.41.030 Development review committee evaluation.
17.41.040 Commission review and decision.
17.41.050 Tentative map public hearings.
17.41.100 Findings for Tentative map approval or disapproval.
17.41.110 Conditions of approval.
17.41.120 Effective date of tentative map approval.
17.41.130 Changes to approved tentative map or conditions.
17.41.140 Completion of subdivision process.
17.41.200 Vesting tentative map.
17.41.300 Tentative map time limits.
17.41.310 Expiration of approved tentative map.
17.41.320 Extensions of time for tentative maps.
17.41.330 Applications deemed approved.

17.41.010 Tentative map preparation—Application contents.

Tentative map submittals shall include the application forms, and all information and other materials prepared as required by the tentative map preparation and contents instruction list, provided by the department.

17.41.020 Tentative map filing—Initial processing.

Tentative map applications shall be submitted to the department for processing, be reviewed for completeness and accuracy, referred to affected agencies, reviewed in compliance with the California Environmental Quality Act (CEQA), and evaluated in a staff report in compliance with Chapter 17.60.
17.41.030 Development review committee evaluation.

After completion of the initial processing in compliance with Chapter 17.60, the development review committee shall:

A. Review and evaluate each tentative map as to its compliance and consistency with applicable provisions of this Development Code, the General Plan, applicable specific plan, and the Map Act; and

B. Determine the extent to which the proposed subdivision complies with the findings in Section 17.41.100, and recommend to the commission the approval, approval with specified conditions, or disapproval of the tentative map application.

The applicant shall be provided a copy of the staff report before a meeting of the development review committee to consider a tentative map.

17.41.040 Commission review and decision.

After review of a tentative map application by the development review committee (Section 17.41.030), the Commission shall be responsible for the following:

A. Conduct a public hearing on a proposed tentative map, and shall consider the recommendations of the development review committee, and any agency providing comments on the tentative map in compliance with Section 17.60.050(B). The public hearing shall be scheduled and notice provided in compliance with Section 17.41.060; and

B. Review and evaluate each tentative map as to its compliance and consistency with applicable provisions of this Development Code, the General Plan, applicable specific plan, and the Map Act. The commission’s evaluation shall be based on a staff report (Section 17.60.070) and information provided by an initial study or environmental impact report (Section 17.60.060), and any public testimony and evidence received during the public hearing.

C. In compliance with Government Code Section 66452.1, approve, conditionally approve, or disapprove the tentative map within fifty days after certification of an environmental impact report or adoption of a negative declaration on the tentative map. This fifty day time limit may be extended by mutual consent of the subdivider and the Commission.
Approval or conditional approval of a tentative map shall be granted only after the commission has first made all findings required by Section 17.41.100. The commission may impose conditions of approval in compliance with Section 17.41.110.

The director shall report the action of the commission to the council. If the tentative map is conditionally approved, the report shall specify the conditions.

17.41.050 Tentative map public hearings.

When a public hearing is required by this Development Code for a tentative map or an appeal of a tentative map decision, the hearing shall be scheduled and conducted in compliance with this section, in addition to public notice being provided in compliance with Chapter 17.78.

A. Scheduling of Hearing-Decision. A public hearing on a tentative map or appeal shall be scheduled, and a decision shall be reached, within the following time limits.

1. Tentative Map.
   a. Hearing. A hearing on a tentative map by the commission shall be scheduled pursuant to Section 17.41.040(C).
   b. Decision on Map. The commission shall approve, conditionally approve or disapprove the tentative map within the time limits set forth in 17.41.040 C.

2. Appeals. A hearing on an appeal (Chapter 17.74) shall be scheduled within thirty days after the filing of the appeal, and the council shall reach its decision on the appeal within ten days of the conclusion of the hearing. If there is no regular meeting date within thirty days, the appeal hearing shall be conducted at a special meeting or other meeting as early as possible after proper notice.

3. Distribution of Staff Report. The staff report on the tentative map shall be mailed to the subdivider (and each tenant of the subject property, in the case of a condominium conversion (Section 17.44.310)) at least ten days before any hearing or action on the tentative map by the commission or council.
4. Notice of a hearing shall be given to any owner of a mineral right who has recorded a notice of intent to preserve the mineral right pursuant to Section 883.230 of the Civil Code.

17.41.100 Findings for Tentative map approval or disapproval.

In order to approve a tentative map and conditions of approval, or to disapprove a tentative map, the commission shall first make the findings required by this section. In determining whether to approve a tentative map, the city shall apply only those ordinances, policies and standards in effect at the date the department determined that the application was complete in compliance with Section 17.60.050 except where the city has initiated General Plan, specific plan or Development Code changes, and provided public notice as required by Map Act Section 66474.2.

A. Required Findings for Approval. The review authority may approve a tentative map only when it shall first find that the proposed subdivision, together with the provisions for its design and improvement:

1. Is consistent with the General Plan, and any applicable specific plan, and

2. That none of the findings for disapproval in subsection (D) of this section can be made. The findings shall apply to each proposed parcel as well as the entire subdivision, including any parcel identified as a designated remainder in compliance with Map Act Section 66424.6.

B. Supplemental Findings. In addition to the findings required for approval of a tentative map by subsection (A) of this section, the following findings are also required when they are applicable to the specific subdivision proposal:

1. It is in the interest of the public health and safety, and it is necessary as a prerequisite to the orderly development of the surrounding area, to require the construction of road improvements within a specified time after recordation of the parcel map, where road improvements are required (see Section 17.46.020);

2. Any findings required by Sections 17.44.310 for condominium conversions.

C. Findings for Waiver of Parcel Map. If waiver of a parcel map has been requested with the tentative map application, the review authority shall determine whether the findings required by Section 17.42.110 can also be made.
D. Findings Requiring Disapproval. A tentative map shall be denied if the review authority makes any of the following findings:

1. The proposed subdivision including design and improvements is not consistent with the General Plan or any applicable specific plan;

2. The site is not physically suitable for the type or density of the proposed development;

3. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or injure fish or wildlife or their habitat;

4. The design of the subdivision or type of improvements is likely to cause serious public health problems;

5. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision. This finding may not be made if the review authority finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the review authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision;

6. The discharge of sewage from the proposed subdivision into the community sewer system would result in violation of existing requirements prescribed by this Municipal Code or the California Regional Water Quality Control Board; or

7. The proposed subdivision is not consistent with all applicable provisions of this Development Code, the Municipal Code, or the Map Act.

E. Findings that may Justify Disapproval. A tentative map may be denied if the commission or council (as applicable) makes any of the following findings:

1. The tentative map is not in conformity with accepted planning or engineering standards;
2. The environmental, public services or facilities costs to city taxpayers outweigh the advantages created by the proposed subdivision;

3. The proposed development is not compatible with the character of the neighborhood;

4. The proposed development is in an area not desirable for the intensive use proposed; or

5. A preliminary soils report or geological hazard report indicates adverse soil or geological conditions and the subdivider has failed to provide sufficient information to the satisfaction of the city engineer, commission or council that the conditions can be corrected in the plan for the development.

17.41.110 Conditions of approval.

Along with the approval of a tentative map, the adoption of conditions of approval shall occur in compliance with this section, provided that all conditions shall be consistent with the requirements of the Map Act.

A. Mandatory Conditions. The review authority shall adopt conditions of approval that will:

1. Require that parcels, easements or rights-of-way be provided for streets, water supply and distribution systems, sewage disposal systems, storm drainage facilities, solid waste disposal, and public utilities providing electric, gas and communications services, as may be required to properly serve the subdivision. Easements for public utilities shall be limited to those needed to provide service to present and future development;

2. Mitigate or eliminate environmental problems identified through the environmental review process, or require redesign of the subdivision as a prerequisite to the approval of the tentative map;

3. Carry out the specific requirements of Chapters 17.46 and 17.48 of this Development Code;

4. Secure compliance with the requirements of this Development Code and the General Plan; and
5. Require that any designated remainder parcels not be subsequently sold unless a certificate or conditional certificate of compliance (Sections 17.44.200 and 17.44.210, respectively) is obtained before recordation of a final or parcel map, or is further subdivided in compliance with this Development Code.

B. Optional Conditions. The review authority may also require as conditions of approval:

1. The waiver of direct access rights to any existing or proposed streets;

2. The dedication of additional land for bicycle paths, local transit facilities, (including bus turnouts, benches, and shelters), sunlight easements, and school sites, in compliance with Map Act Chapter 4, Article 3;

3. The reservation of sites for public facilities, including fire stations, libraries, and other public uses in compliance with Map Act Chapter 4, Article 4;

4. Time limits or phasing schedules for the completion of conditions of approval, when deemed appropriate; and/or

5. Any other conditions deemed necessary by the review authority to achieve compatibility between the proposed subdivision, its immediate surroundings, and the community, or to achieve consistency with the General Plan, the Municipal Code or state law.

17.41.120 Effective date of tentative map approval.

The approval of a tentative map shall become effective for the purposes of pursuing recordation, including compliance with conditions of approval, on the eleventh day after the decision on a subdivision by the commission unless an appeal to the decision is filed before that time, as set forth in Chapter 17.74.

17.41.130 Changes to approved tentative map or conditions.

A subdivider may request changes to an approved tentative map or its conditions of approval before recordation of a parcel or final map in compliance with this section. Changes to a parcel or final map after recordation are subject to Section 17.42.420.
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A. Limitation on Allowed Changes. Changes to a tentative map that may be requested by a subdivider in compliance with this section include major adjustments to the location of proposed lot lines and improvements, and reductions in the number of approved lots (but no increase in the number of approved lots), and any changes to the conditions of approval, consistent with the findings required by subsection (D) of this section. Other changes shall require the filing and processing of a new tentative map.

B. Application for Changes. The subdivider shall file an application and filing fee with the department, using the forms furnished by the department, together with the following additional information:

1. A statement identifying the tentative map number, the features of the map or particular conditions to be changed and the changes requested, the reasons why the changes are requested, and any facts that justify the changes; and

2. Any additional information deemed appropriate by the department.

C. Processing. Proposed changes to a tentative map or conditions of approval shall be processed in the same manner as the original tentative map, except as otherwise provided by this section.

D. Findings for Approval. The review authority shall not modify the approved tentative map or conditions of approval unless it shall first find that the change is necessary because of one or more of the following circumstances, and that all of the applicable findings for approval required by Section 17.41.100(A) and (B) can still be made:

1. There was a material mistake of fact in the deliberations leading to the original approval;

2. There has been a change of circumstances related to the original approval; and

3. A serious and unforeseen hardship has occurred, not due to any action of the applicant subsequent to the enactment of this Development Code.

E. Effect of Changes on Time Limits. Approved changes to a tentative map or conditions of approval shall not be considered as approval of a new tentative map, and shall not extend the time limits provided by Section 17.41.310.
17.41.140 Completion of subdivision process.

A. Compliance with Conditions--Improvement Plans. After approval of a tentative map pursuant to this chapter, the subdivider shall proceed to fulfill the conditions of approval within any time limits specified by the conditions and the expiration of the map and, where applicable, shall prepare, file and receive approval of improvement plans pursuant to Chapter 17.48 before constructing any required improvements.

B. Parcel or Final Map Preparation, Filing and Recordation.

1. A parcel map for a subdivision of four or fewer parcels shall be prepared, filed, processed and recorded as set forth in Chapter 17.42 to complete the subdivision, unless a parcel map has been waived in compliance with Section 17.42.110.

2. A final map for a subdivision of five or more parcels shall be prepared, filed, processed and recorded as set forth in Chapter 17.42 to complete the subdivision.

17.41.200 Vesting tentative map.

This section establishes procedures to implement the vesting tentative map requirements of state law, Sections 66498.1 et seq. of the Map Act.

A. Applicability. Whenever this Development Code requires that a tentative map be filed, a vesting tentative map may instead be filed, provided that the vesting tentative map is prepared, filed and processed in compliance with this section.

1. A vesting tentative map may be filed for either residential, commercial or industrial developments.

2. If a subdivider does not seek the rights conferred by this section, the filing of a vesting tentative map is not a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction; however, nothing in this section shall be construed to eliminate the need for a subdivider to obtain subdivision approval in compliance with the other applicable provisions of this Development Code or the Municipal Code.
B. Procedures for Processing a Vesting Tentative Map. A vesting tentative map shall be filed in the same form, have the same contents and accompanying data and reports and, shall be processed in the same manner as set forth by this chapter as a tentative map, except as follows.

1. Application Content. The vesting tentative map shall include the following information in addition to that required by Section 17.41.010:
   
a. Title. The vesting tentative map shall be prepared with the words “vesting tentative map” printed conspicuously on its face; and
   
b. Intended Development. The vesting tentative map application shall include accurately drawn, preliminary floor plans and architectural elevations for all buildings and structures intended to be constructed on the property after subdivision.

2. Findings for Approval. The approval of a vesting tentative map shall not be granted unless the review authority first determines that the intended development of the subdivision is consistent with the zoning regulations applicable to the property at the time of filing, in addition to all other findings required for tentative map approval by Section 17.41.100.

C. Expiration of Vesting Tentative Map. An approved vesting tentative map shall be subject to the same time limits for expiration as are established for tentative maps by Sections 17.41.300 et seq.

D. Changes to Approved Map or Conditions. The subdivider may apply for an amendment to the vesting tentative map or conditions of approval at any time before the expiration of the vesting tentative map. An amendment request shall be considered and processed as a new application, in compliance with this section.

E. Development Rights Vested.

1. The approval of a vesting tentative map shall confer a vested right to proceed with development of the subdivided lots in substantial compliance with the ordinances, policies and standards (excluding fees) described in Section 66474.2 of the Map Act.

2. If Map Act Section 66474.2 is repealed, approval of a vesting tentative map shall confer a vested right to proceed with development in substantial
compliance with the ordinances, policies and standards in effect at the time the map is approved.

3. Subsequent land use permits, building permits, extensions of time or other entitlements filed on parcels created by the subdivision may be conditioned or denied if:

   a. A failure to do so would place the residents of the subdivision or the immediate area in a condition dangerous to health or safety; or

   b. The condition or disapproval is required in order to comply with state or federal law.

4. Fees charged for building or land use permits, filed after the approval of a vesting tentative map shall be as required at the time the subsequent permit applications are filed, including any related utility or development impact fees (e.g., sewer/water hookup fees, traffic mitigation fees). Application contents shall be as required by ordinance requirements in effect at the time the subsequent application is filed.

F. Duration of Vested Rights. The development rights vested by this section shall expire if a parcel map or final map is not approved before the expiration of the vesting tentative map in compliance with Sections 17.41.300 et seq. If the parcel or final map is approved and recorded, the development rights shall be vested for the following periods of time.

1. An initial time period of twenty-four months from the date of recordation of the parcel or final map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the Final Map for that phase is recorded.

2. The initial twenty-four months shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if processing exceeds thirty days from the date the application is accepted for processing as complete.

3. The subdivider may apply for a one-year extension at any time before the initial twenty-four months expires. Application for an extension shall be submitted to the department and shall be accompanied by the required fee. The council shall approve or deny any request for extension.
4. If the subdivider submits a complete application for a building permit during the periods of time specified in subsections (F)(1) and (F)(2) above, the vested rights shall continue until the expiration of the building permit, or any extension of that permit.

17.41.300 Tentative map time limits.

An approved tentative map shall be subject to the time limits for expiration and procedures for extension in compliance with Sections 17.41.310 through 17.41.330.

17.41.310 Expiration of approved tentative map.

The expiration date of a tentative map is determined by Map Act Sections 66452.6, 66452.11 and 66463.5. An approved tentative map or vesting tentative map is valid for twenty-four months after its effective date (Section 17.41.120). At the end of that time, the approval shall expire and become void unless:

A. A parcel or final map, and related bonds and improvement agreements, have been filed with the city engineer in compliance with Chapter 17.42; or

B. An extension of time has occurred in compliance with Section 17.41.320.

A tentative map approval shall be deemed to have expired if a parcel or final map has not been recorded within the time limits established by this section or within an extension of time approved in compliance with Section 17.41.320. Expiration of an approved tentative map or vesting tentative map shall terminate all proceedings. The application shall not be reactivated unless a new subdivision application is filed.

17.41.320 Extensions of time for tentative maps.

When a subdivision has not been completed through the recording of a parcel or final map within the time limits set by Section 17.41.310, time extensions may be granted in compliance with this section. Extension requests shall be in writing and shall be filed with the department on or before the date of expiration of the approval or previous extension, together with the required filing fee.
Tentative Map Filing and Processing

Chapter 17.41

A. Tentative Maps. The commission may grant a maximum of three, one-year extensions to the initial time limit only after finding that:

1. There have been no changes to the provisions of the General Plan, any specific plan, or this Development Code applicable to the project since the approval of the tentative map;

2. There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan or other standards of this Development Code apply to the project; and

3. There have been no changes to the capacities of community resources, including but not limited to water supply, sewage treatment or disposal facilities, roads or schools so that there is no longer sufficient remaining capacity to serve the project.

B. Tentative Maps with Multiple Final Maps. Where a subdivider is required to expend more on improvements than the amount, including any annual increase, specified in Map Act Section 66452.6 and multiple final maps are filed covering portions of a single approved tentative map, each filing of a final map shall extend the expiration of the tentative map by an additional thirty-six months from the date of its expiration, or the date of the previously filed final map, whichever is later. Provided that the total of all extensions shall not extend the approval of the tentative map more than ten years from its approval.

C. Vesting Tentative Maps. The commission may grant a maximum of three, one-year extensions to the initial time limit pursuant subsection (A) of this section. Any rights conferred by Section 17.41.200 shall expire if a final map is not approved and recorded before the expiration of the vesting tentative map.

17.41.330 Applications deemed approved.

Any subdivision application deemed approved in compliance with Section 65956 of the Government Code or Map Act Sections 66452 et seq., shall be subject to all applicable provisions of this Development Code, which shall be satisfied by the subdivider before any building permits or other land use entitlements are issued. Parcel or final maps filed for record after the automatic approval of the tentative map therefore shall remain subject to all the mandatory requirements of this Development Code and the Map Act, including but not limited to Map Act Sections 66473, 66473.5 and 66474.
Chapter 17.42 Parcel Maps and Final Maps

Sections:

17.42.010 Purpose of chapter.
17.42.100 Parcel maps.
17.42.110 Waiver of parcel maps.
17.42.120 Parcel map—Form and content.
17.42.130 Parcel map—Filing and processing.
17.42.140 Parcel map approval.
17.42.200 Final maps.
17.42.210 Final map—Form and content.
17.42.220 Final map—Filing and processing.
17.42.230 Final map approval.
17.42.300 Supplemental information sheets.
17.42.400 Recordation of maps.
17.42.410 Effect of recorded map.
17.42.420 Amendments to recorded maps.

17.42.010 Purpose of chapter.

This chapter establishes requirements for the preparation, filing, approval and recordation of parcel and final maps, consistent with the requirements of the Subdivision Map Act.

17.42.100 Parcel maps.

As required by Sections 17.40.020 and 17.41.140 a parcel map shall be filed and approved to complete the subdivision process for a subdivision of four or fewer parcels, except when the requirement for a parcel map is waived as set forth in Section 17.42.110. A parcel map shall be prepared, filed and processed as set forth in Sections 17.42.120 through 17.42.140.

17.42.110 Waiver of parcel maps.

A subdivider may request waiver of a parcel map, and the commission may grant the waiver in compliance with this section.
A. When Waiver is Allowed. Waiver of a parcel map may be requested by a subdivider and granted by the commission for a subdivision that results in the creation of only two parcels, and the boundaries of the original parcel have been previously surveyed and a map recorded and are certain as to location.

B. Application Processing and Approval. A request for waiver of parcel map shall be submitted with the tentative map application, together with the required filing fee. The waiver request shall be processed and acted upon concurrently with the Tentative Map application. The commission may grant a requested waiver if:

1. The proposed tentative map satisfies all findings required for approval by Section 17.41.100; and

2. The proposed subdivision complies with all applicable requirements of the Map Act and this Development Code as to lot area, improvement and design, drainage, flood control, appropriate improved public roads, sanitary disposal facilities, water supply availability and environmental protection.

C. Expiration of Waiver. An approved waiver of parcel map shall be subject to the same time limits and opportunities for extension of time as the accompanying tentative map, in compliance with Sections 17.41.310 and 17.41.320 and subsection (D) of this section.

D. Completion of Subdivision. A subdivision for which a parcel map has been waived shall be completed by the subdivider satisfying all conditions of approval, and by then filing and obtaining approval of a certificate of completion in compliance with this section.

1. Preparation and Filing of Certificate. The subdivider shall submit an application for a certificate of completion to the city engineer for review and approval, including the following information:

   a. A diagram or exhibit illustrating the configuration and dimensions of the parcels described in the legal descriptions submitted with the certificate of completion;

   b. A statement signed by the subdivider under penalty of perjury that no change in the ownership of the subject property has occurred since the submittal of the title report with the tentative map application. If a change in ownership has occurred, the subdivider shall submit a new title report
issued within sixty days before the filing of the certificate of completion application;

c. A statement by a registered civil engineer, licensed land surveyor, or title company verifying that any required access easements extend to a publicly maintained road;

d. A certificate of completion in the form required by the city engineer, prepared for recording, including:

i. A list of all requirements imposed as conditions of approval of the tentative map, including but not limited to any requirements for the construction of offsite and onsite improvements,

ii. A statement signed by the owner under penalty of perjury attesting that all of the conditions of approval of the tentative map have been met or provided for under the terms of an acceptable subdivision agreement secured by appropriate surety as prescribed by the Map Act, and

iii. A legal description of each parcel created in substantial conformance with the approved tentative map, prepared by a registered civil engineer or licensed land surveyor;

e. Any required recordation fees.

2. Review and Approval of Certificate. The city engineer shall review, approve or disapprove, and complete the processing of a certificate of completion by examining the materials submitted and performing other investigations as necessary to ensure that:

a. All record title owners have consented to the subdivision;

b. The certificate of completion accurately describes the conditions of approval, and that the conditions of approval have been satisfactorily completed; and

c. The legal descriptions on the certificate are accurate, and are in substantial conformance with the approved tentative map.
d. If the city engineer is satisfied that the certificate of completion and materials submitted with it comply with the above requirements, the city engineer shall place an endorsed approval upon the face of the certificate and shall file it with the county recorder. Upon recording, the subdivision shall be deemed completed, and the parcels created by the subdivision may be conveyed or otherwise transferred.

17.42.120 Parcel map-Form and content.

A parcel map shall be prepared by or under the direction of a qualified, registered civil engineer or licensed land surveyor, registered or licensed by the state of California. Parcel map submittals shall include the application forms, and all information and other materials prepared as required by the parcel and final map preparation and contents instruction list, provided by the department.

17.42.130 Parcel map-Filing and processing.

A. Filing with the City Engineer. The parcel map, together with all data, information and materials required by Section 17.42.120 shall be submitted to the city engineer. The parcel map shall be considered submitted when it is complete and complies with all applicable provisions of this Development Code and the Map Act.

B. Review of Parcel Map. The city engineer shall:

1. Determine whether all applicable provisions of this Development Code and the Map Act have been complied with, that the map is technically correct, and that it is in substantial compliance with the approved tentative map; and

2. Obtain verification from the department that the parcel map conforms to the approved tentative map and that any conditions of approval for which that office is responsible have been completed.

If the parcel map does not conform as required above, the subdivider shall be notified, and given the opportunity to make necessary changes and resubmit the parcel map, together with all required data. The fifty day time limit shall not include any time needed by the subdivider to make any necessary changes.
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17.42.140 Parcel map approval.

After determining that the parcel map is in compliance and is technically correct in compliance with Section 17.42.130, the city engineer shall approve the parcel map and forward the map to the county recorder for filing in compliance with Section 66450 of the Map Act, except as follows.

A. Map with Dedications. If a dedication or offer of dedication is required on the parcel map, the city engineer shall forward the parcel map to the council. The map shall then be placed on the council consent agenda for final acceptance. After action by the council, the city engineer shall transmit the parcel map to the county recorder for filing.

B. Map with Incomplete Improvements. If improvements required by this Development Code, conditions of approval or by law have not been completed, the map shall not be approved by the city engineer unless the council first authorizes deferred completion of the improvements by approving an agreement with the subdivider for posting security to guarantee the improvements, in compliance with Section 17.48.040.

C. Effect of Recorded Map. When a properly endorsed parcel map has been filed for record, the subdivision shall be deemed complete, and the new parcels may be conveyed or otherwise transferred. The recordation of the map shall have the effect of eliminating any lot lines that existed within the boundaries of the subdivision before approval of the tentative map.

17.42.200 Final maps.

As required by Section 17.40.020, a final map shall be filed and approved to complete the subdivision process for a subdivision of five or more parcels. A final map shall be prepared, filed and processed as set forth in Sections 17.42.210 through 17.42.230.

17.42.210 Final map-Form and content.

A final map shall be prepared by or under the direction of a qualified registered civil engineer or licensed land surveyor, registered or licensed by the state of California. Final map submittals shall include all information and other materials prepared as required by the parcel and final map preparation and contents instruction list, provided by the department. A final map submittal shall also include a digital copy of the final map, prepared using computer software and standards specified by the city engineer.
17.42.220 Final map-Filing and processing.

A. Filing with City Engineer. The final map, together with all data, information and materials required by Section 17.42.210 shall be submitted to the city engineer. The final map shall be considered submitted when it is complete and complies with all applicable provisions of this Development Code and the Map Act.

B. Review of Final Map. The city engineer shall review the final map and all accompanying materials, and shall:

1. Determine whether all applicable provisions of this Development Code and the Map Act have been complied with, that the map is technically correct, and that it is in substantial compliance with the approved tentative map; and

2. Obtain verification from the department that the final map conforms to the approved tentative map and that any conditions of approval for which that office is responsible have been completed.

If the final map does not conform as required above, the subdivider shall be notified, and given the opportunity to make necessary changes and resubmit the parcel map, together with all required data.

C. Multiple Final Maps. The subdivider may file multiple final maps on the approved tentative map if the subdivider either included a statement of intention with the tentative map or, if after the filing of the tentative map, the director approved the request.

17.42.230 Final map approval.

After determining that the final map is technically correct and in compliance with Section 17.42.210, the city engineer shall execute the city engineer’s certificate on the map in compliance with Map Act Section 66442, and forward the final map to the council for action.

A. Review and Approval by Council. The council shall approve or disapprove the final map at its next regular meeting after the city clerk receives the map.

1. Criteria for Approval. The council shall approve the final map if it conforms to all the requirements of the Map Act, all provisions of this Development Code
that were applicable at the time that the tentative map was approved, and is in substantial compliance with the approved tentative map.

2. Waiver of Errors. The council may approve a final map that fails to meet any of the requirements of this Development Code or the Map Act applicable at the time of approval of the tentative map, when the council finds that the failure of the map is a technical or inadvertent error which, in the determination of the council does not materially affect the validity of the map.

3. Approval by Inaction. If the council does not approve or disapprove the map within the prescribed time or any authorized extension, and the map conforms to all applicable requirements and rulings, it shall be deemed approved, and the city clerk shall certify its approval on the map.

B. Map with Dedications. If a dedication or offer of dedication is required on the final map, the council shall accept, accept subject to improvement, or reject with or without prejudice any or all offers of dedication, at the same time as it takes action to approve the final map.

C. Map with Incomplete Improvements. If improvements required by this Development Code, conditions of approval or by law have not been completed at the time of approval of the final map, the council shall require the subdivider to enter into an agreement with the city as specified in Map Act Section 66462, and Section 17.48.040 as a condition precedent to the approval of the final map.

D. Transmittal to Recorder. After action by the council, and after the required signatures and seals have been affixed, the city clerk shall transmit the final map to the county recorder for filing, in compliance with Section 17.42.400.

17.42.300 Supplemental information sheets.

In addition to the information required to be included in parcel maps and final maps (Sections 17.42.120 and 17.42.210, respectively), additional information may be required to be submitted and recorded simultaneously with a final map as required by this section.

A. Preparation and Form. The additional information required by this section shall be presented in the form of additional map sheets, unless the director determines that the type of information required would be more clearly and understandably presented in the form of a report or other document. The additional map sheet or
sheets shall be prepared in the same manner and in substantially the same form as required for parcel maps by Section 17.42.120.

B. Content of Information Sheets. Supplemental information sheets shall contain the following statements and information:

1. Title. A title, including the number assigned to the accompanying parcel or final map by the city engineer, the words “Supplemental Information Sheet;”

2. Explanatory Statement. A statement following the title that the supplemental information sheet is recorded along with the subject parcel or final map, and that the additional information being recorded with the parcel or final map is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest;

3. Location Map. A location map, at a scale not to exceed one inch equals two thousand feet. The map shall indicate the location of the subdivision within the city;

4. Areas Subject to Flooding. Identification of all lands within the subdivision subject to periodic inundation by water;

5. Soils or Geologic Hazards Reports. When a soils report or geological hazard report has been prepared, the existence of the report shall be noted on the information sheet, together with the date of the report and the name of the engineer making the report; and

6. Information Required by Conditions of Approval. Any information required by the reviewing authority to be included on the supplemental information sheet(s) because of its importance to potential successors in interest to the property.

17.42.400 Recordation of maps.

A. At the time of filing of a parcel or final map with the county recorder, the subdivider shall present to the county recorder evidence that, at the time of filing the map, the parties consenting to the filing are all parties having vested fee interest in the property being subdivided and are parties required to sign the certificate described in Map Act Section 66436.
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B. The county recorder will review and act upon parcel and final maps filed with that office in the manner set forth in Article 6, Chapter 3 of the Map Act and other applicable provisions of state law.

17.42.410 Effect of recorded map.

When a properly endorsed final map has been filed for record, the subdivision or reversion to acreage shall be deemed complete, and the new parcels may be conveyed or otherwise transferred. The recordation of the map shall have the effect of eliminating any lot lines that existed within the boundaries of the subdivision before approval of the tentative map.

17.42.420 Amendments to recorded maps.

A recorded parcel or final map shall be modified to correct errors in the recorded map or to change characteristics of the approved subdivision only as set forth in this section.

A. Corrections. In the event that errors in a parcel or final map are discovered after recordation, or that other corrections are necessary, the corrections may be accomplished by either the filing of a certificate of correction or an amending map, in compliance with Article 7, Chapter 3 of the Map Act. For the purposes of this section, “errors” include errors in course or distance (but not changes in courses or distances from which an error is not ascertainable from the parcel or final map), omission of any course or distance, errors in legal descriptions, or any other map error or omission as approved by the city engineer that does not affect any property right, including but not limited to lot numbers, acreage, street names, and identification of adjacent record maps. Other corrections may include indicating monuments set by engineers or surveyors other than the one that was responsible for setting monuments, or showing the proper character or location of any monument that was incorrectly shown, or that has been changed.

B. Changes to Approved Subdivision. In the event that a subdivider wishes to change the characteristics of an approved subdivision, including but not limited to the number or configuration of parcels, location of streets or easements, or the nature of required improvements, the construction of which has been deferred through the approval of an agreement in compliance with Section 17.48.040, a new tentative and parcel or final map shall be filed and approved as required by Section 17.40.020.
Chapter 17.44 Adjustments, Mergers, Certificates of Compliance and Condominiums

Sections:

17.44.010 Purpose of chapter.
17.44.100 Lot line adjustment.
17.44.110 Adjustment application and processing.
17.44.120 Approval or disapproval of adjustment.
17.44.130 Completion of adjustment.
17.44.140 Lot mergers.
17.44.200 Certificates of compliance.
17.44.210 Conditional certificates of compliance.
17.44.300 Condominiums.
17.44.310 Condominium conversions.

17.44.010 Purpose of chapter.

This chapter establishes requirements for special-purpose procedures related to subdivisions, including lot line adjustments, lot mergers, certificates of compliance, conditional certificates of compliance, condominiums and condominium conversions.

17.44.100 Lot line adjustment.

A. In compliance with Map Act Section 66412(d), the lot line adjustment procedure is for the purpose of relocating lot lines between two or more existing adjacent parcels, where land taken from one parcel is added to an adjoining parcel and where no more parcels are created than originally existed. A lot line adjustment shall be processed in compliance with Sections 17.44.110 through 17.44.130.

B. Lots combined by encumbrances or encroachments of existing structures shall be considered a single original parcel for purposes of an adjustment in compliance with this chapter.

17.44.110 Adjustment application and processing.

A lot line adjustment application shall be prepared, filed and processed in compliance with this section.
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A. Application Content. A lot line adjustment application shall include all information and other materials prepared as required by the lot line adjustment preparation and contents instruction list, provided by the department.

B. Processing.

1. Lot line adjustment applications shall be submitted to the department and shall be processed according to the procedures specified by Chapter 17.60.

2. The director shall schedule the lot line adjustment for review by the development review committee. The committee shall review the proposed adjustment for compliance with the provisions of this chapter, and will recommend that the director approve or disapprove the proposed adjustment in compliance with Section 17.44.120.

17.44.120 Approval or disapproval of adjustment.

The director may approve, conditionally approve or deny the lot line adjustment as set forth in this section. Decisions made by the director may be appealed to the commission as set forth in Chapter 17.74.

A. The director shall hold a public hearing in compliance with Chapter 17.78 (Public Hearings) for lot line adjustments involving land area of more than five acres in size or parcels with an average slope of 20% or more.

B. Required Findings. The director shall deny a proposed lot line adjustment if it finds any of the following:

1. The lot line adjustment does not maintain a position with respect to General Plan or specific plan consistency, parcel design, minimum lot area, environmental quality, and other standards as specified in this Development Code and other applicable Municipal Code and state law provisions relating to real property divisions, which is equal to or better than the position of the existing lots before adjustment;

2. The adjustment will have the effect of creating a greater number of parcels than are buildable in compliance with applicable provisions of this Development Code than exist before adjustment;

3. Any parcel resulting from the adjustment will conflict with any applicable regulations of this Development Code; or
4. The adjustment will result in an increase in the number of nonconforming parcels.

An adjustment for which any of the above findings are made may instead be resubmitted as a subdivision in compliance with Section 17.40.020.

C. Conditions of Approval. In approving a lot line adjustment, the director shall adopt conditions as necessary to conform to the requirements of this Development Code or to facilitate the relocation of existing utilities, infrastructure or easements.

17.44.130 Completion of adjustment.

Within twenty-four months after approval of a lot line adjustment, the adjustment process shall be completed as set forth in this section through the recordation of a deed or record of survey, after all conditions of approval have been satisfied.

A. Completion by Deed. A lot line adjustment shall not be considered legally completed until either a grant deed or a quit claim deed signed by the record owners has been recorded. The applicant shall submit deeds to the city engineer for review and approval as set forth in subsection C. of this section before recordation of the grant deed or quit claim deed. The legal descriptions provided in the deeds shall be prepared by a qualified registered civil engineer, or a licensed land surveyor licensed or registered in California.

B. Completion by Record of Survey. If required by Section 8762 et seq. of the Business and Professions Code, a lot line adjustment shall not be considered legally completed until a record of survey has been checked by the city engineer and sent to the county recorder for recordation. Where not required, a lot line adjustment may also be completed by record of survey in compliance with this subsection at the option of the applicant.

C. Review and Approval by City Engineer. The city engineer shall:

1. Examine the deeds to ensure that all record title owners have consented to the adjustment;

2. Verify that all conditions of approval have been satisfactorily completed and that the deeds are in substantial compliance with the lot line adjustment as approved by the development review committee;
3. If satisfied that the deeds comply with the above requirements, place an endorsed approval upon the deeds; and

4. After approval of the legal descriptions, assemble the deeds and return them to the applicant for recordation.

D. Expiration. The approval of a lot line adjustment shall expire and become void if the adjustment has not been completed as required by this section within twenty-four months of approval.

17.44.140 Lot mergers.

In compliance with Government Code Section 66451.10 et seq. this section provides a procedure for owner-initiated merger of contiguous parcels in common ownership. The procedure set forth in this section shall not apply when an entire subdivision is being reverted to acreage. This procedure cannot modify or eliminate improvements required as a condition of a subdivision approval. Any voluntary merger that does not satisfy all the requirements of this section can be processed by a reversion to acreage or other appropriate procedure as determined by the city engineer.

A. Requirements for Merger

The requirements of a voluntary merger pursuant to this section shall be limited to the following:

1. The parcels to be merged shall be existing legal lots that are contiguous to one another and are under common ownership.

2. Except as hereinafter provided, a parcel map shall be required and shall be recorded on approval of the merger. The director, in his or her sole discretion, shall have the authority to allow the recording of a "Certificate of Lot Merger," in a form acceptable to him or her, in lieu of a parcel map.

3. No building permit shall be issued for any addition to, rebuild or repair of any building or structure that crosses a property line until a lot merger (or lot line adjustment, if applicable) has been completed. Projects limited to interior remodeling, including electrical, plumbing or mechanical work, or combinations thereof, shall be exempt from this requirement. In addition, required ancillary improvements (new or existing) serving the building or structure, including septic systems and required parking facilities, must be
entirely on the same lot as the structure for such building permit to be issued.

B. Merger application and processing.

A lot merger application shall be prepared, filed and processed in compliance with this section.

1. Application. The applicant shall submit a completed application form prescribed by the department, the required processing fee as determined by resolution of the council, a tentative map, and any other information deemed necessary by the city engineer in order to process the application.

2. Processing.

   a. Lot merger applications shall be submitted to the department and shall be processed according to the procedures specified by Chapter 17.60.

   b. The director shall schedule the lot merger for review by the development review committee. The committee shall review the proposed merger for compliance with the provisions of this chapter, and will recommend that the director approve or disapprove the proposed merger in compliance with Section 17.44.145.

17.44.145 Approval or disapproval of merger.

The director may approve, conditionally approve or deny the lot merger as set forth in this section. Decisions made by the director may be appealed to the commission as set forth in Chapter 17.74.

A. Required Findings.

   1. The lot merger is consistent with the Subdivision Map Act provisions.

   2. The lots to be merged at the time of merger are under common ownership.

   3. The lots as merged will not be deprived of legal access as a result of the merger and access to the adjoining lots will not be restricted by the merger.
4. Lot mergers may only be approved provided that dedications or offers of dedication to be vacated or abandoned by the merger are unnecessary for present or future public use.

5. Lot mergers may only be approved provided that dedications or offers of dedication which are necessary for present or future public use are reserved in the merger.

B. Conditions of Approval. In approving a lot merger, the director shall adopt conditions as necessary to conform to the requirements of this Development Code or to facilitate the relocation of existing utilities, infrastructure or easements.

D. Duration of approval.

Approval of a merger shall be valid for a period of two years from the date approval is given. During this period any and all conditions of approval shall be fulfilled and the deed and parcel maps shall be recorded. Such period may be extended by approval of the director for up to an additional one year. Requests for an extension of time shall be accompanied by a fee in an amount prescribed by the council.

17.44.200 Certificates of compliance.

A. Certificate of compliance applications are filed to establish a legal record where the city officially recognizes an existing parcel that was not created by approved subdivision map as a legal lot. A conditional certificate of compliance (Section 17.44.210), is used to validate a parcel where the property was not divided legally. Section 66499.35 of the Map Act makes approval of certificates mandatory. Any person owning real property, or a vendee of that person in compliance with a contract of sale of the property, may request a certificate of compliance. The preparation, filing and processing of certificate applications shall occur as set forth in this section.

B. Application. A certificate of compliance application shall include the form provided by the department, the required filing fee, and a chain of title, consisting of copies of all deeds beginning prior to the division and thereafter, unless the parcels were created through a recorded subdivision map.

C. Review and Approval. The department shall review all available information and make a determination whether the real property was divided in accordance with
the Map Act, this Development Code, and other applicable provisions of this code. Upon making the determination, the department shall cause a certificate of compliance to be filed with the county recorder. In the event that the department determines that the real property does not comply with the provisions of the Map Act or this Development Code, the application shall instead be processed as a conditional certificate of compliance (Section 17.44.210).

D. Form of Certificate. The certificate of compliance shall identify the real property and shall state that the division complies with the provisions of the Map Act and this Development Code.

E. Effective Date of Certificate. A certificate of compliance shall not become final until the document has been recorded by the county recorder.

17.44.210 Conditional certificates of compliance.

A conditional certificate of compliance is used to validate a parcel that was not legally divided. If the current owners are the original dividers, conditions may be based on current standards. The preparation, filing and processing of a conditional certificate of compliance application shall occur as set forth in this section.

A. Application. An application for a conditional certificate of compliance shall be prepared and include the same materials as a certificate of compliance (Section 17.44.200).

B. Review and Approval. The processing, review and approval of the application shall occur as set forth in this section.

1. Staff Report for the development review committee. The department shall prepare a staff report that:

   a. Describes the history of the land division;

   b. Determines whether the property was legally divided, as set forth in Section 17.44.200(B);

   c. References provisions of state law and city (or earlier county) ordinances applicable to the subdivision at the time the division in question occurred; and

   d. Recommends appropriate conditions of approval.
2. Review by Development Review Committee. The director shall schedule the conditional certificate of compliance for review by the development review committee. Upon making a determination that the real property does not comply with the provisions of the Map Act or this Development Code, the director, upon recommendation of the development review committee, shall grant a conditional certificate of compliance, imposing conditions in compliance with subsection C of this section.

C. Conditions of Approval. If the owners of the property for which a certificate is requested are the original subdividers, the director may impose any conditions that would be applicable to a current subdivision, in compliance with the Map Act and this Development Code, regardless of when the property was divided. If the owners had no responsibility for the subdivision that created the parcel, the director may only impose conditions that would have been applicable at the time the property was illegally divided.

D. Appeal. The conditions imposed by the director may be appealed to the commission as set forth in Chapter 17.74.

E. Completion of Process. Following expiration of the ten-day appeal period after the director has made his or her determination and imposed conditions, the department shall file a conditional certificate of compliance with the county recorder. The certificate shall identify the property, and serve as notice to the property owner or vendee who applied for the certificate, a grantee of the owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of the conditions shall be required before subsequent issuance of a permit or other approval for the development of the property.

F. Effective Date of Certificate. A conditional certificate of compliance shall not become effective until the document has been recorded by the county recorder.

17.44.300 Condominiums.

A tentative map for a condominium or other common interest development (including a community apartment project, planned development or stock cooperative, in compliance with California Civil Code Section 1351), shall be filed in the same form, have the same contents and accompanying data and reports and shall be processed, approved or disapproved in the same manner in compliance with Chapter 17.41 for tentative maps. Chapter 17.42 determines whether a parcel or final map must also be filed.
17.44.310 Condominium conversions.

A condominium conversion is the conversion of real property to a common interest development as defined by Section 1351 of the California Civil Code. City policies on condominium conversion are in the Housing Improvement Program of the General Plan. A conversion shall require the approval of a tentative map, and parcel or final map, except where a parcel map, or tentative and final map are waived in compliance with Map Act Sections 66428(b) or 66428.1, for the conversion of a mobilehome park. If a parcel map is waived, a tentative map shall still be required.

A tentative map for a condominium conversion shall be filed in the same form, have the same contents and accompanying data and reports and shall be processed, approved or disapproved in the same manner as set forth in Chapter 17.41 with the following exceptions.

A. Application Contents. Condominium conversion applications shall include the same information and materials as tentative map applications, except for conversions of residential projects, which shall also include the following information and materials.

1. Tentative Map. The tentative map for a condominium, community apartment project, or the conversion of five or more existing dwelling units to a stock cooperative need not show the buildings or the manner in which the airspace above the property shown on the map are to be divided. However, the applicant shall provide an illustration of how division will occur to enable verification of the accuracy of the legal descriptions on deeds for the transfer of ownership of the units.

2. Public notice materials: stamped, Number ten envelopes addressed to each tenant of the property being converted.

3. Verification of Stock Cooperative Vote. If the development being converted to a condominium is a stock cooperative, the application shall also include verification of the vote required by Map Act Section 66452.10.

4. Relocation assistance program: a program proposed by the applicant that will assist tenants displaced through the conversion in relocating to equivalent or better housing, in compliance with the General Plan.

5. Vacancy rate assessment: an assessment of the vacancy rate in multifamily housing within the city.
6. Mobilehome Park Conversion Impact Report. If the development being converted to a condominium is a mobilehome park, the application shall also include the report required by Map Act 66427.4.

B. Staff Report. The staff report on the tentative map for the condominium conversion (Section 17.60.070) shall be provided to the subdivider and each tenant of the subject property at least ten days before any hearing or action on the tentative map by the review authority.

C. Public Notice. The following notice shall be provided in addition to that required by Chapter 17.78:

1. Tenant Notice. The subdivider shall give notice to all existing or prospective tenants as set forth in Map Act Sections 66452.8 and 66452.9, and shall provide the department satisfactory proof that the notice was given; and

2. Public Hearing Notice. Notice of the public hearing(s) on the tentative map shall be provided to all tenants of the subject property, as required by Map Act Section 66451.3.

D. Approval of Conversion--Required Findings.

1. Time Limit—Stock Cooperatives. The approval or disapproval of the conversion of an existing building to a stock cooperative shall occur within one hundred twenty days of the application being found complete in compliance with Section 17.60.050. The one hundred twenty day time limit may be extended by mutual consent of the subdivider and the city.

2. Conversion Findings—Residential Projects. Approval of a tentative or final map for a subdivision to be created from the conversion of residential real property into a condominium project, community apartment project or stock cooperative shall not be granted unless the findings set forth in Map Act Section 66427.1 are first made.

3. Limitation on Conversions. In compliance with the General Plan, no condominium conversion shall be approved while the vacancy rate within the city for multifamily housing is less than four percent.

4. Completion of Conversion. The filing, approval and recordation of a parcel map or final map in compliance with Chapter 17.42 shall be required to
complete the subdivision process, except where a parcel map, or tentative and final map are waived for the conversion of a mobilehome park in compliance with Map Act Section 66428(b).
Chapter 17.46  Subdivision Design and Improvement

Sections:

17.46.010  Purpose and applicability of chapter.
17.46.020  Access and circulation.
17.46.030  Drainage and watercourses.
17.46.040  Energy conservation.
17.46.050  Grading, erosion and sediment control.
17.46.060  Landscaping materials.
17.46.070  Lot and block design and configuration.
17.46.080  Monuments.
17.46.090  Public utilities and utility easements.
17.46.100  Sewage disposal.
17.46.110  Street lighting.
17.46.120  Water supply.

17.46.010  Purpose and applicability of chapter.

A. Purpose. This chapter establishes standards for the design and layout of subdivisions, and the design, construction or installation of public improvements within subdivisions. The purpose of these standards is to ensure, through careful site evaluation and design, the creation of new parcels that are compatible with existing neighborhoods, the natural environment, the health and safety of city residents, and are consistent with the General Plan and any applicable specific plan.

B. Applicability of Design and Improvement Standards. The requirements of this chapter apply to subdivisions, and conditional certificates of compliance, in addition to all applicable requirements of this Development Code, as follows:

1. Design Standards. The standards in Sections 17.46.020 through 17.46.120 of this chapter apply to the design of all proposed subdivisions, in addition to all applicable requirements of the city engineer, the Calabasas Public Works policies and related design standards and, where applicable, the performance standards for hillside development in Section 17.20.150.

2. Subdivision Improvement Standards—Conditions of Approval. The applicable subdivision improvement and dedication requirements of this chapter and any other improvements and dedications required by the review
authority in compliance with Section 17.41.100 shall be described in conditions of approval adopted for each approved tentative map (Section 17.41.110). The design, construction or installation of all subdivision improvements shall comply with the requirements of the city engineer.

3. Conflicting Provisions. In the event of conflicts between the provisions of this chapter and other provisions of this Development Code, or other provisions of the Municipal Code, the most restrictive provisions shall control.

C. Extent of Improvements Required. As required by Article 1, Chapter 1 of the Map Act, improvements required for subdivisions of four or fewer parcels shall be limited to the dedication of rights-of-way, easements, and the construction of reasonable offsite and onsite improvements for the parcels being created.

D. Oversizing of Improvements. At the discretion of the review authority, improvements required to be installed by the subdivider for the benefit of the subdivision may also be required to provide supplemental size, capacity, number or length for the benefit of property not within the subdivision, and may be required to be dedicated to the city, as provided by Article 6, Chapter 3 of the Map Act.

E. Exceptions. Exceptions to the provisions of this chapter may be requested and considered in compliance with Section 17.40.040.

17.46.020 Access and circulation.

Proposed subdivisions shall be designed to provide adequate access from each new parcel to a city street. Street systems to be constructed with new subdivisions shall be designed in compliance with this section, and with the Calabasas Public Works policies and related design standards.

A. Access to Subdivision. Every subdivision shall be designed to have access to a city street. Private roads are allowed only in compliance with subsection D. of this section. Access shall be provided by:

1. The subdivision abutting a street, where the length of the subdivision along the street, the street right-of-way, and the width of the right-of-way will accommodate the construction of all road improvements required by this section; or
2. The subdivision being connected to a city street by a non-exclusive right-of-way easement for street, utility and appurtenant drainage facilities purposes, where the easement shall be:

   a. Offered for dedication,

   b. Unencumbered by any senior rights that might serve to restrict its proposed use, and

   c. Of a width and location to accommodate the construction of all improvements required by this section and the Calabasas Public Works policies and related design standards.

B. Access to New Parcels. Parcels within a proposed subdivision shall be provided access as follows:

   1. City Street Access Required. Each parcel within a proposed subdivision shall be provided access to a city street by being located on an existing city street or a new city street designed and improved in compliance with subsection (C) of this section, or on a private road if allowed by subsection (D) of this section.

   2. Access Denial. When a state highway or a street classified as a major arterial in the circulation element of the General Plan passes through or abuts a proposed subdivision, direct access to the highway or arterial shall not be permitted from proposed parcels. Reservation strips shall be dedicated to the state or city, as appropriate, where required to control access over certain lot lines over the ends of street stubs.

   3. Frontage Roads. When lots are proposed to front on a major arterial or state highway, the review authority may require the subdivider to dedicate and improve a service or frontage road separate from the arterial or highway.

   4. Alleys. Alleys may be proposed as part of residential or nonresidential subdivisions. When a subdivision is proposed in an area zoned commercial or industrial, the subdivider may be required to dedicate and improve alleys at least twenty feet wide at the rear of the parcels.

C. Design and Improvement of Proposed Streets. New streets proposed or required within a new subdivision or adjacent to a new subdivision shall be located and
designed as follows, and in compliance with the Calabasas Public Works policies and related design standards:

1. Alignment. The alignment of streets shown on a tentative map shall be:
   a. Consistent with the circulation element of the General Plan, where applicable; and
   b. Located so as to be in alignment with existing adjacent streets by continuation of their centerlines, or by adjustments by curves; and
   c. As required by the city engineer.

2. Right-of-Way and Surfaced Width. The width of the right-of-way and improved surface of streets shown on a tentative map shall be as provided by the Calabasas Public Works policies and related design standards.

3. Access to Unsubdivided Property. When a proposed subdivision abuts vacant land that is designated by the General Plan for future subdivision and development, the review authority may require that streets to be constructed with the proposed subdivision be extended to the boundary of the property to provide the future development street access.

4. Improvements to Existing Streets. When an existing city street provides access to, passes through, or is contiguous with a proposed subdivision, the review authority may require dedication of additional right-of-way and/or improvements to be made to the city street in compliance with the General Plan; provided they determine that the proposed subdivision will create the need for the improvements, or the subdivider otherwise agrees to the improvements.

5. Length of Loop, Cul-de-sac and Other Dead-End Streets. The maximum length of a loop street shall be one thousand two hundred feet. A proposed subdivision shall not be designed with a dead-end street having a length from the first intersecting through street greater than six hundred feet, except for private roads. The maximum length of a private dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed eight hundred feet, regardless of the number of parcels served. Maximum length shall be measured from the edge of the roadway surface at the intersection that begins the road, to the end of the road surface at its farthest point.
6. Street Names. All streets within a proposed subdivision shall be named, and the names shall be approved by the review authority. Duplication of existing names within the same area shall not be allowed in a new subdivision unless the street is an obvious extension of an existing street.

D. Private Roads. Private roads are allowed as provided in this section. Private roads shall not be permitted except where the council determines that a private street system will adequately serve the proposed subdivision, will not be a substantial detriment to adjoining properties and will not disrupt or prevent the establishment of an orderly circulation system in the vicinity of the subdivision.

1. Maintenance Requirements. Provisions satisfactory to the city attorney shall be made for lot owners association or other organization to assume responsibility for the maintenance of private roads and ownership of the street right-of-ways of any subdivision.

2. Design and Improvement Standards. Private roads shall be designed and improved as set forth in subsections (B) and (C) of this section.

3. Security and Conditions. The review authority may require any guarantees and conditions it deems necessary to carry out the provisions of this article pertaining to private roads. Private roads and easements providing access to parcels within a subdivision shall be located and shown on the parcel or tract map.

E. Alternative Circulation Systems. Proposed subdivisions shall be designed to provide rights-of-way for pedestrian paths, bikeways and multiple use trails consistent with the circulation element of the General Plan, the Parks and Recreation Master Plan or Bikeway Master Plan, as applicable, where the review authority determines that the alignment of these systems shown in the General Plan and/or any applicable specific plan can be feasibly accommodated within the subdivision, and that the system is needed because of the characteristics of the proposed subdivision.

17.46.030 Drainage and watercourses.

A. Drainage Systems Required. Subdivisions shall be provided storm drainage facilities as required by this section, Chapter 17.48 and Chapter 17.20. Storm drain facilities to be dedicated to Los Angeles County Flood Control District shall instead comply with the standards of that agency.
1. Performance and Capacity. Subdivisions shall be designed to provide drainage systems to carry storm run-off both tributary to and originating within the subdivision to approved points of discharge, determined to be necessary by the city engineer on the basis of information and recommendations provided by the engineer for the subdivider. Drainage facilities shall be designed pursuant to the current edition of the Los Angeles County Department of Public Works Hydrology Manual most recently adopted by the city engineer and available for review in the office of the city engineer. Drainage system design shall avoid unnatural concentrations of stormwater runoff and retain existing drainage courses wherever possible to avoid cross-lot drainage.

2. Culverts. The minimum diameter of a storm drain pipe placed beneath a public street shall be eighteen inches. Pipes shall be made of reinforced concrete, and placed at the grade of the drainage channel whenever practical. Minimum allowable culvert grade shall be two percent under normal circumstances or where otherwise approved by the city engineer. Minimum allowable open ditch grade shall be one percent.

3. Location of Facilities. Drainage facilities shall be located within a street right-of-way or within public drainage easements. Drainage facilities shall be installed prior to the issuance of building permits unless otherwise approved by the city engineer.

4. Timing of Installation. Any drainage structures required for the individual parcels of a subdivision shall be installed at the same time as drainage structures within street rights-of-way and other subdivision improvements. Any drainage facilities to be transferred to Los Angeles County Flood Control district shall be designed to Los Angeles County Public Works standards.

5. Interim Maintenance. All subdivision drainage facilities shall be maintained by the developer until accepted by the Los Angeles County Flood Control District.

B. Drainage Easements. Required drainage systems shall be located within drainage easements delineated on the final map or parcel map, and the easements shall satisfy the following standards. Drainage easements to be dedicated to the Los Angeles County Flood Control District, shall instead comply with the standards of that agency.
1. **Offer of Dedication.** Drainage easements shall be offered for dedication in a form acceptable to the city engineer.

2. **Alignment of Easements.** The alignment of drainage easements shall conform to the meandering of the natural watercourse or to the alignment approved for the drainage system.

3. **Width of Easements.**
   a. **Natural Channels.** A drainage easement for a natural channel is required where determined to be necessary by the city engineer. The width of drainage easements for natural channels shall be sufficient to include the one-hundred-year flood high water marks, plus five feet on either side, but in no case less than twenty feet.
   
   b. **Constructed Channels.** The minimum width of any drainage easement for a closed conduit system shall be ten feet and the minimum width for any open system shall be twenty feet.
   
   c. **Service Roads.** For any conduit exceeding thirty inches in diameter, or any open ditch with a top width exceeding twelve feet, a twelve-foot service road shall be improved within the drainage easement.

4. **Natural Watercourses.** Drainage easements shall be provided for all natural watercourses.

5. **Downstream Property.** Where a subdivision causes an increase in and the unnatural concentration of surface waters onto adjacent private or public property, the subdivider shall obtain an easement for drainage purposes across the property of sufficient width and shall improve the easement in a manner adequate to convey the runoff to an approved point of disposal. If the owner(s) of the affected property agrees to accept the increased run-off concentration of surface water and the agreement has been recorded, an easement shall not be required.

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**17.46.040 Energy conservation.**

The design of a subdivision for which a tentative and final map are required by this article shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivisions, in compliance with Map Act Section 66473.1.
17.46.050 Grading, erosion and sediment control.

New subdivisions shall be designed so that all proposed grading incorporates appropriate erosion and sediment control measures in compliance with Chapter 17.54.

17.46.060 Landscaping materials.

Residential subdivisions shall be provided landscaping in the form of street trees on each proposed parcel, and landscaping with irrigation facilities for any common areas or other open space areas within the subdivision. The improvements may be deferred until the subdivided lots are developed through the provisions of Section 17.48.040.

17.46.070 Lot and block design and configuration.

The size, shape and arrangement of new parcels shall conform to the provisions of this section, or with any General Plan policy, applicable specific plan requirement, Development Code provision, or other Municipal Code provision applicable to a proposed subdivision.

A. Minimum Lot Area. The minimum area for new parcels shall be as required by Article II except as otherwise provided by this section.

1. Calculation of Area. When calculating the area of a parcel to determine compliance with this section, Article II or the General Plan, the following shall be deducted from the gross area of any parcel:

   a. A vehicular or nonvehicular access easement through the lot;

   b. An easement for or relating to an open drainage course, whether a ditch, natural channel or floodway; or

   c. The “flag pole” (access strip) of a flag lot. (See subsection (B)(4) of this section.)

   The area of an easement exclusively for constructing and maintaining construction slopes may be included when calculating lot area.

2. Specific Minimum Lot Area Requirements—Small-Lot Projects. The minimum lot area requirements of Article II shall not apply to condominiums
and condominium conversions, planned developments, townhouses, zero lot line, and similar small-lot projects intending individual lot ownership. However, the minimum lot area requirements of Article II shall apply to the creation of the original parcel or parcels that are the location of the small-lot project.

B. Size and Shape. The size and shape of new parcels shall be as required by Article II, except as otherwise provided by the following.

1. Lot Width. New parcels shall be designed to have a minimum width of fifty feet; except that each parcel on a turnaround, cul-de-sac or curved street, where the side lot lines are diverging from the front to the rear of the parcel, shall have a minimum width of sixty feet, or the width required by Article II, whichever is greater, measured at the front setback line required for the main building by Article II.

2. Lot Depth. No new parcel shall have a depth less than eighty feet, or a depth greater than three times the average width of the lot when the lot has a width of less than two hundred fifty feet.

3. Exceptions. Parcels may be approved with a width and depth less than otherwise required by this section where:

   a. Located in the CT (Old Town) zoning district (Chapter 17.14), and authorized through the approval of a development plan (Section 17.62.070) in compliance with the Old Town Calabasas Master Plan and Design Guidelines;

   b. Located in the –OT and CH (Old Topanga/Highlands) overlay zoning districts (Section 17.18.020 and 17.18.025), and authorized through the approval of a development plan (Section 17.62.070); or

   c. Located in the – DP (Development Plan) overlay zoning district (Section 17.18.030) and authorized through the approval of a development plan (Section 17.62.070).

4. Location of Lot Lines.

   a. Orientation to Streets. The side lot lines of all parcels shall be at right angles to the center line of the street, and radial or approximately radial to curved streets.
b. City Limits. No parcel shall be designed so that it will be divided by the city’s corporate boundary.

c. Relationship to Easements. Parcels shall be designed so that lot lines conform to existing or planned easements unless the easements are relocated to conform to the proposed lot pattern.

5. Flag Lots. Flag lots are generally discouraged unless they can improve the efficiency of land use, protect natural features, or implement provisions of the General Plan and Chapter 17.20. Where determined to be appropriate by the review authority, flag lots shall comply with the following requirements.

a. Lot Design and Size. The main portion of the flag lot (not including the access strip, or “flag pole”) shall satisfy the provisions of this section for length, depth, area and design. In no case shall the access strip be less than eighteen feet in width nor more than two hundred feet in depth.

b. Number of Housing Units Served. No tentative map shall be approved with more than four homes being provided access to a public street by means of a single flag access strip.

C. Parcel and Block Configuration. The layout of proposed parcels and streets shall be designed to use land efficiently, mitigate environmental impacts, and minimize site disturbance in terms of cuts and fills, and the removal of significant vegetation.

1. Double-Frontage Lots. Parcels with streets along both the front and rear lot lines shall be prohibited, except when necessitated by topographical or other physical conditions or where access from one of the roads is prohibited.

2. Block Length. Blocks shall be no longer than one thousand two hundred feet unless existing conditions warrant an exception (Section 17.40.040).

17.46.080 Monuments.

Survey monuments shall be set for all new subdivisions requiring a parcel map or final map by the engineer or surveyor, as set forth in this section. All monuments shall
conform with the provisions of Article 9, Chapter 4 of the Map Act, the California Land Surveyors Act and the following standards:

A. Location of Monuments. Permanent ferrous survey monuments shall be set in the following locations:

1. At all angle points on the exterior boundary of the subdivision;

2. At all lot corners and at the beginning and ending of all property line curves, except that in a subdivision creating parcels each with a gross area of twenty acres or more, a permanent ferrous monument shall be set at the major parcel corners and at the intersection of all property lines with the side lines of all street easements;

3. Swing ties points shall be provided at all locations where curves begin or end, at intersections, and as required by the Map Act. Swing ties sheets shall be provided to the city engineer on reproducible mylar film, on eighteen by twenty-four inch sheets;

4. A permanent survey monument approved by the city engineer shall be set at the intersection of all street centerlines;

5. If the exterior boundary of the subdivision or any lot or parcel line is at a location where setting a monument is impractical, a reference monument shall be set in a manner and location satisfactory to the city engineer;

6. All tract boundary corners shall be two-inch diameter pipe with cap and set in concrete;

7. All bench marks set for the subdivision shall be recorded with the county of Los Angeles surveyor's office. Copies of bench marks that have been accepted and recorded shall be provided to the city engineer and noted on the final map.

B. Timing of Monument Installation. The exterior boundary of the subdivision shall be completely monumented or referenced before the final map or parcel map is submitted to the city engineer for filing. Interior monuments need not be set at the time the final map or parcel map is filed if the engineer or surveyor certifies on the map that the monuments will be set on or before a specified later date, and if the subdivider furnishes the city a bond, instrument of credit, or cash deposit in a
sufficient amount to guarantee payment of the cost of setting the monuments in compliance with Map Act Section 66496.

C. Cost Estimate and Bond Requirements. The cost of setting monuments shall be included in the engineer’s estimate for improvements in compliance with Section 17.46.040. If requested, this amount of the bond may be released upon verification of the setting of monuments by the city engineer.

D. Notice of Completion. Within five days after the final setting of all monuments has been completed, the engineer or surveyor shall give written notice to the subdivider and the city engineer that the final monuments have been set. Verification of payment to the engineer or surveyor shall be filed as required by Article 9, Chapter 4 of the Map Act.

17.46.090 Public utilities and utility easements.

Public utilities including electricity, gas, water, sewer, telecommunications services, and storm drain shall be installed as part of the improvements within all subdivisions as provided by this section, and by Sections 17.46.100 and 17.46.120. The installation of utilities may be waived by the review authority through the exception process (Section 17.40.040) if the review authority finds not installing the utilities as part of the subdivision improvements to be in the public interest.

A. Underground Utilities Required. Utilities in new subdivisions shall be installed underground, as follows:

1. When Undergrounding is Required. All existing and proposed utility distribution facilities (including but not limited to electric, telecommunications, and cable television lines) installed in and for the purpose of supplying service to any subdivision, except for equipment appurtenant to underground facilities, including surface mounted transformers, pedestal mounted terminal boxes, meter cabinets, and concealed ducts.

The subdivider is responsible for complying with the requirements of this section and shall make the necessary arrangements with the affected utility companies for facility installation. The utilities shall be installed along the entire subdivision frontage unless waived by the city engineer. The review authority may waive the requirements of this section if topographical, soil or any other conditions make underground installation unreasonable or impractical.
2. Location of Installation. Underground utility lines may be installed within street rights-of-way or along any lot line. When installed within street rights-of-way, their location and method of installation, insofar as it affects other improvements within the street right-of-way, shall be subject to the approval of the city engineer.

3. Timing of Installation. All underground utilities, water lines, sanitary sewers and storm drains installed in streets, shall be constructed before the streets are surfaced. Connections to all underground utilities, water lines and sanitary sewers shall be laid to sufficient lengths to avoid the need for disturbing the street improvements when service connections are made.

B. Utility Easements.

1. Minimum Width. The minimum width of easements for public or private utilities, sanitary sewers, or water distribution systems, shall be as determined by the review authority based on the recommendations of the city engineer for city facilities, and the recommendations of the applicable utility company, for public or private utilities.

2. Overhead Lines. Easements for overhead utility lines shall be located at the rear of lots where practical, and along the side of lots where necessary. Where practical, the poles supporting overhead lines shall not be installed within any street, alley or easement designated exclusively for drainage purposes.

17.46.100 Sewage disposal.

A proposed subdivision shall be designed to provide for connection to the city’s sewage collection, treatment and disposal system, where available as determined by the city engineer. If any part of the system is to be installed within a street right-of-way, the system location and construction specifications shall be subject to the approval of the city engineer. Sewage lines shall be installed as part of the improvements within all subdivisions and shall be dedicated to the city or other public agency. Installation shall be governed by Chapter 17.48 requirements, the current edition of the Los Angeles County Private Contract Sanitary Sewer Procedural Manual, most recently adopted by the city engineer and available for review in the office of the city engineer. When applicable, installations shall also be governed by the Las Virgenes Municipal Water District Standard Plans and Specifications for the Construction of Water Mains and Facilities, most recently adopted by the city engineer and available for review in the office of the city engineer.
17.46.110  Street lighting.

A proposed subdivision shall incorporate street lighting facilities determined by the review authority to be consistent with the character of the area, and the needs of public safety, and designed and constructed to the standards established by the applicable lighting district, or the city engineer.

17.46.120  Water supply.

Water mains and services shall be installed to serve each lot in a proposed subdivision and connected to the facilities of the Las Virgenes Municipal Water District. These installations will require a separate permit issued by the Las Virgenes Municipal Water District. If any part of the water system is to be installed within a street right-of-way, the system location, including valve boxes, meter boxes, and fire hydrants and the system construction specifications shall be subject to the approval of the city engineer, and the location of fire hydrants shall also be approved by the Los Angeles County fire department.
Chapter 17.48 Improvement Plans and Agreements

Sections:

17.48.010 Purpose of chapter.
17.48.020 Improvement plans.
17.48.030 Installation of improvements.
17.48.040 Improvement agreements and security.

17.48.010 Purpose of chapter.

This chapter establishes procedures and requirements for the review and approval of improvement plans, the installation of improvements, agreements and guarantees for their installation, and dedications.

17.48.020 Improvement plans.

After the approval of a tentative map, the subdivider shall diligently proceed to complete any work necessary to fulfill the conditions of approval. A Public Works Improvement application shall be required for all improvements proposed within new subdivisions. The application shall include any applicable forms on file with the city. Before the construction of any improvements, the subdivider shall submit plans to the city as follows:

A. Preparation and Content. Improvement plans shall be prepared by a California registered civil engineer. Improvement plan submittals shall include the following information:

1. Any drawings, specifications, calculations, design reports and other information required by the city engineer;

2. Grading, drainage, erosion and sediment control, and any pollution control requirements for the entire subdivision; and

3. Required fees, as approved by the council, including fees for improvement plan/specification checking and construction inspection.

B. Submittal of Plans. Improvement plans shall be submitted to the city engineer for review and approval. Upon the approval of improvement plans in compliance with subsection (C) of this section, the subdivider shall also submit a detailed cost
estimate of all improvements to the city engineer on a form approved by the city, which shall include a fifteen percent contingency factor.

C. Review and Approval. Improvement plans shall be reviewed and approved by the city engineer within the time limits provided by Map Act Section 66456.2.

D. Effect of Approval. The approval of improvement plans shall be required before approval of a parcel or final map. The approval of improvement plans shall not bind the city to accept the improvements nor waive any defects in the improvements as installed.

17.48.030 Installation of improvements.

Subdivision improvements required as conditions of approval of a tentative map in compliance with this chapter (See Section 17.46.010(B)) shall be installed as provided by this section.

A. Timing of Improvements. Required improvements shall be constructed or otherwise installed only after the approval of improvement plans as provided by Section 17.48.020, and before the approval of a parcel or final map in compliance with Sections 17.42.140 or 17.42.230, except where:

1. Improvements are deferred in compliance with Section 17.48.040; or

2. Improvements are required as conditions on the approval of a subdivision of four or fewer lots, in which case construction of the improvements shall be required:

   a. Only when a permit for development of an affected parcel is issued by the department, or

   b. At the time the construction of the improvements is required in compliance with an agreement between the subdivider and the city, as set forth in Section 17.48.040, or

   c. At the time set forth in a condition of approval, when the review authority finds that fulfillment of the construction requirements by that time is necessary for public health and safety, or because the required construction is a necessary prerequisite to the orderly development of the surrounding area.

B. Inspection of Improvements. The construction and installation of required subdivision improvements shall occur as follows.
1. Supervision. Before starting any work, the contractor engaged by the subdivider shall designate in writing an authorized representative who shall have the authority to represent and act for the contractor in contacts with the city. The designated representative shall be present at the work site at all times while work is in progress. At times when work is suspended, arrangements acceptable to the city engineer shall be made for any emergency work that may be required.

2. Inspection Procedures.
   
a. Inspections Required. The city engineer shall make any inspections as he or she deems necessary to ensure that all construction complies with the approved improvement plans. Where required by the city engineer, the developer shall enter into an agreement with the city to pay the full cost of any contract inspection services determined to be necessary by the city engineer.

b. Access to Site and Materials. The city engineer shall have access to the work site at all times during construction, and shall be furnished with every reasonable facility for verifying that the materials and workmanship are in accordance with the approved improvement plans.

c. Authority for Approval. The work done and all materials furnished shall be subject to the inspection and approval of the city engineer. The inspection of the work or materials shall not relieve the contractor of any obligations to fulfill the work as prescribed.

d. Improper Work or Materials. Work or materials not meeting the requirements of the approved plans and specifications may be rejected, regardless of whether the work or materials were previously inspected by the city engineer. In the event that the city engineer determines that subdivision improvements are not being constructed as required by the approved plans and specifications, he or she shall order the work stopped and shall inform the contractor of the reasons for stopping work and the corrective measures necessary to resume work. Any work done after issuance of a stop work order shall be a violation of this title.

3. Notification. The subdivider shall notify the city engineer upon the completion of each stage of construction as outlined in this chapter, and shall not proceed with further construction until authorized by the city engineer.
Improvement agreements and security.

A subdivider may file a parcel or final map before completion of all the improvements required by this article and conditions of approval of the tentative map, only when the subdivider first obtains council approval of a subdivision improvement agreement executed and submitted for council review by the subdivider, and provides the city performance security as required by this section. Improvement agreements and required security shall also comply with Chapter 5 of the Map Act.

A. Contents of Improvement Agreement. A subdivision improvement agreement shall be submitted on a form provided by the city engineer and approved by city attorney and shall include the following provisions:

1. Description of Improvements. A description of all improvements to be completed by the subdivider, with reference to the approved subdivision improvement plans;

2. Time Limit for Construction. The period within which all required improvements will be completed to the satisfaction of the city engineer;

3. Completion by City. Provide that if the subdivider fails to complete all required improvements within the specified time, the city may elect to complete the improvements and recover the full cost and expenses thereof from the subdivider or the surety, including any attorney and legal fees associated with enforcement of the agreement. The costs and expenses may be recorded as a lien against all parcels within the subdivision;

4. Surety Requirement. Require the subdivider to secure the agreement by furnishing security to insure full and faithful performance, as specified in subsection (B) of this section. The amount of surety shall be based on an engineer’s cost estimate submitted by the subdivider as provided by Section 17.48.020(B) and approved by the city engineer. The total cost of improvements to be guaranteed shall be as provided in the approved engineer’s cost estimate;

5. Phased Construction. Provisions for the construction of improvements in units, at the option of the subdivider;

6. Time Extensions. Provisions for an extension of time under conditions specified therein, at the option of the subdivider, consistent with the requirements of subsection (E) of this section;
7. Progress Payments or Partial Release. Provide for progress payments from surety deposits or partial release of agreement surety, at the option of the subdivider, consistent with the requirements of subsection (D) of this section; provided that no progress payment or partial release shall be construed to be acceptance by the city of any portion of the required improvements or any defective work or improper materials.

B. Security Required to Guarantee Improvements. A subdivision improvement agreement or a subdivision road maintenance and repair agreement shall be secured by adequate surety in a form approved as to form and sufficiency by the city attorney, as follows:

1. Type of Security. Subdivision improvement agreements shall be secured by all of the following:
   a. A guarantee for faithful performance, in the amount of one hundred percent of the engineer’s cost estimate; and
   b. A guarantee for materials and labor, in the amount of one hundred percent of the engineer’s cost estimate.

2. Form of Security. The required surety shall consist of a cash deposit of ten percent of the amounts specified in subsection (B)(1) of this section, or other amount determined by the city engineer, or in one of the following forms for the full amounts specified in subsection (B)(1) of this section, as approved by the city engineer:
   a. A bond or bonds executed by one or more duly authorized corporate sureties;
   b. An instrument of credit or letter of credit from one or more financial institutions subject to regulation by the state or federal government pledging that funds necessary to carry out the act or agreement are on deposit and guaranteed for payment; or
   c. A lien upon the property to be divided, created by contract between the owner and the city.

C. Release of Security. The security furnished by the subdivider shall be released as provided by Chapter 5 of the Map Act.

D. Progress Payments or Partial Release. No progress payment or partial release of surety shall be made except when the city engineer has certified that the work required to qualify for payment or release has been satisfactorily completed and
the payment or release has also been approved by the council by at least four-fifths vote. No certificate given, progress payment made, or release of surety, except the final certificate of acceptance, shall be considered as any evidence of the performance of the agreement either wholly or in part. There shall be no partial acceptance of any improvements.

E. Time Extensions. An extension of time for completion of improvements under a subdivision improvement agreement pursuant shall be granted by the Council only as follows:

1. Public Works Report. The city engineer notifies the council that the subdivider is proceeding to do the work required with reasonable diligence and has given satisfactory evidence of being able and willing to complete all required work within the time of the requested extension.

2. Agreement by Sureties. The sureties agree in writing to extend for the additional period of time at the original amount of the bond or other surety, or if recommended by the city engineer, at an increased amount.

3. Council Action. The council approves the extension by at least a four-fifths vote. As a condition of granting a time extension, the council may impose whatever additional requirements the council deems reasonable to protect the public interest.

F. Acceptance of Improvements. Before acceptance for maintenance or final approval by the council of subdivision improvements, the city engineer shall verify that the improvement work has been completed in substantial compliance with the approved plans and specifications.
Chapter 17.50 Dedications and Exactions

Sections:

17.50.010 Purpose of chapter.
This chapter establishes standards for subdivider dedications of land or payment of fees in lieu thereof, in conjunction with subdivision approval.

17.50.020 Applicability.
A. Compliance Required. All proposed subdivisions shall comply with the requirements of this chapter for dedications, reservations or the payment of in-lieu fees.

B. Conditions of Approval. The requirements of this chapter as they apply to a specific subdivision shall each be described in conditions of approval adopted by the review authority for the tentative map.

17.50.030 Park land dedications and fees.
A. Purpose. This section provides for the dedication of land and/or the payment of fees to the city for park and recreational purposes as a condition of the approval of a tentative map, in compliance with the General Plan. This section is enacted as authorized by the provisions Government Code Section 66477 also known as the “Quimby Act.”

B. Applicability.

1. Land Dedication and/or Fee Payment Required. As a condition of tentative map approval, the subdivider shall dedicate land and/or pay a fee in compliance with this section for the purpose of developing new or rehabilitating existing park or recreation facilities. Only the payment of a fee shall be required in compliance with subsection (E) of this section, for subdivisions proposing less than fifty parcels.
2. Value to Include Street Improvements. The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of park and recreational facilities by the future inhabitants of the subdivision; therefore, the land dedication or fee in lieu of land calculated in compliance with this section shall also include full street improvements, either dedicated or to be maintained by a property owner for an equivalent amount of land.

3. Exemptions. The provisions of this section do not apply to:

   a. Nonresidential subdivisions proposing less than five parcels, provided that a condition shall be placed on the approval of the parcel map that if a building permit is requested for the construction of any residential structure on one or more of the parcels within four years, the fee shall be paid by the owner of each parcel as a condition of building permit issuance;

   b. Commercial or industrial subdivisions;

   c. Condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five years old, when no new dwelling units are added; or

   d. Any other subdivisions exempted by Map Act Section 66477.

C. Standards for Determinations. The amount of land or fees paid shall be based on the residential density, which shall be determined based on the approved or conditionally approved tentative map.

   1. There shall be a rebuttable presumption that the average number of persons per household by units in a structure is the same as that disclosed by the most recent available Federal census or a census taken in compliance with Government Code Sections 40200 et seq.

   2. Subdividers may offer evidence of the actual population densities of a proposed project for determination by the council. The council shall consider the evidence submitted and if it finds that the actual population density will differ from the presumed density, the council shall use the actual density to calculate the required land or in-lieu fee. The population density shall be for, but not limited to the persons for unit for:

      a. Single-family dwellings;
b. Multifamily dwellings;

c. Mobilehomes within mobilehome parks; and

d. City approved senior citizen residential housing units.

D. Amount of Land to be Dedicated. The area of land required to be dedicated by a residential subdivider for park and recreational purposes shall be equivalent to a ratio of three acres of usable park land per one thousand residents.

The determination of area required for dedication shall be based upon the number of approved dwelling units in the subdivision and the average number of persons per household, using the following formula.

\[ A = 0.003 \times UP \]

Where:
- \( A \) = Amount of park land required, in acres.
- \( U \) = Total number of approved dwelling units in the subdivision.
- \( P \) = Population density per dwelling unit.
- 0.003 = 3 acres of park land per 1,000 population.

E. Formula for Fees in Lieu of Land. If the entire park land obligation for a proposed residential subdivision is not satisfied by dedication in compliance with subsection (D) of this section, the subdivider shall pay to the city a fee in lieu of dedication, as a condition of tentative map approval. The fee shall equal:

1. The park land obligation in acres derived from the formula in subsection (D) of this section, less the acreage of park land, if any, offered for dedication by the subdivider, times the per acre fair market value of the unimproved land within the subdivision; plus

2. The value of street improvements for the park land, calculated as the number of acres determined by subsection (D) of this section, times the fair market value per acre of the actual cost per acre for the full street improvements of the subdivision for which the fee is calculated.

F. Determination of Fair Market Value. For purposes of determining the required fee in lieu of land in compliance with subsection (E) of this section, fair market value shall be determined in compliance with the following requirements:

1. Methods of Determination. The fair market value of the unimproved land for subdivision shall be established by one or a combination of the following methods:
a. The fair market value can be determined through the use of accepted assessment practices and may be based on the current assessed value, with adjustments, if necessary, to reflect current fair market value in compliance with the standards and practices established by the county assessor.

b. If the city or subdivider objects to the valuation, either party at the subdivider’s expense, may employ a recognized, qualified certified neutral real estate appraiser to obtain an appraisal of the property. The city or its designated representative shall be provided with a certified copy of the appraisal report in order to calculate and substantiate the in-lieu fee.

c. The city and the subdivider may agree to a fair market value through the use of a certified copy of the current escrow instructions establishing full purchase value, comparable sales records, or other mutually acceptable procedures or methods.

2. Time Limit for Determination. A land evaluation or appraisal shall be determined a minimum of ninety days prior to map recordation. Written notice of the proposed valuation shall be provided by first class mail, postage prepaid, to the subdivider along with the city’s calculation in compliance with this section. The notice shall be deemed served upon its deposit in the United States mail.

3. Objections to Valuation. The subdivider may object to the assessed valuation and resulting fee within thirty days of service of the valuation notice. The objection shall be in writing and presented to the city manager by mail, or in person. The council may object within thirty days of service of the valuation notice by a resolution adopted by a majority of its members. If no objections are made within thirty days, all objections to the proposed value for use in calculating the in-lieu fees are deemed waived.

G. Criteria for Requiring Dedication and/or Fees. In subdivisions of over fifty lots, the city may require the subdivider to dedicate both land and pay a fee, as follows:

1. Determination of Land or Fee. Whether the city accepts land dedication or elects to require payment of a fee in lieu thereof, or a combination of both, the amount shall be determined by consideration of the following:

   a. The General Plan, Parks and Recreation Master Plan and any applicable specific plans, and the compatibility of dedication with those plans;
b. Topography, geology, access, size, shape and the location of land available for dedication;

c. Feasibility of dedication; and

d. Availability of previously acquired park property.

2. Fees Only. Only the payment of fees shall be required in subdivisions of fifty parcels or less; except that when a condominium project, stock cooperative, or community apartment project exceeds fifty dwelling units, land dedication may be required regardless of the fact that the total number of parcels may be less than fifty.

3. Procedure for Determining Land or Fee. The council, upon recommendation of the director, shall determine whether the subdivider shall dedicate land, pay in-lieu fees, or provide a combination of both, at the time of tentative map approval. The recommendations and the action of the review authority shall consider the factors in subsection (G)(1) above, and shall include the following:

a. The amount of land required;

b. Whether a fee shall be charged in lieu of land;

c. Whether land and a fee shall be required, and/or that a stated amount of credit be given for private recreation facilities;

d. The location and suitability of the park land to be dedicated or use of in-lieu fees; and

e. The approximate time when development of the park or recreation facility shall commence.

The determination of the city as to whether land shall be dedicated, or whether a fee shall be charged, or a combination thereof, shall be final and conclusive.

4. Formula for Land and Fees. When both land dedication and fee payment are required or proposed, they shall be negotiated with the council and shall be calculated based on the number of acres determined in compliance with subsection (D) of this section, times the value for land and full street improvements per acre.
5. Credit for Improvements. If the subdivider provides park and recreational improvements on dedicated land, the value of the improvements together with any installed equipment shall be a credit against the required fees or land.

6. Credit for Private Recreation or Open Space. Where a substantial private park and recreational area is provided in a proposed subdivision (including planned developments, stock cooperatives, community apartment projects and condominiums) that will be privately owned and maintained by the future residents of the subdivision, credit may be given toward the requirement of land dedication or payment of fees in lieu thereof as the council determines is appropriate. The council’s determination shall be based on the recommendations of the director who shall consider the formula in the city’s guidelines for determining allowed Quimby credit as well as factors in subsection (G)(1) of this section and subsections (G)(6)(a) through (G)(6)(f) of this section. In addition, before determining to grant credit, the council shall find all of the following:

a. Yards, court areas, setbacks and other open areas required to be maintained by Titles 15 and 17 of the Municipal Code are not included in the computation of the private open space;

b. The private ownership and maintenance of the open space in the future is adequately secured and contained in recorded written agreements, conveyances, covenants, conditions, or restrictions;

c. The use of the private open space is restricted for park and recreational purposes by recorded covenants, conditions, or restrictions, which run with the land in favor of the future owners of property and which cannot be defeated or eliminated without the consent of the city;

d. The proposed private open space is usable for active recreation;

e. The proposed private open space is open to all subdivision property owners and residents therein; and

f. Facilities proposed for the open space are in substantial compliance with the provisions of the General Plan and Master Plan of Parks.

H. Suitability of Land to be Dedicated. Each park site proposed for dedication in compliance with this section shall be physically suited for the intended use.

1. Land which is made part of a park site for subdivision design purposes, but which is physically unsuited for park use, shall be discounted when calculating the area of the park site provided in compliance with this section.
The park space provided shall be calculated from the road rights-of-way and interior property lines abutting the site, and not from any abutting roadway centerline.

2. Land intended for other than trail use shall have a maximum slope of three percent. If necessary, the site shall be graded by the subdivider to achieve this slope, in compliance with plans approved by the city. Land which has an average slope of more than three percent may be credited against the park dedication requirement where the review authority determines that special circumstances exist which would make the acceptance of the land in the public interest. The amount of credit against the park obligation in these cases shall be calculated as shown in Table 4-1. Greater credit for sites in excess of three percent slope may be granted where the review authority determines that a site contains an exceptional visual, biotic or other natural resource.

<table>
<thead>
<tr>
<th>Park Site Slope</th>
<th>Credit Against Park Obligation</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 3%</td>
<td>100%</td>
</tr>
<tr>
<td>3.1 to 10%</td>
<td>87%</td>
</tr>
<tr>
<td>10.1 to 20%</td>
<td>56%</td>
</tr>
<tr>
<td>20.1 to 30%</td>
<td>25%</td>
</tr>
<tr>
<td>Over 30%</td>
<td>No credit</td>
</tr>
</tbody>
</table>

3. If the council determines that any of the land proposed to be dedicated is not suitable for park use or open space purposes, it may reject all or any portion of the land offered, and in that event the subdivider shall instead pay a fee in compliance with subsection (E) of this section.

I. Conveyance of Land--Payment of Fees.

1. Real property being dedicated for park purposes shall be conveyed by grant deed in fee simple to the city by the subdivider, free and clear of all encumbrances except those which, in the opinion of the city attorney, will not interfere with use of the property for park and recreational purposes, and which the city agrees to accept. Required deeds for the dedication of land and/or the amount of required fees, including any fees required by this section pursuant to the Quimby Act, shall be deposited with the city at the time of submittal of a parcel or final map. The deeds and/or fees shall be held by the city until the map is recorded, withdrawn by the subdivider, or the time for recordation expires. The subdivider shall provide all fees and
instruments required to convey the land, and title insurance in favor of the city in an amount equal to the value of the land.

2. If subdivider is only required to pay fees, these fees shall be paid no later than at the time of final map recordation.

J. Use of Collected Fees. Fees collected in compliance with this section shall be used only for either acquiring land or developing new or rehabilitating existing park or recreational facilities reasonably related to serving the proposed subdivision.

1. The council, considering any recommendations from the director, shall develop a schedule specifying how, when, and where it will use the land or fees, or both, to provide park or recreational facilities to serve the residents of the subdivision.

2. Any fees collected shall be committed within five years after payment, or issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If the fees are not committed, they shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.

K. Supplemental Regulations. The council may, by resolution adopted after a noticed public hearing, and upon the recommendation of the director, adopt regulations to further define administration, procedures, interpretations, and policies considered necessary or desirable to carry out the requirements of this section.

17.50.040 Right-of-way dedications.

A. Offers of Dedication Required. As a condition of tentative map approval, the subdivider shall dedicate or make an irrevocable offer of dedication in fee simple of all land within the subdivision that is determined by the review authority to be needed for public and private streets and alleys, including access rights and abutters’ rights; drainage; public and private greenways; scenic easements, public utility easements; and any other necessary public and private easements.

B. Improvements. The subdivider shall improve or agree to improve all streets and alleys, including access rights and abutters’ rights; and drainage, public utility and other public easements in accordance with design and improvement standards within this chapter or as may be adopted by resolution of the council.
C. Rights-of-Way—Generally. Rights-of-way shall be of sufficient size to accommodate the required improvements. In addition, where parcels front on a city-maintained road of insufficient width, or when the existing right-of-way is not deeded, the subdivider shall dedicate right-of-way sufficient for the ultimate facility. Dedications on remainder parcels that are not at the smallest lot area allowed under present zoning will not be required unless necessary for orderly development of the area or public health and safety.

D. Bicycle Paths. If the subdivision, as shown on the final map, contains two hundred or more parcels, any subdivider who is required to dedicate roadways to the public, shall dedicate additional land for bicycle paths for the use and safety of the residents of the subdivision.

E. Transit Facilities. Dedications in fee simple or irrevocable offers of dedication of land within the subdivision will be required for local transit facilities including bus turnouts, benches, shelters, landing paths and similar items that directly benefit the residents of the subdivision if:

1. The subdivision as shown on the tentative map has the potential for two hundred dwelling units or more if developed to the maximum density shown in the General Plan; and

2. The review authority finds that transit services are or will, within a reasonable time period, be available to the subdivision.

F. Alternative Transportation Systems. Whenever the subdivision falls within an area designated for the development of bikeways, hiking or equestrian trails in the General Plan, Parks and Recreation or Bikeways Master Plan, applicable specific plan, or implementing legislation, the subdivider shall dedicate land as is necessary and feasible to provide for these ways.
Chapter 17.60 Application Filing and Processing

Sections:

17.60.010 Purpose.
17.60.020 Authority for land use and zoning decisions.
17.60.030 Application filing.
17.60.040 Application fee.
17.60.050 Initial application review.
17.60.060 Environmental assessment.
17.60.070 Staff report and recommendations.

17.60.010 Purpose.

This article provides procedures and requirements for the preparation, filing and initial processing of applications for the land use permits and other entitlements required by this Development Code. Procedures and requirements for the filing and processing of subdivision maps are in Article IV.

17.60.020 Authority for land use and zoning decisions.

Table 6-1 (Review Authority) identifies the city official or body responsible for reviewing and making decisions on each type of permit or amendment.

For any specific project, the final review authority to approve, conditionally approve, or deny an application ordinarily subject to the decision of a lower review authority shall be the higher review authority as identified in Table 6-1, if the application is filed concurrently with an application subject to the decision of a higher review authority as set forth in Table 6-1.
Table 6-1  
Review Authority

<table>
<thead>
<tr>
<th>Type of Permit or Decision</th>
<th>Development Review Committee</th>
<th>City Engineer</th>
<th>Community Development Director</th>
<th>Planning Commission</th>
<th>City Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative and Amendments</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Development Code amendment</td>
<td>Recommend</td>
<td></td>
<td>Recommend</td>
<td>Decision</td>
<td></td>
</tr>
<tr>
<td>General Plan Amendment</td>
<td>Recommend</td>
<td></td>
<td>Recommend</td>
<td>Decision</td>
<td></td>
</tr>
<tr>
<td>Interpretations</td>
<td>Decision (2)</td>
<td>Appeal</td>
<td>Appeal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zoning Map amendment</td>
<td>Recommend</td>
<td></td>
<td>Recommend</td>
<td>Decision</td>
<td></td>
</tr>
<tr>
<td>Development/Land Use Permits</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative Plan Review</td>
<td>Recommend</td>
<td>Decision (2)</td>
<td>Appeal</td>
<td>Appeal</td>
<td></td>
</tr>
<tr>
<td>Conditional Use Permit</td>
<td>Recommend</td>
<td>Decision</td>
<td>Appeal</td>
<td>Appeal</td>
<td></td>
</tr>
<tr>
<td>Development Plan</td>
<td>Recommend</td>
<td>Decision</td>
<td>Appeal</td>
<td>Appeal</td>
<td></td>
</tr>
<tr>
<td>Development Agreements</td>
<td>Recommend</td>
<td>Decision</td>
<td>Appeal</td>
<td>Appeal</td>
<td></td>
</tr>
<tr>
<td>Minor Use Permit</td>
<td>Decision (2)</td>
<td>Appeal</td>
<td>Appeal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Home Occupation Permit</td>
<td>Decision</td>
<td>Appeal</td>
<td>Appeal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oak Tree Permits</td>
<td>Recommend</td>
<td>Decision</td>
<td>Appeal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sign Permits</td>
<td>Decision (2)</td>
<td>Appeal</td>
<td>Appeal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site Plan Review</td>
<td>Recommend</td>
<td>Decision (2)</td>
<td>Appeal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scenic Corridor Permit</td>
<td>Recommend</td>
<td>Decision</td>
<td>Appeal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor Scenic Corridor Permit</td>
<td></td>
<td>Decision(2)</td>
<td>Appeal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary Use Permits</td>
<td>Recommend</td>
<td>Decision (2)</td>
<td>Appeal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Variances</td>
<td>Recommend</td>
<td>Decision</td>
<td>Appeal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zoning Clearance</td>
<td></td>
<td>Decision (2)</td>
<td>Appeal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subdivisions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Certificates of Compliance</td>
<td>Recommend</td>
<td>Decision (2)(3)</td>
<td>Appeal</td>
<td>Appeal</td>
<td></td>
</tr>
<tr>
<td>Conditional Certificates</td>
<td>Recommend</td>
<td>Decision (2)(3)</td>
<td>Appeal</td>
<td>Appeal</td>
<td></td>
</tr>
<tr>
<td>Lot Line Adjustments</td>
<td>Recommend</td>
<td>Decision (2)(3)</td>
<td>Appeal</td>
<td>Appeal</td>
<td></td>
</tr>
<tr>
<td>Lot Mergers</td>
<td>Recommend</td>
<td>Decision (2)(3)</td>
<td>Appeal</td>
<td>Appeal</td>
<td></td>
</tr>
<tr>
<td>Parcel and Final Maps</td>
<td>Recommend</td>
<td>Decision</td>
<td>Appeal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tentative Maps</td>
<td>Recommend</td>
<td>Decision</td>
<td>Appeal</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes:
1) “Recommend” means that the review authority makes a recommendation on the approval or disapproval of the request to a higher decision-making body; “Decision” means that the review authority makes the final decision on the matter; “Appeal” means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter 17.74.

2) The director may refer any matter subject to a decision by the director to the commission, so that the commission may instead make the decision.
Application Filing and Processing

Chapter 17.60

3) The director’s decision is based on the standards and guidelines in this Development Code. Final approval signature shall be required by the city engineer based on compliance with other applicable laws and codes.

17.60.030 Application filing.

A. Application Contents. Applications for permits, amendments, and other matters pertaining to this Development Code shall be filed with the department on a city application form, together with all fees, plans, maps, reports and other information prepared as required by the land use application preparation and contents instruction lists provided by the department. Applicants are encouraged to contact the department before submitting an application to verify which materials are necessary for application filing.

B. Eligibility for Filing. Applications may only be made by the owners or lessees of property, or their agents, or persons who have contracted to purchase or lease property contingent upon their ability to acquire the necessary permits under this Development Code.

C. Pre-Application Conference. A prospective applicant or agent is encouraged to request a pre-application conference with the department prior to completion of project design and the formal submittal of a permit application. The purpose of this conference is to inform the applicant of city requirements as they apply to the proposed development project, review the procedures outlined in this Development Code, explore possible alternatives or modifications, and identify any technical studies that may be necessary for the environmental review process when a formal application is filed.

17.60.040 Application fees.

The council shall, by resolution, establish a schedule of fees for permits, amendments and other matters pertaining to this Development Code. The schedule of fees may be changed or modified only by resolution of the Council. The city’s processing fees are cumulative. For example, if an application for site plan review also requires a variance, both fees will be charged. Also, unusually large or complex projects may be subject to an hourly rate in addition to the basic application fees. Processing shall not commence on any application until all required fees have been paid.

17.60.050 Initial application review.

All applications filed with the department as required by this Development Code shall be initially processed as follows:
A. Completeness Review. Within thirty days of filing, the department shall review all applications for completeness and accuracy before they are accepted as being complete and officially filed.

1. Notification of Applicant. The applicant shall be informed by a letter either that the application is complete and has been accepted for processing; or that the application is incomplete and that additional information, specified in the letter, must be provided. When an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness must occur. The time available to an applicant for submittal of additional information is limited by subsection (A)(3) of this section.

2. Appeal of Determination. Where the department has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the department is not required, the applicant may appeal the determination in compliance with Chapter 17.74.

3. Expiration of Application. If a pending application is not completed by the applicant (i.e., not accepted as complete by the city) within six months after the first filing with the department, the application shall expire and be deemed withdrawn unless otherwise extended by the director. A new application may then be filed in compliance with this article.

4. Additional Information. After an application has been accepted as complete, the department may require the applicant to submit additional information needed for the environmental review of the project as provided by Section 17.60.060.

B. Referral of Application. At the discretion of the director or where otherwise required by this Development Code, state or federal law, any application filed in compliance with this Development Code may be referred to any public agency that may be affected by or have an interest in the proposed land use.
Table 6-2
Development Impacts of Individual Development Projects

<table>
<thead>
<tr>
<th>Issue</th>
<th>Development Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preservation of Open Space</td>
<td>A new discretionary development project that would prevent the city from achieving (i) its open space objective of 4,000 acres of designated natural open space within the city limits, or (ii) an open space network of protected areas with a high degree of visual and physical continuity.</td>
</tr>
<tr>
<td>Hillside Management</td>
<td>Discretionary development projects that are not in compliance with hillside grading performance standards.</td>
</tr>
<tr>
<td>Biotic Resources</td>
<td>A discretionary development project that results in a net loss of habitat value in an area mapped as a significant ecological area, wildlife linkage or corridor on General Plan Conservation Element Figure IV-1, or that is otherwise identified as an area containing any biological species or habitat identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service. Figure IV-1 is to be updated periodically. The construction of channelized flood control works, debris basins, and retention/detention facilities within a perennial or intermittent stream or wetlands area and any net loss of wetland area.</td>
</tr>
</tbody>
</table>
| Air Quality                   | • A discretionary development project that: Interferes with attainment of Federal or State ambient air quality standards, hinders attainment of the greenhouse gas emission reduction objectives of AB 32, or is inconsistent with the AQMP.  
• Causes a violation of the State’s one hour or eight hour standard for carbon monoxide (CO).                                                                                                                                                                                                                                                                                                               |
| Water Resources               | • A discretionary development project that: Involves an amendment to the zoning map that increases water consumption beyond water supplies available from the Las Virgenes Municipal Water District.  
• Fails to incorporate best management practices in plumbing fixtures or is inconsistent with the city’s Water Efficient Landscape Criteria.  
• Is located in an area for which providing reclaimed water supplies is feasible, and could legally use reclaimed water supplies, but is not designed for such use.  
• Is inconsistent with applicable NPDES permit requirements.                                                                                                                                                                                                                                                                                               |
<p>| Soil Conservation             | A discretionary development project where grading or subsequent operations result in deposits of soils on public streets or on downstream properties at a rate greater than natural erosion. Employment of “best management practices” and compliance with applicable NPDES requirements are presumed to reduce the impacts of a development to a less than significant level.                                                                                                                                                                                                                     |
| Energy Conservation           | A discretionary development project that does not meet all applicable Title 24, California Code of Regulations and Calabasas Green Building Ordinance energy conservation requirements, and, in addition, does not employ best management practices for passive energy conservation.                                                                                                                                                                                                                   |</p>
<table>
<thead>
<tr>
<th><strong>Solid Waste Management</strong></th>
<th>A discretionary development project inconsistent with the city’s Source Reduction and Recycling Element.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Mineral Resources</strong></td>
<td>Any extraction of mineral resources for off-site use that is inconsistent with the hillside management provisions of the General Plan.</td>
</tr>
</tbody>
</table>
| **Seismic, Geologic, Flooding, and Fire Hazards** | - A discretionary development project that does not meet Title 15 of this code.  
- Placement of a discretionary development project within a FEMA 100-year flood zone unless FEMA issues a letter of map revision indicating that the site has been removed from the 100-year flood zone.  
- Placement of development adjacent to a creek that has shown evidence of past erosion unless a hydrology study indicates that the project will not be subject to erosion-related damage and will not create further downstream erosion. |
| **Noise**                 | - A discretionary development project that: Would create noise in excess of the standards outlined in the Calabasas Noise Ordinance.  
- Is located in an area that currently exceeds or will exceed the “normally acceptable” range for the proposed use, as outlined on Figure VIII-3 of the General Plan Noise Element, unless mitigation can either reduce exterior noise levels to the normally acceptable level or achieve an acceptable interior noise level (45 dBA CNEL for residences)  
- Would generate traffic noise that would be audible at a sensitive receptor location and would increase the long-term CNEL along a roadway by  
  - 7 dB or more where the existing CNEL is less than 50 dBA  
  - 5 dB or more where the existing CNEL is between 50 dBA and 55 dBA  
  - 3 dB or more where the existing CNEL is between 55 dBA and 60 dBA  
  - 2 dB or more where the existing CNEL is between 60 dBA and 50 dBA  
  - 1 dB or more where the existing CNEL is between 65 dBA and 75 dBA  
  - Any amount where the existing CNEL is greater 75 dBA |
| **Hazardous Materials**   | A discretionary development project that is inconsistent with the most current Los Angeles County Hazardous Waste Management Plan. |
| **Disaster Response**     | A discretionary development project that would be inconsistent with adopted standards of the city or other disaster response agency. |
| **Population Growth**     | A discretionary development project that would result in a population or employment increase in excess of that included in SCAG’s regional forecasts for the City of Calabasas, as accepted by the city. |
| **Housing**               | A discretionary development project that:  
- Prevents the city from meeting its share of regional production needs (Table V-3 of the General Plan Housing Element)  
- Results in the net loss of any subsidized affordable housing units  
- Results in the net loss of rental housing at any time the vacancy rate for rental housing is below five percent (5%) |
| **Land Use**              | - A discretionary development project that: Would cause significant impacts on other properties based on other standards included in this table  
- Is inconsistent with standards contained in the Development Code unless it can be
demonstrated that a variance from applicable standards would not cause significant impacts on other properties based on other standards included in this table

<table>
<thead>
<tr>
<th>Circulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>• A discretionary development project that: Roadway level of service along nearby streets exceeds the performance objectives outlined in the “Vehicular Circulation” objectives of the General Plan Circulation Element:</td>
</tr>
<tr>
<td>— Prior to project development</td>
</tr>
<tr>
<td>— Subsequent to project development</td>
</tr>
<tr>
<td>— At general plan buildout; and</td>
</tr>
<tr>
<td>• The project will create a peak hour volume-to-capacity (V/C) increase in excess of the criteria outlined in General Plan Circulation Element Table VI-3.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fiscal Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>A discretionary development project that increases the cost or lowers the level of municipal services or facilities that are being provided to existing development.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Community Design</th>
</tr>
</thead>
<tbody>
<tr>
<td>A discretionary development project that would be inconsistent with a policy of the General Plan Community Design Element</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Historical and Cultural Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>A discretionary development project that impacts an identified historical or archaeological resource pursuant to Section 15064.5 of the State CEQA Guidelines or would be inconsistent with the city's Historic Preservation Ordinance.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parks and Recreation</th>
</tr>
</thead>
<tbody>
<tr>
<td>A discretionary development project that:</td>
</tr>
<tr>
<td>• Prevents the use of an existing or proposed public or private park; or</td>
</tr>
<tr>
<td>• Does not provide mitigation for increased demand for parks as required by this Development Code</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Municipal Services and Facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>A discretionary development project that:</td>
</tr>
<tr>
<td>• Would not meet adopted performance standards of the affected municipal service or facility provider; or</td>
</tr>
<tr>
<td>• Reduces the level of service provided to existing development below adopted performance standards of municipal service and facility providers; or</td>
</tr>
<tr>
<td>• Results in any further reduction in the level of service to existing development where the level of service being provided to existing development is already below the adopted performance standards of municipal service or facility providers.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Responsible Regionalism</th>
</tr>
</thead>
<tbody>
<tr>
<td>A discretionary development project that would create impacts in excess of these standards outlined in this table within other jurisdictions without providing offsetting benefits to those jurisdictions.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Quality of Life</th>
</tr>
</thead>
<tbody>
<tr>
<td>A discretionary development project that:</td>
</tr>
<tr>
<td>• The increase in nighttime intensity of light would be inconsistent with the city’s Dark Skies Ordinance; or</td>
</tr>
<tr>
<td>• Humidity, heat, cold, or glare is noticeable without instruments by the average person on an adjacent property; or</td>
</tr>
<tr>
<td>• Unpleasant odors are created that would be perceptible by the average person on an adjacent property.</td>
</tr>
</tbody>
</table>
17.60.060 Environmental assessment.

After acceptance of a complete application, the project shall be reviewed as required by the California Environmental Quality Act (CEQA), and the City of Calabasas CEQA guidelines, to determine whether the proposed project is exempt from the requirements of CEQA or is not a project as defined by CEQA, whether a negative declaration may be issued, or whether an environmental impact report (EIR) must be required. These determinations and, where required, EIRs shall be prepared in accordance with CEQA guidelines.

If the City finds that the significant development impacts identified in Table 6-2 could potentially have a significant impact on the environment a mitigated negative declaration or environmental impact report shall be prepared.

17.60.070 Staff report and recommendations.

A. Staff Evaluation. The development review committee and/or department staff shall review all discretionary applications filed in compliance with this chapter to determine whether they comply and are consistent with the provisions of this Development Code, other applicable provisions of the Municipal Code, and the General Plan, and shall provide a recommendation to the review authority on whether the application should be approved, approved subject to conditions, or disapproved.

B. Staff Report Preparation. A staff report shall be prepared by the department that describes the conclusions of the development review committee and/or department staff about the proposed land use and any development as to its compliance and consistency with the provisions of this Development Code, other applicable provisions of the Municipal Code, applicable specific plans, and the General Plan. The staff report shall include recommendations on the approval, approval with conditions, or disapproval of the application, based on the evaluation and consideration of information provided by the applicant and any environmental documents, reports, or studies, if applicable.

C. Report Distribution. Staff reports shall be furnished to applicants at the same time as they are provided to members of the review authority prior to a hearing on the application.

17.60.080 Application Denial – Reapplication.

A. Whenever an application or portion of an application has been denied or revoked and the denial or revocation becomes final, any new application for the same or
similar request shall not be accepted until after one year of the date of the denial, unless the director finds that the conditions surrounding the application have sufficiently changed to warrant a new application or unless the review authority which denies the permit or application does so without prejudice to a new filing sooner than would otherwise be permitted by this section.

B. For the purposes of this section, “changed conditions” shall mean any of the following:

1. A substantial change or improvement has occurred regarding land use(s) on properties in the vicinity;

2. A substantial change or improvement has occurred regarding infrastructure in the vicinity;

3. A substantial change or improvement has occurred regarding traffic patterns on surrounding streets and intersections,

4. A change in General Plan policy or zoning has occurred which affects the subject property and may benefit the proposed project or request, or

5. Any such similar change has occurred resulting in a changed or improved physical condition warranting reconsideration of the proposal.
Chapter 17.62 Permit Approval or Disapproval

Sections:

17.62.010 Purpose.
17.62.020 Site plan review.
17.62.030 Temporary use permit.
17.62.040 Minor use permit.
17.62.050 Scenic corridor permit.
17.62.060 Conditional use permit.
17.62.070 Development plan.
17.62.080 Variance.
17.62.090 Administrative plan review.
17.62.100 Home occupation permit.
17.62.110 Zoning clearance.

17.62.010 Purpose.

This chapter provides standards for the final review, and approval or disapproval of the land use permit applications established by this Development Code. Procedures and standards for the review and approval of subdivision maps are found in Article IV. Where applicable, the procedures of this chapter are carried out after those described in Chapter 17.60 for each application.

Land uses not listed in this chapter shall be subject to the provisions of Section 17.11.020 E- Applicable Standards and Permit Requirements.

17.62.020 Site plan review.

A. Purpose. Site plan review is a discretionary land use permit required for certain proposed land uses that involve new construction. The site plan review process is intended to promote comprehensive design and planning for orderly and compatible development, and ensure that site development, the exterior appearance of structures, landscaping, grading, signs and other improvements are designed to minimize adverse aesthetic and environmental impacts on the site and its surroundings.

B. Applicability. Site plan review is required for all land uses identified by this title as allowable subject to site plan review, and the following:
1. New site development, or new construction and additions to existing buildings over five thousand square feet in commercial and special purpose zoning districts;

2. Additions over five hundred square feet to existing single-family homes, cumulative in any five year period, except in Old Topanga and Calabasas Highlands Overlay Districts.

3. Additions over two hundred fifty square feet to existing single-family homes, cumulative in any five year period, in Old Topanga and Calabasas Highlands Overlay Districts.

4. New single family homes in the Old Topanga and Calabasas Highlands Overlay Districts except for items for which the director is the review authority pursuant to Section 17.62.050 (C)(2); and

5. For new site development or construction in the scenic corridor except for items for which the director is the review authority pursuant to Section 17.62.050 (C)(2).

C. Application Filing and Processing. An application for site plan review shall be filed and processed in compliance with Chapter 17.60.

D. Project Review, Notice and Hearing. Each site plan review application shall be analyzed to ensure that the proposed development complies with all applicable provisions of this Development Code. Each application for new structures or site plan modifications shall be reviewed by the commission. The commission shall hold a public hearing in compliance with Chapter 17.78 for all projects requiring site plan review.

E. Findings, Decision and Conditions. After a public hearing, the review authority shall record the decision and the findings upon which the decision is based. The review authority may approve a site plan review application with or without conditions, if all of the following findings are made:

1. The proposed project complies with all applicable provisions of this Development Code;

2. The proposed project is consistent with the General Plan, any applicable specific plan, and any special design theme adopted by the city for the site and vicinity;
3. The approval of the site plan review is in compliance with the California Environmental Quality Act (CEQA);

4. The proposed structures, signs, site development, grading and/or landscaping are compatible in design, appearance and scale, with existing uses, development, signs, structures and landscaping for the surrounding area;

5. The site is adequate in size and shape to accommodate the proposed structures, yards, walls, fences, parking, landscaping, and other development features; and

6. The proposed project is designed to respect and integrate with the existing surrounding natural environment to the maximum extent feasible.

F. Expiration. A site plan review shall be exercised within one year from the date of approval or the permit shall become void, unless an extension is approved by the director in compliance with Chapter 17.64.

17.62.030 Temporary use permit.

A. Purpose. A temporary use permit allows short-term activities that might not meet the normal development or use standards of the applicable zoning district, but may be acceptable because of their temporary nature. This section provides a process for reviewing a proposed use to ensure basic public health, safety and welfare standards are met, and approving suitable temporary uses with the minimum necessary conditions or limitations consistent with the temporary nature of the use.

B. Permitted Temporary Uses and Events. The following temporary uses and events may be permitted, subject to the issuance of a temporary use permit. Uses that do not fall within the categories defined below shall instead comply with the use and development restrictions and permit requirements that otherwise apply to the property.

1. Construction Yards. Off-site contractors’ construction yards in conjunction with an approved construction project.

2. Location Filming. Location filming is subject to Municipal Code Chapter 5.04.
3. Seasonal Sales Lots. Christmas tree sales lots or the sale of other seasonal products (e.g., pumpkins), and temporary residence/security trailers. A permit shall not be required when the sales are in conjunction with an established commercial business holding a valid business license, provided the activity does not consume more than fifteen percent of the total parking spaces on the site and does not impair emergency vehicle access.

4. Special Events. Art and craft fairs, carnivals, circuses, ethnic celebrations, festivals and other similar special events. These may be approved in commercial districts provided that they do not continue for more than five consecutive days.

5. Temporary Offices and Work Trailers. A trailer, coach or mobilehome as a temporary office facility, or work site for employees of a business (not including temporary construction trailers, see Section 17.02.020(B)):
   a. During construction or remodeling of a permanent commercial or industrial structure when a valid building permit is in force; or
   b. Upon demonstration by the applicant that this temporary facility is a short-term necessity while a permanent facility is being obtained or constructed.

   The permit may be granted for up to one year. An extension may be authorized by the commission through conditional use permit approval.


7. Temporary signs and banners pursuant to Section 17.30.080(A).

8. Similar Temporary Uses. Similar temporary uses which, in the opinion of the director, are compatible with the zoning district and surrounding land uses.

C. Development Standards. Standards for structure setbacks, heights, floor areas, parking and landscaping areas and other structure and property development standards that apply to the type of use or the zoning district of the site shall be used as a guide for determining the appropriate development standards for temporary uses. However, the temporary use permit may authorize variation from the specific requirements as may be appropriate.
D. Application. A temporary use permit application shall be made on a form prescribed by the director and filed with the department. The application shall be accompanied by the following:

1. Illustrations. Sketches or drawings of sufficient size and clarity to show without further explanation the following: size and location of the property, location of the adjacent street, location and size of all structures on the site, location of structures on adjacent lots, location and number of parking spaces, and location of any temporary fences, signs, or structures to be installed as part of the temporary use;

2. Statement of Operations. Letter describing the hours of operation, days that the temporary use will be on the site, number of people staffing the use during operation, anticipated number of people using the facility during commercial operation, and other information about the operation of the use that pertains to the impact of the use on the community or on adjacent uses; and

3. Letters from Abutting Property Owners. For uses proposed to last more than thirty-five consecutive days per calendar year (where listed as allowable uses in the applicable zoning district by Article II) letters signed by the property owners of each lot abutting the site on which the temporary use is proposed to be located. The letters shall acknowledge the proposed use, dates and times of operation, and state the abutting property owner's agreement to the operation of the temporary use as described. Applications for which the applicant is unable to obtain these letters may be converted to a standard conditional use permit where the use is allowed with conditional use permit approval by the applicable zoning district.

E. Project Review. A temporary use permit may be approved, modified, conditioned or disapproved by the director. At the discretion of the director, a temporary use permit may be referred to the commission for a hearing and decision. A temporary use permit shall be reviewed by the development review committee for recommendations on approval, modification, conditions or disapproval prior to approval by the director or commission.

F. Findings. The review authority may approve or conditionally approve a temporary use permit application, only if all the following findings are made:

1. That the establishment, maintenance or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of the proposed use; and
2. The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.

In making these determinations, the review authority shall take into consideration the short time period of the proposed use.

G. Conditions of Approval. In approving an application for a temporary use permit, the review authority may impose conditions deemed necessary to ensure that the permit will be in compliance with the findings required by subsection (F) of this section.

H. Condition of Site Following Temporary Use. Each site occupied by a temporary use shall be cleaned of debris, litter or any other evidence of the temporary use upon completion or removal of the use, and shall thereafter be used in compliance with the provisions of this Development Code. A bond may be required prior to initiation of the use to ensure cleanup after the use is finished.

17.62.040 Minor use permits.

A. Purpose. A minor use permit is a discretionary administrative review process that allows for the review and approval of minor use applications as required by this Title.

B. Applicability. A minor use permit is required for all land uses identified by this Title as allowable subject to minor use permit approval including hobby farms and large farm animals as an accessory use.

C. Application Filing and Processing. An application for minor use permit shall be filed and processed in compliance with Chapter 17.60 (Application Filing and Processing).

D. Project Review, Notice and Hearing. Each minor use permit application shall be analyzed to ensure that the proposed use complies with all applicable provisions of this Development Code. Each application for new structures or site plan modifications shall be reviewed by the director. The director shall hold a public hearing in compliance with Chapter 17.78 (Public Hearings).

E. Findings, Decision, Conditions. After a public hearing, the director shall record the decision and the findings upon which the decision is based. The director may approve a minor use permit application with or without conditions, if all of the findings are made:
1. The proposed use is permitted within the applicable zoning district and complies with all applicable provisions of this Development Code;

2. The proposed use is consistent with the General Plan, any applicable specific plan, any special design theme adopted by the city for the site and vicinity;

3. The approval of the minor use permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA);

4. The proposed structures, signs, site development, grading, and/or landscaping related to the proposed use are compatible in design, appearance, and scale, with existing uses, development, signs, structures, and landscaping for the surrounding area;

5. The site is adequate in size and shape to accommodate the proposed structures, yards, walls, fences, parking, landscaping, and other development features related to the proposed use; and

6. The proposed use is designed to respect and integrate with the existing surrounding natural environment to the maximum extent feasible;

F. Expiration. A minor use permit shall be exercised within one year from the date of approval or the permit shall become void, unless an extension is approved by the director in compliance with Chapter 17.64.

17.62.050  Scenic corridor permits.

A. Purpose. A scenic corridor permit is a discretionary review process that allows for the review and approval of development applications within the -SC (scenic corridor) overlay zoning district (Section 17.18.040),

B. Applicability. All development within the -SC overlay zoning district shall receive land use permit approval in compliance with this subsection in addition to the permit normally required by, except for:

1. Interior tenant improvements for residential, commercial, office or industrial projects;

2. Ministerial projects as defined in Section 15268 of the California CEQA Guidelines and/or the city’s CEQA Guidelines;
3. Where it is determined by the director that the project will not be visible from the designated scenic corridor; and

4. Where a project is exempt per Section 17.02.020.

C. Project Review, Notice and Hearing. Each scenic corridor permit application shall be analyzed to ensure that the application is consistent with all applicable provisions of this Development Code. A public hearing shall be required in compliance with Chapter 17.78.

1. Scenic corridor permit. The commission shall be the review authority for any new construction or site development within the scenic corridor overlay zone except as provided in subsection (C)(2) of this section.

2. Minor scenic corridor permit. The director shall be the review authority for the following:

   a. Residential Accessory Structures. Residential accessory structures, including decks, gazebos and patio covers, and fences and walls not exceeding six feet in height;

   b. Residential Additions. All ground floor additions to single-family homes and additions above the ground floor not exceeding five hundred square feet;

   c. Signs. Individual, freestanding or wall-mounted signs in compliance with Chapter 17.30; and

   d. Tennis Courts. Tennis courts without night lighting.

D. Required Findings. Approval of development within an –SC overlay district shall require that the review authority make following findings, in addition to the findings required by a site plan review.

1. The proposed project design complies with the scenic corridor development guidelines adopted by the council;

2. The proposed project incorporates design measures to ensure maximum compatibility with and enhancement of the scenic corridor;

3. The proposed project is within an urban scenic corridor designated by the General Plan, and includes adequate design and landscaping, which serves to enhance and beautify the scenic corridor; or
4. The proposed project is within a rural or semi-rural scenic corridor designated by the General Plan, and is designed to ensure the continuing preservation of the character of the surrounding area.

5. The proposed structures, signs, site development, grading, and/or landscaping related to the proposed use are compatible in design, appearance, and scale, with existing uses, development, signs, structures, and landscaping of the surrounding area;

17.62.060 Conditional use permit.

A. Purpose. Conditional use permits are intended to allow for activities and uses that are unique and whose effect on the surrounding environment cannot be determined prior to being proposed for a particular location. At the time of application, a review of the location, design, configuration and potential impact of the proposed use shall be conducted by comparing it to established development standards and design guidelines.

B. Applicability. Conditional use permit approval is required for all land uses identified by Article II as allowable subject to conditional use permit approval.

C. Application Filing and Processing. An application for a conditional use permit shall be filed and processed in compliance with Chapter 17.60.

D. Project Review, Notice and Hearing. Each conditional use permit application shall be analyzed to ensure that the application is consistent with all applicable provisions of this Development Code. Each application shall be reviewed by the Director, who shall make a recommendation to the commission. The commission shall hold a public hearing in compliance with Chapter 17.78, and may approve or disapprove the conditional use permit in compliance with this section.

E. Findings, Decision and Conditions. Following a public hearing, the commission shall record the decision and the findings upon which the decision is based. The commission may approve a conditional use permit application with or without conditions, if all of the following findings are made:

1. The proposed use is conditionally permitted within the subject zoning district and complies with all of the applicable provisions of this Development Code;

2. The proposed use is consistent with the General Plan and any applicable specific plan or master plan;
3. The approval of the conditional use permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA); and

4. The location and operating characteristics of the proposed use are compatible with the existing and anticipated future land uses in the vicinity.

F. Expiration. A conditional use permit shall be exercised within one year from the date of approval or the permit shall become void, unless an extension is approved by the director in compliance with Chapter 17.64.

17.62.070 Development plan.

A. Purpose and Applicability. The purpose of a development plan permit is to permit greater flexibility and creativity in order to allow land uses and development that is superior to those attainable under existing zoning district standards. Development plan approval is required for the following: (i) all development proposed on a site that is subject to a development plan DP overlay zoning district, (ii) all development proposed within the PD zoning district, (iii) to establish setbacks for projects in the PF, REC and OS zoning districts, (iv) to modify the standards for multi-family projects pursuant to Section 17.12.145, (v) to increase the allowed height in the CR zones, (vi) to establish a parcel width and depth less than required by Section 17.46.070 and (vii) subdivisions that propose a cluster development project pursuant to 17.18.030(F). Development plans may also be utilized to modify development standards as set forth in this Title.

B. Application Filing and Processing. An application for a development plan shall be filed and processed in compliance with Chapter 17.60.

C. Project Review, Notice and Hearing. Each development plan application shall be analyzed to ensure that the application is consistent with all applicable provisions of this Development Code. Each application shall be reviewed by the development review committee and the director, who shall make a recommendation to the commission. The commission shall hold a public hearing in compliance with Chapter 17.78, and shall make a recommendation to the council. The council may approve or disapprove a development plan in compliance with this section.

D. Findings, Decision and Conditions. Following a public hearing, the council shall record the decision and the findings upon which the decision is based. The council may approve a development plan application with or without conditions, if all of the following findings are made:
1. The proposed use is conditionally permitted within the subject zoning district and complies with all of the applicable provisions of this Development Code;

2. The proposed use is consistent with the General Plan and any applicable specific plan or master plan;

3. The approval of the development plan for the proposed use is in compliance with the California Environmental Quality Act (CEQA); and

4. The location, design, scale and operating characteristics of the proposed use are compatible with the existing and anticipated future land uses in the vicinity.

5. Expiration. A development plan shall be exercised within one year from the date of approval or the permit shall become void, unless an extension is approved by the director in compliance with Chapter 17.64.

17.62.080 Variance.

A. Purpose. The provisions of this section allow for variance from the development standards of this Development Code only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Development Code denies the property owner privileges enjoyed by other property owners in the vicinity and in identical zoning districts.

B. Applicability. The commission may grant a variance from the requirements of this Development Code governing only the following development standards:

1. Dimensional standards (i.e., distance between structures, parcel area, site coverage, landscape and paving requirements, parcel dimensions, setbacks, and structure heights);

2. Sign regulations (other than prohibited signs); and

3. Number and dimensions of parking areas, loading spaces, landscaping or lighting requirements, except as otherwise provided in this Development Code. A variance may be granted for a reduction in the number of parking spaces greater than the reduction allowed pursuant to Section 17.28.50.

Variances shall not be issued to allow deviations from allowed land uses, or residential density regulations.
C. Application Requirements. An application for a Variance shall be filed in compliance with Section 17.60.030. It is the responsibility of the applicant to provide evidence in support of the findings required by subsection (E) of this section.

D. Project Review, Notice and Hearing. Each variance application shall be analyzed to ensure that the application is consistent with the purpose and intent of this section. The director shall make a recommendation to the commission, which shall hold a public hearing in compliance with Chapter 17.78.

E. Findings and Decision. Following a public hearing, the Commission may approve, approve subject to conditions, or disapprove the variance, and shall record the decision in writing with the findings upon which the decision is based, in compliance with state law (Government Code Section 65906). The commission may approve an application, with or without conditions, only if all of the following findings are made:

1. That there are special circumstances applicable to the property which do not generally apply to other properties in the same zoning district (i.e., size, shape, topography, location or surroundings), such that the strict application of this chapter denies the property owner privileges enjoyed by other property owners in the vicinity and in identical zoning districts;

2. That granting the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought;

3. That granting the variance would not constitute the granting of a special privilege inconsistent with the limitations of other properties in the same zoning district.

4. That granting the variance will not be detrimental to the public health, safety or welfare, or injurious to property or improvements in the vicinity and zoning district in which the property is located; and

5. That granting the variance is consistent with the General Plan and any applicable specific plan.

F. Conditions. Any variance granted shall be subject to conditions that will ensure that the variance does not grant special privilege(s) inconsistent with the limitations upon other properties in the vicinity and same zoning district.
G. Expiration. A variance shall be exercised within one year from the date of approval, or the variance shall become void, unless an extension is approved by the director in compliance with Chapter 17.64.

17.62.090 Administrative plan review.

A. Purpose. Administrative plan review is a discretionary land use permit required for certain proposed land uses that involve new construction. The administrative plan review process is intended to promote comprehensive design and planning for orderly and compatible development, and ensure that site development, the exterior appearance of structures, landscaping, grading, signs and other improvements are designed to minimize adverse aesthetic and environmental impacts on the site and its surroundings.

B. Applicability. Administrative plan review is required for all land uses identified by this title as allowable subject to administrative plan review including the following:

1. New site development or construction in residential zoning districts unless located in a scenic corridor;

2. Additions of two hundred fifty square feet or less to existing single-family homes, cumulative in any five year period, in the Old Topanga and Calabasas Highlands Overlay zones;

3. Additions of five hundred square feet or less, cumulative in any five year period, to existing single-family housing units except in the Old Topanga and Calabasas Highlands Overlay zones;

4. Detached garages over five hundred fifty square feet in size;

5. Exterior modifications to commercial buildings or site plans;

6. Fences in all zoning districts except RS. Fences for residential properties located in the scenic corridor overlay district shall require a minor scenic corridor permit;

7. Flags higher than the height of a building;

8. Pole mounted flags in the RS, RC, RR and OS zones;

9. Pool and spa setback from rear of side property line adjacent to dedicated open space;
10. Satellite antenna larger than one meter unless located in the scenic corridor overlay district;

11. Secondary housing units;

12. Reverse vending machines (up to five machines); and

13. Tennis and other recreational fencing over six feet in height.

C. Application Filing and Processing. An application for administrative plan review shall be filed and processed in compliance with Chapter 17.60.

D. Project Review, Notice, and Hearing. An administrative plan review may be approved, modified, conditioned or disapproved by the director. Each administrative plan review application shall be analyzed to ensure that the proposed project complies with all applicable provisions of this Development Code. The director shall hold a public hearing in compliance with Chapter 17.78.

At the discretion of the director, an administrative plan review application may instead be referred to the commission for a hearing and decision in compliance with this section.

E. Findings, Decision and Conditions. The review authority shall record the decision and the findings upon which the decision is based. The review authority may approve an administrative plan review application with or without conditions, if all of the following findings are made:

1. The proposed project complies with all applicable provisions of this Development Code;

2. The proposed project is consistent with the General Plan, any applicable specific plan, and any special design theme adopted by the city for the site and vicinity;

3. The approval of the site plan review is in compliance with the California Environmental Quality Act (CEQA);

4. The proposed structures, signs, site development, grading and/or landscaping are compatible in design, appearance and scale, with existing uses, development, signs, structures and landscaping for the surrounding area;
5. The site is adequate in size and shape to accommodate the proposed structures, yards, walls, fences, parking, landscaping, and other development features; and

6. The proposed project is designed to respect and integrate with the existing surrounding natural environment to the maximum extent feasible.

G. Expiration. An administrative plan review shall be exercised within one year from the date of approval or the permit shall become void, unless an extension is approved by the director in compliance with Chapter 17.64.

17.62.100 Home occupation permit.

A. Purpose. A home occupation permit is established to allow home occupations to exist, provided the residential character of residential neighborhoods is maintained and provided safeguards are established to prevent the use of home occupations from transforming the use of a residence into a commercial use or a residential neighborhood into a commercial one.

B. Project Review. An application for a home occupation permit must be submitted to the city on forms supplied by the department. The applicant must provide information required by the application and any additional information requested by the city to assist in the review of the permit request.

C. Decision. The director shall issue the home occupation permit after determining that the request complies with Section 17.12.115 and all other Code provisions applicable to the proposed use.

17.62.110 Zoning clearance.

A. Purpose. Zoning clearance is the procedure used by the city to verify that a proposed structure or land use complies with (i) the permitted list of activities allowed in the applicable zoning district, and (ii) the development standards applicable to the type of use. Where Article II requires zoning clearance as a prerequisite to establishing a land use, the director shall evaluate the proposed use to determine whether the clearance may be granted in compliance with this section.

B. Applicability. A zoning clearance shall be required at the time of department review of any building, grading or other construction permit, or other authorization required by this Development Code for the proposed use. Where no other
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authorization is required, a request for zoning clearance shall be filed with and as required by the department.

C. Criteria for Clearance. The director shall issue the zoning clearance after determining that the request complies with all Development Code provisions applicable to the proposed project.

D. A zoning clearance is not required for projects that have been approved under another permit process identified in this Chapter.
Chapter 17.64 Permit Implementation, Time Limits and Extensions

Sections:

17.64.010 Purpose.
17.64.020 Effective date of permits.
17.64.030 Applications deemed approved.
17.64.040 Performance guarantees.
17.64.050 Time limits and extensions.
17.64.060 Changes to an approved project.
17.64.070 Permits to run with the land.

17.64.010 Purpose.

The following provisions outline requirements for the implementation or exercising of the permits required by this Development Code, including time limits, and procedures for extensions of time. Time limits and extension criteria for tentative maps are found in Article IV, beginning with Section 17.41.300.

17.64.020 Effective date of permits.

The land use permits established by this article shall become effective on the eleventh day following the date of application approval by the appropriate review authority, provided that no appeal of the review authority’s action has been filed in compliance with Chapter 17.74.

17.64.030 Applications deemed approved.

Any permit application deemed approved in compliance with Government Code Section 65956 shall be subject to all applicable provisions of this Development Code, which shall be satisfied by the applicant before any construction permit is issued, or a land use not requiring a construction permit is established.
A permit applicant may be required by conditions of approval or by action of the director to provide adequate security to guarantee the faithful performance and proper completion of any approved work, and/or compliance with conditions of approval imposed by the review authority. The provisions of this section apply to performance guarantees for projects authorized by any of the land use permits covered by this article. Requirements for performance guarantees for subdivision improvements are instead provided by Section 17.48.040.

A. Form and Amount of Security. The required security shall be in the form of a cash deposit, cashier’s check or certified check deposited with the city’s Finance Department. Where approved by the director, a certificate of deposit or letter of credit may be used, with the city named as beneficiary, where the security pledges that funds necessary to complete permitted work are on deposit and guaranteed for payment to the city when required by the city. The amount and form of security shall be as determined by the director. The amount of security shall be sufficient to ensure proper completion of the work and/or compliance with conditions of approval.

B. Security for Maintenance. In addition to any improvement security required to guarantee proper completion of work, the director may require security for maintenance of the work, in an amount determined by the director to be sufficient to ensure the proper maintenance and functioning of improvements.

C. Duration of Security. Unless otherwise specified in the permit, required improvement security shall remain in effect until final inspections have been made and all work has been accepted by the director. Unless otherwise specified in the permit, maintenance security shall remain in effect for one year after the date of final inspection. Security for oak tree monitoring shall comply with the provisions of Chapter 17.32.

D. Release or Forfeit of Security. Upon satisfactory completion of work and the approval of a final inspection (or after the end of the required time for maintenance security), the improvement and/or maintenance security shall be released. However, upon (i) failure to complete the work, (ii) failure to comply with all of the terms of any applicable permit, or (iii) failure of the completed improvements to function properly, the city may do the required work or cause it to be done, and collect from the permittee or surety all the costs incurred by the city, including the costs of the work, and all administrative and inspection costs.
Any unused portion of the deposit shall be refunded to the permittee after deduction of the cost of the work by the city.

17.64.050 Time limits and extensions.

A. Time Limits. Unless conditions of approval or other provisions of this Development Code establish a different time limit, any permit or entitlement not exercised within two years of approval shall expire and become void. The permit shall not be deemed exercised until the permittee has actually obtained a building permit and performed substantial construction, or has actually commenced the permitted use on the subject property in compliance with the conditions of approval.

B. Extensions of Time. Upon request by the applicant, the director may extend the time for an approved permit to be exercised. The applicant shall file a written request for an extension of time with the department at least ten days before the expiration of the permit, together with the filing fee required by the city fee resolution. The director shall then determine whether the permittee has attempted to comply with the conditions of the permit. The burden of proof is on the permittee to establish with substantial evidence that the permit should not expire. If the director determines that the permittee has proceeded in good faith and has exercised due diligence in complying with the conditions in a timely manner, the director may renew the permit for an additional one year from the date of the decision.

C. Hearing on Expiration. At the request of the applicant, the director may hold a hearing on any proposed expiration of a permit, in compliance with Chapter 17.78.

17.64.060 Changes to an approved project.

Development or a new land use authorized through an entitlement granted in compliance with this chapter shall be established only as approved by the review authority and subject to any conditions of approval, except where changes to the project are approved in compliance with this section. An applicant shall request desired changes in writing, and shall also furnish appropriate supporting materials and an explanation of the reasons for the request. Changes may be requested either before or after construction or establishment and operation of the approved use.
A. The director may authorize changes to an approved site plan, architecture or the nature of the approved use if the changes:

1. Are consistent with all applicable provisions of this chapter;

2. Do not involve a feature of the project that was specifically addressed or was a basis for findings in a negative declaration or environmental impact report for the project;

3. Do not involve a feature of the project that was specifically addressed or was a basis for conditions of approval for the project or that was a specific consideration by the review authority in the approval of the permit;

4. Do not result in a significant expansion of the use; and

5. Are generally consistent with the intent of the original approval.

B. Changes to the project involving features described in subsections (A)(2) and (3) of this section shall only be approved by the review authority through a new permit application processed in compliance with this Development Code.

17.64.070   Permits to run with the land.

A. A conditional use permit granted in compliance with Chapter 17.62 shall continue to be valid upon a change of ownership of the site, business, service, use or structure that was the subject of the permit application.

B. Change in Ownership. In the event there is a change in either the owner or operator of a site with a conditional permit, the issuance of a new conditional use permit shall not be required. The new owner or operator shall (i) notify the city of the change in identity of the owner or operator within fifteen days after the date the change becomes effective, (ii) register such change with the director by providing the name and business address of the new owner or operator, and (iii) verify in writing that the new owner or operator has fully reviewed the conditional use permit and is familiar with its terms. Upon receipt of notification of a change in the owner or operator of a conditional use permit, the city may inspect the property to make certain that the new owner or operator is complying with all the terms and conditions of the conditional use permit. The new owner/operator shall agree in writing to all applicable conditions and operating standards prior to re-opening/use under the new ownership.
Chapter 17.66 Specific Plans

Sections:

17.66.010 Purpose.
17.66.020 Mandatory pre-application conference.
17.66.030 Specific plan - Preparation and content.
17.66.040 Specific plan - Filing and processing.
17.66.050 Adoption of specific plan.
17.66.060 Implementation - Amendments.

17.66.010 Purpose.

When required by the General Plan, this Development Code, or by state law to systematically implement the General Plan for any part of the city, a specific plan shall be prepared, processed, approved or disapproved, and implemented in compliance with this chapter.

17.66.020 Mandatory pre-application conference.

Before preparing a draft specific plan in compliance with this chapter, the applicant shall contact the director to request a pre-application conference with the development review committee. The purpose of the meeting shall be for the committee (i) to review with the applicant the requirements of this chapter, the General Plan, this Development Code, and/or state law which trigger the need to prepare a the specific plan, (ii) to discuss issues associated with the specific plan area that must be addressed by the proposed plan, and (iii) to respond to questions from the applicant about the plan preparation and processing implementation issues if it is approved. The director shall convene the committee to meet with the applicant at a mutually acceptable time.

17.66.030 Specific plan - Preparation and content.

An applicant shall prepare a draft specific plan for review by the city that includes the following detailed information in the form of text and diagrams, organized in accordance with department requirements:

A. Proposed Land Uses. The distribution, location and extent of land uses proposed within the area covered by the plan, including open space areas;
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B. Infrastructure. The proposed distribution, location, extent and intensity of major components of public and private infrastructure needed to support the proposed land uses, including such facilities related to transportation, sewage, water, drainage, solid waste disposal, energy and other essential facilities to be located within the specific plan area;

C. Land Use and Development Standards. Standards and criteria by which development will proceed, and standards for the conservation, development and utilization of natural resources, where applicable;

D. Implementation Measures. A program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to carry out the proposed land uses, infrastructure and development and conservation standards and criteria;

E. Relationship to General Plan. A statement of the relationship of the specific plan to the General Plan;

F. Additional Information. The specific plan shall contain any additional information determined to be necessary by the director because of the characteristics of the area to be covered by the plan, applicable policies of the General Plan, or any other issue determined by the director to be significant.

17.66.040 Specific plan - Filing and processing.

A draft specific plan shall be filed with the department, and shall be accompanied by the fee required by the city fee resolution. The draft plan shall be processed in the same manner as required for General Plans by Government Code Sections 65350 et seq., and as follows:

A. Development Review Committee Evaluation. After the filing of a draft specific plan, the development review committee shall review the draft specific plan to determine whether it conforms with the provisions of this section. If the draft plan is not in compliance, it shall immediately be returned to the applicant with a written explanation as to why it does not comply, and with suggested revisions to ensure compliance. When a draft plan is returned by the applicant to the department and the committee determines it is complete and in compliance with this section, the plan shall be deemed to be accepted for processing.

B. Environmental Review. The draft specific plan shall be subject to environmental review as specified in Section 17.60.060.
C. Staff Report. A staff report shall be prepared for the draft specific plan in compliance with Section 17.60.070 which shall include detailed recommendations for changes to the text and diagrams of the specific plan to make it acceptable for adoption.

D. Public Hearings. A proposed specific plan shall be subject to public hearings before both the commission and council before its adoption, as follows:

1. Commission. The director shall schedule a public hearing on the proposed specific plan after completion of a staff report and any required environmental documents, but not before the expiration of any public review periods for environmental documents required by CEQA. The hearing shall receive public notice and be conducted in compliance with Chapter 17.78. After the hearing, the commission shall forward a written recommendation to the council.

2. Council. After receipt of the commission recommendation, a public hearing on the specific plan shall be scheduled. The hearing shall be noticed and conducted in compliance with Chapter 17.78. After the hearing, the council may adopt the specific plan, may disapprove the plan, or may adopt the plan with changes, provided that any changes to the plan that were not considered by the commission shall be referred to the commission for its recommendation. Failure of the commission to report within forty-five days after the referral, or any longer period set by the council shall be deemed a recommendation for the approval of the changes.

17.66.050 Adoption of specific plan.

The adoption of a proposed specific plan is entirely at the discretion of the council. The council shall adopt a specific plan only if it first determines that the plan:

A. Is consistent with the General Plan; and

B. Will not have a significant effect on the environment, or is subject to the overriding findings specified in the city’s CEQA Guidelines.

The specific plan shall be adopted by ordinance, or by resolution of the council.
17.66.060 Implementation - Amendments.

A. Development within Specific Plan Area. After the adoption of a specific plan, no public works project may be approved, no tentative map or parcel map for which a tentative map was not required may be approved, and no amendment to this Development Code may be adopted within an area covered by a specific plan unless it is consistent with that specific plan. The council may impose a specific plan fee surcharge on development permits within the specific plan area, in compliance with Government Code Section 65456.

B. Amendments. An adopted specific plan may be amended through the same procedure specified by this chapter for the adoption of a specific plan.
Chapter 17.68 Development Agreements

Sections:

17.68.010 Purpose.
17.68.020 Application.
17.68.030 Development agreement hearings.
17.68.040 Content of development agreement.
17.68.050 Execution and recordation.
17.68.060 Periodic review.
17.68.070 Effect of development agreement.
17.68.080 Amendments or extensions to development agreements.

17.68.010 Purpose.

This chapter outlines the procedures and requirements for the review and approval of development agreements. The provisions of this chapter are fully consistent with the provisions of state law governing development agreements (Article 2.5 of Section 4 of Division 1 of Title 7, commencing with Section 65864 of the California Government Code).

17.68.020 Application.

A. Filing. Any owner of real property may request and apply through the director to enter into a development agreement provided the following are met:

1. The status of the applicant as the owner or long-term lessee of the property is established to the satisfaction of the director; and

2. The application is made on forms approved, and contains all information required, by the director.

B. Processing. The director is empowered to receive, review, process and prepare, together with recommendations for commission and council consideration, all applications for development agreements.

C. Fees. Processing fees shall be collected for any application for a development agreement made in compliance with the provisions of this chapter.
17.68.030  Development agreement hearings.

A. Commission Review. Upon finding the application for a development agreement complete, the director shall set the application, together with staff recommendations, for a public hearing before the commission in compliance with Chapter 17.78. Following conclusion of the public hearing, the commission shall make a written recommendation to the council.

B. Council Consideration. Upon receipt of the commission’s recommendation, the city clerk shall set the application and written report for public hearing before the council in compliance with Chapter 17.78. Following conclusion of the public hearing, the council shall approve, conditionally approve or disapprove the application.

C. Council Action. Should the council approve or conditionally approve the application, it shall as a part of its action direct the preparation of a development agreement embodying the terms and conditions of the application as approved or conditionally approved, and an ordinance authorizing execution of the development agreement by the city manager.

D. Ordinance Content. The ordinance shall contain findings that the development agreement is consistent with this chapter, the General Plan, and any applicable specific plans.

17.68.040  Content of development agreement.

A. Mandatory Contents. All development agreements shall contain the following provisions:

1. Duration of the agreement;

2. Permitted uses for the subject property;

3. Density or intensity of the permitted uses;

4. Approved site plans, elevations, floor plans and sections;

5. Provisions, if any, for reservation or dedication of land for public purposes;

6. Protection from either a future growth control ordinance or a future increase in development impact fees;
7. A tiered amendment review procedure that may incorporate the following:
   a. Director sign-off for minor modifications to the development project, with specific criteria for the minor modifications, and
   b. Approval of major modifications to the development project by the council;

8. Provisions which would necessitate a reconsideration or amendment of the development agreement when there is a discovery of health and safety issues of compelling public necessity (i.e., a new environmental health hazard is discovered).

B. Permissive Contents. A development agreement may include the following at the option of the council:

1. Conditions, terms, restrictions and requirements for subsequent discretionary actions, provided that these provisions shall not prevent development of the land in the manner specified in the agreement;

2. Provisions which require that construction shall be commenced within a specified time and that the project or any single phase, be completed within a specified time;

3. Terms and conditions relating to applicant financing of necessary public improvements and facilities, including applicant participation in benefit assessment proceedings; and

4. Any other terms, conditions and requirements as the council may deem necessary and proper, including, a requirement for ensuring, to the satisfaction of the city, performance of all provisions of the agreement in a timely fashion by the applicant/contracting party.

C. Construction and Interpretation. In defining the provisions of any development agreement executed in compliance with this chapter, each provision shall be consistent with the language of this chapter, state law (Article 2.5 of the California Government Code, cited above), and the agreement itself. Should any discrepancies between the meaning of these documents arise, reference shall be made to the following documents, and in the following order:
1. The plain terms of the development agreement itself;

2. The provisions of state law (Government Code Sections 65864 et seq., cited above); and

3. The provisions of this section.

17.68.050 Execution and recordation.

A. Effective Date. The city shall execute development agreements on or after the effective date of the ordinance approving the agreement.

B. Recordation. A development agreement shall be recorded in the office of the Los Angeles County recorder no later than ten days after it is executed.

17.68.060 Periodic review.

A. Review Required. Every development agreement approved and executed in compliance with this section shall be subject to periodic city review during the full term of the agreement. Appropriate fees to cover the city’s costs to conduct the periodic reviews shall be collected from the applicant in compliance with Section 17.60.040.

B. Purpose of Review. The purpose of the periodic review shall be to determine whether the applicant or its successor-in-interest has complied in good faith with the terms of the development agreement. The burden of proof shall be on the applicant or its successor to demonstrate compliance to the full satisfaction of, and in a manner prescribed by, the city.

C. Action Based on Noncompliance. If, as a result of periodic review the council finds and determines, on the basis of substantial evidence, that the applicant or its successor-in-interest has not complied in good faith with the terms or conditions of the agreement, the council may order, after a noticed public hearing, that the agreement be terminated or modified.

17.68.070 Effect of development agreement.

A. Applicable Regulations. Unless otherwise provided by the development agreement itself, the rules, regulations and official policies governing permitted uses of the land, density and design, improvement and construction standards
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and specifications, applicable to development of the property subject to a development agreement, are the rules, regulations and official policies in force at the time of execution of the agreement.

B. Additional Requirements. A development agreement does not prevent the city, in subsequent actions, from applying new rules, regulations and policies that do not conflict with those applicable to the property, nor does a development agreement prevent the city from conditionally approving or disapproving any subsequent development project application on the basis of existing or new rules, regulations and policies.

17.68.080 Amendments or extensions to development agreements.

A. Changes to Approved Development. If any development agreement is amended during its term, any change in the overall intensity of development or revisions to approved land uses shall be consistent with the provisions of the General Plan. In any case where state law requires a finding of consistency with the General Plan in order to approve an amendment to a development agreement, the provisions of the amendment shall be made consistent with the General Plan.

B. Extension of Agreement. If the term of a development agreement is extended, any development that occurs after the original expiration date shall be consistent with the provisions of the General Plan as of the adoption date of the amended development agreement.
ARTICLE VI. DEVELOPMENT CODE ADMINISTRATION

Chapter 17.70 Administrative Responsibility

Sections:

17.70.010 Purpose.
17.70.020 Planning agency defined.
17.70.030 Community development director.
17.70.040 Development review committee (DRC).
17.70.060 Architectural review panel (ARP).
17.70.070 Planning commission.

17.70.010 Purpose.

This chapter describes the authority and responsibilities of city staff and official bodies in the administration of this Development Code, in addition to the council.

17.70.020 Planning agency defined.

The functions of a planning agency shall be performed by the Calabasas city council, planning commission and community development department, in compliance with Government Code Section 65100.

17.70.030 Community development director.

A. Appointment. The director shall be appointed by the city manager.

B. Duties and Authority. The director shall:

1. Head and manage the department;

2. Have the responsibility to perform all the functions designated by Government Code Section 65103;

3. Perform the duties and functions prescribed in this Development Code, including, the review of development projects, and making similar use
determinations and code interpretations, in compliance with this Development Code and the California Environmental Quality Act (CEQA);

4. Make determinations regarding consistency with all indicated standards and guidelines in this Development Code.

5. Perform any other responsibilities assigned by the city manager or council.

Except where otherwise provided by this Development Code, the responsibilities of the director may also be carried out by department employees under the supervision of the director.

17.70.040 Development review committee (DRC).

A. Membership. The DRC shall consist of the following members:

1. The director or designee, who shall serve as the chair and secretary; and

2. Other city department directors or their designees (public works, fire, police, etc.) as needed.

B. Duties and Authority. The duties and responsibilities of the DRC shall be to review discretionary development/improvement proposals, provide applicants with appropriate design comments, and make recommendations to the director, or the Commission, as provided by this Development Code.

17.70.060 Architectural review panel (ARP).

The Calabasas architectural review panel (ARP) is established, and assigned duties and authorities by Chapter 2.40 (architectural review panel) of the Municipal Code.

17.70.070 Planning commission.

The Calabasas planning commission is established, and assigned duties and authorities by Chapter 2.28 of the Municipal Code.
Chapter 17.72 Nonconforming Structures, Uses and Lots

Sections:

17.72.010 Purpose.
17.72.020 Restrictions on nonconforming structures and uses.
17.72.030 Loss of nonconforming status.
17.72.040 Nonconforming signs.
17.72.050 Nonconforming lots.
17.72.060 Nonconforming use – Large farm animals.

17.72.010 Purpose.

This chapter establishes uniform provisions for the regulation of nonconforming structures, land uses and lots. Within the zoning districts established by title, there exist structures, land uses and lots that were lawful prior to the adoption, or amendment of this Development Code, but which would be prohibited, or regulated or restricted differently under the terms of this Development Code or future amendments. It is the intent of this Development Code to discourage the long-term continuance of these nonconformities, but to permit them to exist under limited conditions.

17.72.020 Restrictions on nonconforming structures and uses.

Nonconformities may be continued subject to the following provisions, except as otherwise provided by Section 17.72.030.

A. Nonconforming Uses. A use, lawfully occupying a structure or a site on the effective date of this chapter or of amendments thereto, that does not conform with the use regulation for the applicable zoning district shall be deemed to be a nonconforming use and may be continued, except as otherwise provided in this article. A site that does not conform with parking, loading, landscaping, or sign regulations of the applicable zoning district shall not be deemed a nonconforming use solely because of one of more of these nonconformities. A nonconforming use of land or within a structure may be continued, transferred or sold, provided that:

1. The use shall not be expanded or intensified without complying with all applicable provisions of this Development Code;
2. The use shall not be extended to occupy a greater area than it lawfully occupied before becoming a nonconforming use without complying with all applicable provisions of this Development Code; and

3. No additional uses are established on the site unless the nonconforming use is first discontinued, and any replacement use complies with all applicable provisions of this Development Code.

B. Nonconforming Structures. A nonconforming structure may continue to be used as follows:

1. Alterations and Additions to Structures. A building or structure that does not conform to the standards of the applicable zoning district may be structurally altered or enlarged, upon approval of any applicable permit, as follows:

   a. The alteration or addition shall not increase the discrepancy between the existing conditions and the current development standards including site coverage, pervious surface, setbacks, and height.

   b. A nonconforming setback may be continued provided the alteration or addition is an extension of that portion of the existing structure that encroaches into a required setback; provided, however, the alteration or addition shall not (i) extend into the required setback farther than the existing portion of the structure that encroaches into the required setback, (ii) have an area greater than fifty percent of the area of the existing portion of the structure that encroaches into the required setback or (iii) exceed fifty percent of the length or the existing structure that encroaches into the required setback. This provision may only be utilized once on a property. Future alterations or additions may not encroach into the required setback.

   c. New construction on the second or third floors shall conform to the setback of the applicable zoning district except as provided in subsection b. above.

   d. A reconstruction or alteration of a nonconforming accessory structure that are not considered part of the floor area of the main structure, such as attached or detached patio covers, may be remodeled or reconstructed utilizing the existing setback if the new structure has no greater floor area than existed before the reconstruction or alteration. For those structures
without floor area, such as covered patios, the floor areas shall mean that area occupied by the structure. Measurement of this area shall be from post or other vertical support and shall not include any overhangs or projections.

e. Structures that are to be remodeled or renovated such that fifty percent or greater of any existing exterior walls or existing square footage is demolished or removed within a two year period, shall conform to all current development standards for that district.

2. Maintenance and Repair. A nonconforming structure may undergo normal maintenance and repairs provided no structural alterations are made involving the removal and reconstruction of fifty percent or more of the non-conforming structure (exception: see subsection (B)(3), following); and

3. Seismic Retrofitting. Reconstruction required to reinforce unreinforced masonry structures shall be permitted without cost limitations, provided the retrofitting is limited exclusively to compliance with earthquake safety standards.

C. Nonconforming Use of a Conforming Structure. The nonconforming use of a building that otherwise conforms with all applicable provisions of this chapter may be continued, transferred and sold, as follows:

1. Expansion of Use. The nonconforming use of a portion of a structure may be extended throughout the building with conditional use permit approval.

2. Substitution of Use. The nonconforming use of a structure may be changed to a use of the same or more restricted nature, with conditional use permit approval.

D. Conforming Use of a Nonconforming Structure. A new use may occupy a non-conforming structure pursuant to the requirements herein for use permits. Structural alterations to a nonconforming structure shall be permitted when necessary to comply with the requirements of law, or to accommodate a conforming use when such alterations do not increase the degree of nonconformance.

E. Destroyed Structure. The reconstruction of a structure damaged by fire or calamity, which at the time was devoted to a nonconforming use may be authorized by the site plan permit approval, provided that an application shall be
submitted within twelve months and reconstruction shall commence no later than twenty-four months after the date of the damage, and the reconstructed building shall have no greater floor area than the one destroyed.

17.72.030  Loss of nonconforming status.

If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a continuous period of one year, it shall be presumed that the use has been abandoned. Without further action by the city, further use of the site or structure shall comply with all the regulations of the applicable zoning district and all other applicable provisions of this Development Code.

17.72.040  Nonconforming signs.

Requirements for nonconforming signs are provided by Sections 17.30.090, 17.30.100 and 17.30.110.

17.72.050  Nonconforming lots.

A nonconforming lot of record that does not comply with the access, area or width requirements of this Development Code for the zoning district in which it is located, shall be considered to be a legal building site if it meets one of the criteria specified by this section. It shall be the responsibility of the applicant to produce sufficient evidence to establish the applicability of one or more of the following.

A. Approved Subdivision. The lot was created through a subdivision approved by the county of Los Angeles or the city.

B. Individual Lot Legally Created by Deed. The lot is under one ownership and of record, and was legally created by a recorded deed prior to the effective date of the zoning amendment that made the parcel nonconforming.

C. Variance or Lot Line Adjustment. The lot was approved through the Variance procedure (Section 17.62.080) or resulted from a lot line adjustment as provided in the Article IV.

D. Partial Government Acquisition. The lot was created in conformity with the provisions of this Development Code, but was made nonconforming when a portion of the lot was acquired by a governmental entity so that the lot size is
decreased not more than twenty percent and the yard facing any road was decreased not more than fifty percent.

Where structures have been erected on a nonconforming lot, the area where structures are located shall not be later divided so as to reduce the building site area and/or frontage below the requirements of the applicable zoning district or other applicable provisions of this Development Code, or in any way that makes the use of the parcel more nonconforming.

17.72.060 Nonconforming Use – Large Farm Animals.

Large farm animals in excess of the number allowed in Section 17.12.040 may be continued on a property if the property is sold or otherwise transferred, provided that the number of large farm animals shall not be expanded or intensified without complying with all applicable provisions of this Development Code.
Chapter 17.74 Appeals and Calls for Review

Sections:

17.74.010 Purpose.
17.74.020 Subjects and jurisdiction.
17.74.030 Generally.
17.74.040 Form and content.
17.74.050 Processing of appeals.
17.74.060 Time for filing.
17.74.070 Filing fees.
17.74.080 Procedures for appeals and calls for review.

17.74.010 Purpose.

Determinations or actions of the director or commission may be appealed or called for review as provided by this chapter.

17.74.020 Subjects and jurisdiction.

Determinations and actions that may be appealed or called for review, and the authority to act upon an appeal or called for review shall be as follows:

A. Code Administration and Interpretation. The following actions of the director and department staff may be appealed to or called for review by the commission and then appealed to or called for review by the council:

1. Determinations of the meaning or applicability of the provisions of this Development Code that are believed to be in error, and cannot be resolved with staff;

2. Any determination pursuant to Government Code 65943 that a permit application or information submitted with the application is incomplete; and

B. Land Use Permit and Hearing Decisions. Decisions of the director on applications including zoning clearances, sign permits, administrative plan reviews, minor scenic corridor permits, lot line adjustments, and minor use permits may be appealed to, or called for review to the commission. Decisions by the commission may be appealed to, or called for review, the council.
C. Notwithstanding any provision in this chapter and in the remainder of Title 17 of the Calabasas Municipal Code to the contrary, a determination of the director or department staff that a violation of the Development Code exists pursuant to Section 17.80.020 is not appealable to the commission or to the council, nor is it subject to a call for review. When an action or application for a land use permit occurs in connection with the abatement of a violation of the Development Code, any appeal or call for review pursuant to Subsections A or B above, shall not stay or otherwise affect the city’s exercise of the remedies set forth in Section 17.80.050.

17.74.030 General requirements.

A. Appeals.

1. Unless another provision of this development code specifies otherwise, for any order, requirement, decision, determination, interpretation or ruling described in subsection A. of section 17.74.020, appeals may be initiated by (i) any person who sought a determination of the meaning or applicability of a provision of the development code; or (ii) any person who filed an application which city determines is incomplete pursuant to Government Code section 65943.

2. Unless another provision of this development code specifies otherwise, for decisions described in subsection B. of section 17.74.020, appeals may be initiated by (i) the applicant; (ii) an owner of real property, any part of which is located within five hundred feet of the external boundaries of the subject property; or (iii) any person who, in person or through a representative explicitly identified as such, presented written or oral testimony to the director or commission at a public hearing for the subject approval.

B. Calls for Review. As an additional safeguard to avoid results inconsistent with the purposes of this code, any order, requirement, decision, determination, interpretation or ruling of the director may be called up for commission review upon written request by two members of the commission and any order, requirement, decision, determination, interpretation or ruling of the commission may be called up for council review upon written request by one member of the council.
17.74.040  Form and content.

A. Filing of Appeals. A notice of appeal shall be in writing and shall be filed in duplicate in the office of the city clerk upon forms provided by the city. An appeal from any order, requirement, decision, determination, or interpretation by the commission or director in the administration of the provisions of this title must set forth specifically the error or abuse of discretion claimed by the appellant or how an application did meet or fail to meet, as the case may be, the standards of this title.

B. Initiation of a Call for Review. A call for review may be initiated by any two members of the commission or one member of the council and shall be filed in writing with the city clerk.

C. Effect on Decisions. Decisions that are appealed or called up for review shall not become effective until the appeal or review is resolved.

17.74.050  Processing of appeals.

A. Action and Findings

1. When reviewing a decision on a land use permit, the appeal body may adopt additional conditions of approval that may address other issues or concerns than the subject of the appeal.

2. A decision by an appeal body may also be appealed as provided by Section 17.74.020, provided that the decision of the Council on an appeal shall be final.

B. Judicial Review. The time within which judicial review of any final decision must be sought is governed by Municipal Code Chapter 3.32 and the California Code of Civil Procedure Section 1094.6.

C. Withdrawal of Appeal—Commission Actions. After an appeal of a commission decision has been filed, the appeal shall not be withdrawn except with the consent of the council.

17.74.060  Time for filing.

A. Appeals. Appeals shall be initiated within ten business days after director or
B. Calls for Review. Calls for review shall be initiated within ten business days after director or commission action.

17.74.070 Filing fees.

A. Appeals. An appeal shall be accompanied by a filing fee in an amount determined by council resolution.

B. Calls for Review. No fee shall be required for a call for review.

17.74.080 Procedures for appeals and calls for review.

A. Scheduling. Within thirty days after the director or commission action, the commission or council shall schedule the appeal or call for review for hearing and decision and give notice of the date, time and place thereof to the applicant, the commission and the appellant, if any. Prior to the hearing, the director shall transmit to the city clerk a report of the findings of the director or commission and the director shall present at the hearing all exhibits, notices, petitions and other papers and documents on file with the commission. The hearing shall be held within sixty days after the commission action.

B. Public Hearing and Notice. An appeal or call for review shall be a public hearing if the decision being appealed or reviewed required a public hearing. Notice shall be given in the manner required for the decision being appealed or reviewed.

C. Evidence. The hearing shall be de novo. At the hearing, the commission or council shall consider all pertinent material, including all documents constituting the administrative record.

D. Hearing. At the hearing, any party or person may appear in person or by agent or attorney to provide testimony.

E. Required Findings, Decision and Notice. Following an appeal or review hearing, the commission may remand the matter to the director for further consideration or may affirm (in whole or in part), modify, or reverse the decision appealed or reviewed or the council may remand the matter to the commission for further consideration or may affirm (in whole or in part), modify, or reverse the decision.
appealed or reviewed. If the commission does not remand the matter to the director or the city council does not remand the matter to the commission, it shall make the findings prescribed by this code for the matter in issue. The commission or council decision shall be made within thirty days of the hearing date. The city clerk shall mail notice of the commission or council decision to the applicant and to the appellant, if any, within 5 working days after the date of the decision. When the commission or council acts on an appeal by denying an application it may do so with or without prejudice to a new filing of a substantially similar project sooner than would be permitted by section 17.60.080 of this Title.
Chapter 17.76 General Plan and Development Code Amendments

Sections:

17.76.010 Purpose.
17.76.020 Hearings and notice.
17.76.030 Commission action on amendments.
17.76.040 Council action on amendments.
17.76.050 Findings.

17.76.010 Purpose.

The following provisions allow for the amendment of the General Plan, the official zoning map, or this Development Code whenever required by public necessity and general welfare. A General Plan amendment may include revisions to text, goals, policies, actions or land use designations. Zoning map amendments have the effect of rezoning property from one zoning district to another. Amendments to this Development Code may modify any standards, requirements or procedures applicable to the subdivision, development or use of property within the city.

17.76.020 Hearings and notice.

Upon receipt of a complete application to amend the General Plan, the zoning map or this Development Code, or upon initiation by the director, commission or council, and following department review, public hearings shall be set before the commission and council. Notice of the hearings shall be given in compliance with Chapter 17.78.

17.76.030 Commission action on amendments.

The commission shall make a written recommendation to the council whether to approve, approve in modified form, or disapprove the proposed amendment, based upon the findings contained in Section 17.76.050.

17.76.040 Council action on amendments.
Upon receipt of the commission’s recommendation, the council shall, approve, approve in modified form or disapprove the proposed amendment based upon the findings in Section 17.76.050.

If the council proposes to adopt any substantial modification to the amendment not previously considered by the commission during its hearings, the proposed modification shall be first referred back to the commission for its recommendation. Failure of the commission to report within forty-five days after the referral, or within any longer time set by the council, shall be deemed a recommendation for approval of the modification.

17.76.050 Findings.

A. Findings for General Plan Amendments. An amendment to the General Plan may be approved only if all of the following findings are made:

1. The proposed amendment is internally consistent with the General Plan;

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the city;

3. The site is physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested/anticipated land use development(s); and

4. The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).

B. Findings for Zoning Map or Development Code Amendments. An amendment to the text of this Development Code or the official zoning map may be approved only if all of the following findings are made, as applicable to the type of amendment.

1. Findings Required for all Zoning Map and Development Code Amendments.

   a. The proposed amendment is consistent with the goals, policies, and actions of the General Plan;

   b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the city; and
c. The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).

2. Additional Finding for Development Code Amendments. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

3. Additional Finding for Zoning Map Amendments. The site is physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designations and anticipated land uses/developments.
Chapter 17.78 Public Hearings

Sections:

17.78.010 Purpose.
17.78.020 Notice of hearing.
17.78.030 Scheduling of hearing.
17.78.040 Hearing procedure.
17.78.050 Notice of decision - Director
17.78.060 Notice of decision - Commission.
17.78.070 Recommendation by commission.
17.78.080 Notice of decision - Council.

17.78.010 Purpose.

This chapter provides procedures for public hearings before the commission and council as required by this Development Code. Public notice shall be given and the hearing shall be conducted as provided by this chapter, and applicable provisions of state law.

17.78.020 Notice of hearing.

The public shall be provided notice of hearings in compliance with state law (the Planning and Zoning Law, Government Code Sections 65000 et seq., Subdivision Map Act, Government Code Sections 66410 et seq., and the California Environmental Quality Act, Public Resources Code 21000 et seq.).

A. Content of Notice. Notice of a public hearing shall include: the date, time and place of the hearing; the name of hearing body; a general explanation of the matter to be considered; a general description, in text or by diagram, of the location of the real property that is the subject of the hearing. If a proposed negative declaration or final environmental impact report has been prepared for the project pursuant to the Calabasas CEQA Guidelines, the hearing notice shall include a statement that the hearing body will also consider approval of the proposed negative declaration or certification of the final environmental impact report (EIR).

B. Method of Notice Distribution. Notice of a public hearing required by this chapter for a permit, permit amendment, appeal, or zoning ordinance amendment shall
be given as follows, as required by Government Code Sections 65090 and 65091:

1. Notice shall be published at least once in a newspaper of general circulation in the city at least ten days before the hearing.

2. Notice shall be mailed or delivered at least ten days before the hearing to:
   a. The owner(s) of the property being considered or the owners agent, and the applicant;
   b. Each local agency expected to provide water, schools or other essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected;
   c. All owners of real property as shown on the latest equalized assessment roll within five hundred feet of the property that is the subject of the hearing;
   d. Any person whose property might, in the judgment of the director, be affected by the proposed project; and
   e. Any person who has filed a written request for notice with the director and has paid the fee set by the most current city fee resolution for the notice.

If the number of property owners to whom notice would be mailed is more than one thousand, the director may choose to provide the alternate notice allowed by Government Code Section 65091(a)(3).

3. Notice shall be posted in at least three places in compliance with council resolution.

C. Additional Notice. If the director determines that the notice required by subsection (B) of this section will not be sufficient, the subject property shall be posted in a conspicuous place with a notice/sign of conspicuous size, at least ten days prior to the hearing. The director may also provide any additional notice that the director determines is necessary or desirable.

D. Additional Notice in Old Topanga and Calabasas Highlands Overlay Districts.
In addition to the notice required for a public hearing by this chapter, the proposed site shall be posted with a notice, designed, prepared, and placed as required by the department at least ten days prior to a hearing.

17.78.030 Scheduling of hearing.

After the completion of any environmental documents required by the California Environmental Quality Act (CEQA) and a department staff report, the matter shall be scheduled for public hearing on the next available commission or council agenda (as applicable) reserved for such matters, but no sooner than twenty-one days after the posting of a proposed negative declaration.

17.78.040 Hearing procedure.

Hearings shall be held at the date, time and place for which notice has been given as required in this chapter. Any hearing may be continued provided that prior to the adjournment or recess of the hearing, a clear public announcement is made specifying the date, time and place to which the hearing will be continued.

17.78.050 Notice of decision - Director.

The director shall announce and record the decision at the conclusion of a scheduled hearing. The decision shall contain applicable findings and any conditions of approval. Following the hearing, a notice of the decision and any conditions of approval shall be mailed to the applicant at the address shown upon the application.

17.78.060 Notice of decision - Commission.

The commission may announce and record the decision at the conclusion of a scheduled hearing; or defer action and take specified items under advisement and announce and record the decision at a later date. The decision shall contain applicable findings and any conditions of approval. Following the hearing, a notice of the decision and any conditions of approval shall be mailed to the applicant at the address shown upon the application.

17.78.070 Recommendation by commission.

At the conclusion of any public hearing on a matter which requires final approval by the council, the commission shall forward a recommendation, including all required findings,
to the council for final action. Following the hearing, a notice of the commission’s recommendation shall be mailed to the applicant at the address shown on the application.

**17.78.080 Notice of decision - Council.**

For applications requiring council approval, the council shall announce and record its decision at the conclusion of the public hearing. The decision shall contain the findings of the council and any conditions of approval and reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the health, safety and welfare of the city. The decision of the council shall be final.
Chapter 17.80 Enforcement of Development Code Provisions

Sections:

17.80.010 Purpose.
17.80.020 Violations.
17.80.030 Remedies are cumulative.
17.80.040 Inspection.
17.80.050 Legal remedies.
17.80.065 Prohibition on new permits on properties in violation of code.
17.80.070 Permit revocation.
17.80.080 Recovery of costs.
17.80.090 Retroactive permit requirements.

17.80.010 Purpose.

The provisions of this chapter are intended to ensure compliance with the requirements of this Development Code and any conditions of land use permit or subdivision approval, to promote the city's planning efforts and for the protection of the public health, safety and welfare.

17.80.020 Violations.

A. Any structure or use which is established, operated, erected, moved, altered, enlarged or maintained, contrary to the provisions of this Development Code or any applicable condition of approval is hereby declared to be unlawful and a public nuisance. This subsection shall also apply, without limitation, to any improved or unimproved land that is altered, graded or maintained in violation of this Development Code.

B. Any person, partnership, firm or corporation, whether as principal, agent, employee or otherwise, violating or failing to comply with any provision(s) of this Development Code or any condition imposed on any entitlement, development permit, map or license, shall be subject to the sanctions that are set forth in Section 1.16.010 of this Code.

C. Any construction in violation of this Development Code or any condition(s) imposed on a permit shall be subject to the issuance of a stop work order. Any violation of a stop work order shall constitute a misdemeanor.

17.80.030 Remedies are cumulative.

All remedies contained in this Development Code for the handling of violations or enforcement of the provisions of this Development Code shall be cumulative and not exclusive of any other applicable provisions of city, county or state law. Should a person be found guilty and convicted of a misdemeanor or infraction for the violation of any provision of this Development Code, the conviction shall not prevent the city from pursuing any other available remedy to correct the violation.

17.80.040 Inspection.

Every applicant seeking a permit or any other action in compliance with this Development Code shall allow the city officials handling the application access to any premises or property which is the subject of the application. If the permit or other action in compliance with this Development Code is approved, the owner or applicant shall allow appropriate city officials access to the premises in order to determine continued compliance with the approved permit and/or any conditions of approval.

17.80.050 Legal remedies.

The city may choose to undertake any of the following legal actions to correct and/or abate nuisances or violations of this Development Code.

A. Civil Actions.

1. Injunction. At the request of the director, the district attorney or city attorney may apply to the Superior Court for injunctive relief to terminate a violation of this Development Code.

2. Abatement. Where any person, firm or corporation fails to abate a violation and/or nuisance after being provided a notice thereof and the opportunity to correct or end the violation, the director may request the city attorney or district attorney to apply to the Superior Court of Los Angeles County for an order authorizing the city to undertake actions necessary to abate the violation and requiring the violator to pay for the cost of the actions.
3. Nuisance Abatement. The city may, in its discretion, elect to exercise the administrative procedures in Chapter 8.20 of the Calabasas Municipal Code to cause the abatement of a public nuisance.

B. Civil Remedies and Penalties.

1. Civil Penalties. Any person who violates the provisions of this Development Code or any permit issued in compliance with this Development Code, shall be liable for a civil penalty not to exceed twenty-five thousand dollars for each day that the violation continues to exist.

2. Costs and Damages. Any person violating any provisions of this Development Code or permits issued in compliance with this Development Code, shall be liable to the city for the costs incurred and the damages suffered by the city, its agents, and agencies as a direct result of the violations.

3. Procedure. In determining the amount of the civil penalty to impose, the court shall consider all relevant circumstances, including the extent of the harm caused by the conduct constituting a violation, the nature and persistence of the conduct, the length of time over which the conduct occurred, the assets, liabilities and net worth of the defendant, whether corporate or individual, and any corrective action taken by defendant.

C. Criminal Actions and Penalties. Person who violate this development code are subject to the sanctions contained in Sections 1.16.010 and 1.16.020 of the Calabasas Municipal Code.

17.80.065 Prohibition on new permits on properties in violation of code.

This section is intended to aid enforcement of this code by preventing those who own or control a property in a condition, other than a legal nonconforming use, which violates the provisions of this code from increasing the extent to which a property is out of compliance with this code and to avoid confusion as to the relationship between legal and illegal improvements on the site and the facts surrounding each.

A. Prohibition Against Permit Issuance. No permit under this title may issue for any property on which the director finds a violation of this code exists until such violation(s) is corrected to the satisfaction of the director.

B. Exceptions. Notwithstanding the prohibition contained in subsection A, this section shall not apply where the director, in his or her sole discretion, finds that
an emergency exists necessitating the issuance of a permit, or where the issuance of a permit is necessary to correct the existing code violation(s). In such case, a permit may issue but shall be conditioned on a requirement that the illegal condition be corrected in conjunction with the permitted development on the property.

C. Cost of Additional Services. If deemed necessary by the director, additional sheriff, code enforcement, fire, and other city services shall be provided for inspection of construction of other services to confirm that existing violations of this code are properly abated in conjunction with development on the property permitted pursuant to paragraph B. of this section. The cost of such additional services shall be paid in advance to the city by the applicant prior to the issuance of any permit in an amount reasonably estimated by the director.

D. Additional Conditions. The director may impose any conditions found necessary to protect the public health safety and welfare on a permit issued under paragraph B. of this section.

E. Appeal Procedures. A decision of the director to issue, conditionally issue, or deny a permit under this section shall be final unless appealed as provided in chapter 17.74 of this title.

17.80.070 Permit revocation.

The review authority must hold a public hearing in order to revoke or modify any permit or entitlement granted in compliance with the provisions of this Development Code. Ten days prior to the public hearing, notice shall be delivered in writing to the applicant and/or owner of the property for which the permit was granted. Notice shall be deemed delivered two days after being mailed, first class postage paid, to the owner as shown on the current tax rolls of the county of Los Angeles, and/or the project applicant.

A. Permit Revocation. A permit may be revoked or modified by the review authority if any one of the following findings can be made:

1. That circumstances have changed so that one or more of the findings contained in Section 17.62.030 or 17.62.060 can no longer be made;

2. That the permit was obtained by misrepresentation or fraud;

3. That the improvement authorized in compliance with the permit had ceased or was suspended for six or more months;
4. That one or more of the conditions of the permit have not been met;

5. That the improvement authorized in compliance with the permit is in violation of any statute, ordinance, law or regulation; or

6. That the improvement allowed by the permit is detrimental to the public health, safety or welfare or constitutes a nuisance.

B. Variance Revocation. A variance may be revoked or modified by the review authority if any one of the following findings can be made, in addition to those outlined in subsection (A) of this section:

1. That circumstances have changed so that one or more of the findings contained in Section 17.62.080(E) can no longer be made, and the grantee has not substantially exercised the rights granted by the variance; or

2. That one or more of the conditions of the variance have not been met, and the grantee has not substantially exercised the rights granted by the variance.

17.80.080 Recovery of costs.

This section establishes procedures for the recovery of administrative costs, including staff time expended on the enforcement of the provisions of this Development Code in cases where no permit is required in order to correct a violation. The intent of this section is to recover city administrative costs reasonably related to enforcement.

A. Record of Costs. The department shall maintain records of all administrative costs, incurred by responsible city departments, associated with the processing of violations and enforcement of this Development Code, and shall recover the costs from the property owner in compliance with this section. Staff time shall be calculated at an hourly rate as established and revised from time to time by the council.

B. Notice. Upon investigation and a determination that a violation of any of the provisions of this Development Code is found to exist, the director shall notify the record owner or any person having possession or control of the property by mail, of the existence of the violation, the department’s intent to charge the property owner for all administrative costs associated with enforcement, and of the owner’s right to a hearing on any objections they may have. The notice shall be in a form approved by the city attorney.
C. Summary of Costs and Notice. At the conclusion of the case, the director shall send a summary of costs associated with enforcement to the owner and/or person having possession or control of the property by certified mail. The summary shall include a notice in a form approved by the city attorney, advising the responsible party of their right to request a hearing on the charges for city cost recovery within ten days of the date of the notice, and that if no such request for hearing is filed, the responsible party will be liable for the charges. In the event that no request for hearing is timely filed or, after a hearing the director affirms the validity of the costs, the property owner or person in control shall be liable to the city in the amount stated in the summary or any lesser amount as determined by the director. These costs shall be recoverable in a civil action in the name of the city, in any court of competent jurisdiction within the city.

D. Request for Hearing on Costs. Any property owner, or other person having possession and control of the subject property, who receives a summary of costs shall have the right to a hearing before the director on their objections to the proposed costs.

1. A request for hearing shall be filed with the department within ten days of the service by mail of the department’s summary of costs, on a form provided by the department.

2. Within thirty days of the filing of the request, and on ten days written notice to the owner, the director shall hold a hearing on the owner’s objections, and determine their validity.

3. In determining the validity of the costs, the director shall consider whether total costs are reasonable in the circumstances of the case. Factors to be considered include, but are not limited to: whether the present owner created the violation; whether there is a present ability to correct the violation; whether the owner moved promptly to correct the violation; the degree of cooperation provided by the owner; and whether reasonable minds can differ as to whether a violation exists.

4. The director’s decision shall be appealable to the council as provided by Chapter 17.74.
17.80.090  Retroactive permit requirements.

If any person establishes a land use, or erects, constructs, alters, enlarges, moves or maintains any structure without first obtaining any permit required by this Development Code, that person shall be required to fully comply with applicable permit application processes and requirements of this Development Code including the payment of the additional permit processing fees established by the city fee resolution prior to the city’s issuance of any permit for any building, structure or use on the site. At the discretion of the director, the city shall not be obligated to process permits for work or improvements on the property until all documented code violations are first remedied.
Chapter 17.90 – Definitions

17.90.010 Purpose.

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

17.90.020 Definitions of specialized terms and phrases.

A. Definitions, A. The following definitions are in alphabetical order.

“Accessory retail uses” means the retail sales of various products (including food service) in a store or similar facility that is located within an health care, hotel, office or industrial complex. These uses include pharmacies, gift shops and food service establishments within hospitals; convenience stores and food service establishments within hotel, office and industrial complexes.

“Accessory structure” means a structure that is physically detached from, secondary and incidental to, and commonly associated with the primary structure. See also “Accessory Uses and Structures, Residential.

“Accessory use” means a use customarily incidental to, related and clearly subordinate to a principal use established on the same parcel, or within the same tenant space/business, which does not alter the principal use nor serve property other than the parcel or tenant space/business where the principal use is located.
“Accessory uses and structures, residential” means any use and/or structure that is customarily a part of, and clearly incidental and secondary to, a residence and does not change the character of the residential use. These uses include the following detached accessory structures, and other similar structures normally associated with a residential use of property: garages, gazebos, greenhouses, spas and hot tubs, storage sheds, swimming pools, tennis and other on-site sport courts and workshops.

“Adult entertainment businesses” means any adult bookstore, adult hotel or motel, adult motion picture arcade, adult motion picture theater, cabaret, sexual encounter center, or any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, but not including those uses or activities, the regulation of which is preempted by state law. Does not include therapeutic massage services provided by licensed professionals, which are included under the definition of “Personal services.”

“Agent” means a person authorized in writing by the property owner to represent and act for a property owner in contacts with city employees, committees, commissions and the council, regarding matters regulated by this Development Code.

Agricultural Uses for Fuel Modification. “Agricultural use” means and includes only the area of fuel modification required by the fire department. All agricultural uses shall be designed to avoid significant adverse effects to surrounding area resources including increases in erosion, slope failure or sedimentation on adjacent or downstream watershed properties or the application of pesticides adjacent to existing residences. Agricultural uses are generally limited to slopes not to exceed two to one. Agricultural uses may not involve activities which require the issuance of commercial license by the Department of Alcoholic Beverage Control (ABC) or the Bureau of Alcohol, Tobacco and Firearms (ATF).

“Alley” means a public or private roadway that provides vehicle access to the rear or side of lots having other public street frontage that is not intended for general traffic circulation.

“Allowed use” means a use of land identified by Article II as an “allowed use,” shown as an “A” use on the Land Use Table in Chapter 17.11, that may be established with approval of a zoning clearance, or minor use permit and, where applicable, building permit approval, subject to compliance with all applicable provisions of this Development Code.
“Alter/Alteration” means, with respect to an oak tree, any action that may cause damage, stress, injury, death or disfigurement of an oak tree or scrub oak, including removing, transplanting, detaching, cutting or pruning, poisoning, over-watering, or excavating or paving within the protected zone of the oak tree.

“Alteration” means, with respect to a structure, any construction or physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting.

“Alteration” means any exterior change or modification, through public or private action, to the character-defining or significant physical features of properties affected by Chapter 17.36. Such changes may be changes to or modifications of the structure, architectural details or characteristics, rock curbs, the addition of new structures, cutting or removal of trees, and the placement or removal of significant objects such as signs, plaques, light fixtures, street furniture, walls, fences, or steps, affecting the significant, historical qualities of the property.

“Antenna” means a device used in communications which transmits and/or receives radio frequency signals.

“Anti-drain valve” or “check valve” means a valve located in a lateral or in or under a sprinkler head to hold water in the system so it minimizes drainage from the lower portions of the system.

“Applicant” means a person who has either (a) a freehold interest in the land which is the subject of an application, (b) a possessory interest in that land which entitles him/her to exclusive possession, or (c) contractual interest which is specifically enforceable and thereby may become a freehold or exclusive possessory interest. “Applicant” includes an authorized agent.

“Application rate” or “precipitation rate” means the depth of water applied to a given area, usually measured in inches per hour.

“Architectural review panel” means the Calabasas architectural review panel established by Chapter 2.40 of the Municipal Code, for the purpose of reviewing proposed development that is subject to design guidelines.

“Arterial street” means streets that predominantly carry through traffic.
Assisted living facility” means individual housing units within a multifamily structure or complex, with social and support services. Limited medical care and supervision may also be provided, where the emphasis of the facility remains residential.

“Average natural grade” means the average of the highest and lowest elevations of the pre-development ground surface of the site, at the edges of a proposed structure.

“Average slope” means the characteristic slope of the ground surface of an area of land, expressed as a percent, based on the most accurate available topographic information. Average slope shall be determined using one of the following methods.

1. Basic Method. This method can be used where the director determines that slopes are uniform, with little variation. Where line drawn between the highest and lowest points on a parcel is adequate to represent the direction and extent of slope for the entire parcel, the difference in elevation between the high and low points, divided by the distance between the points will determine the average slope.

2. Contour Measurement Method. Where varied slope conditions or complex topography exist, the most precise measurement of average slope is the following formula.

\[ S = 0.00229 \times (l \times L) A \]

Where:
- \( S \) = Average slope of the parcel in percent
- \( A \) = Total number of acres in the parcel (or section measured)
- \( L \) = Length of contour lines in scaled feet
- \( l \) = Vertical distance of contour interval in feet

3. Sectional Method. Where the parcel contains distinct sections of differing slope, the average slope of each section may be determined through the contour measurement method in subdivision (2) above, and then combined as an average for the entire parcel.

B. Definitions, B. The following definitions are in alphabetical order.
“Bar/Cocktail Lounge ” means a building or tenant space within a building where alcoholic beverages are sold for on-site consumption that are not part of a larger restaurant. Includes bars, taverns, pubs cocktail lounges and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a brew pub. Live entertainment and/or dancing is considered a night club, which is separately defined.

“Banquet Hall” means an establishment which is rented by individuals or groups to accommodate private (invitation only) functions including, but not limited to banquets, weddings, anniversaries, and other similar events. Such a use may include kitchen facilities for preparation of food to be consumed on the premises.

“Beauty salon” means a service business operating to provide services related to hair, skin, nail and cosmetology care.

“Bed and breakfast inn” means a commercial facility designed to appear as a single-family dwelling, with one family in permanent residence, where bedrooms without individual cooking facilities are rented for overnight lodging. This definition does not include “hotels and motels,” or rooming and boarding houses, which are defined separately; or the rental of an entire residence for one week or longer.

“Bedrock” means the solid undisturbed rock in place either exposed at the ground surface or beneath superficial deposits of loose rock or soil.

“Bench” means a relatively level step excavated into sloping natural ground on which engineered fill or embankment fill is to be placed.

“Best management practice (BMP)” means schedules of activities, prohibitions of practices, general good housekeeping practices, maintenance procedures, education programs, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw materials storage. The California Storm Water Best Management Practice Handbooks for Municipal, Industrial/Commercial and Construction Activity provide a detailed discussion of BMPs.
“Biotic resources” means populations, individuals, or parts thereof of living organisms, including genetic, taxonomic and ecological scales of organization, and with actual or potential economic, aesthetic, or other value to humanity.

“Block” means a group of lots surrounded by streets or roads.

“Block length” means the longest dimension of a block along a street or road.

“Brightness” means, for the purposes of Chapter 17.27, the magnitude of sensation that results when viewing surfaces from which light is reflected to the eye. The sensation is determined by both measurable luminance and the conditions affecting the observer.

Building. See “Structure.”

“Building envelope” means the area of a site enclosed by the required setbacks and height limit established by this Development Code, within which a building may be constructed.

“Building-mounted” means mounted to the top or side of a building or to other structures.

“Building site area” means, for the purposes of Chapter 17.72, an area designated by the applicant, including all or a portion of one or more parcels comprising the development site, where development may occur in compliance with this section. Portions of a site that are subject to flooding (as determined by the building official) shall not be included in the calculated area (square feet) of the building site.

C. Definitions, C. The following definitions are in alphabetical order.

“Calabasas Road District” means, for the purposes of Chapter 17.30, both sides of Calabasas Road from the east side of Mureau Road to the west side of Parkway Calabasas.

“California Environmental Quality Act (CEQA)” means state law (California Public Resources Code Sections 21000 et seq.) requiring public agencies to document and consider the environmental effects of a proposed action, prior to allowing the action to occur.
“California Public Utilities Commission (CPUC)” means the governmental agency which regulates the terms and conditions of the public utilities in the state of California.

“Camouflage facility” means a wireless communication facility which is designed to substantially blend into the surrounding environment by, among other things, architecturally integrating into a concealed structure or otherwise utilizing camouflage elements to conceal antennas, antenna supports, poles, equipment, cabinets, equipment housing and enclosure; and related above ground wireless communication facilities.

“Canopy cover” means the percentage of a site covered by oak canopy based on the sum of all oak crown canopies within the property boundaries.

“Carpool” means a vehicle carrying two to six persons commuting together to and from work on a regular basis.

“Certificate of appropriateness” means a certificate issued by the historic preservation commission approving such plans, specifications, statements of work, and any other information which are reasonably required by the commission to make a decision on any proposed alteration, restoration, rehabilitation, construction, removal, relocation or demolition, in whole or in part, to a historical resource.

“Certificate of economic hardship” means a certificate issued pursuant to Section 17.36.090 or 17.36.120 of this title.

“Certified landscape professional” means a landscape architect, nursery person, arborist, or landscape contractor, licensed or, where applicable, certified, by the state of California.

“Certified local government (CLG)” means a local government certified under a federal program by the State Office of Historic Preservation for the purpose of more direct participation in federal and state historic preservation programs.

“Child day care center” means a commercial or nonprofit child day care facility other than a family day care home designed and approved to accommodate fifteen or more children for periods less than 24 hours a day. Includes infant centers, preschools, sick-child centers and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.
Children’s Play Structure means “recreational structures intended for outdoor use and enjoyment by children; to include, but not limited to such things as A see-saw, merry-go-round, swing set, slide, jungle gym, chin-up bars, spring rider, monkey bars, overhead ladder, trapeze rings, playhouses, and mazes. A playground structure shall not include (I) sandboxes or other similar structures less than twelve inches in height, and (II) children’s play toys which are portable and useable indoors.

“City” means the City of Calabasas, state of California, referred to in this Development Code as “city.”

City council. See “Council”

“City engineer” means the city engineer or any employee of the Calabasas public works department designated by the city engineer to perform any duty assigned to him or her by this Development Code.

“City-qualified arborist” means an individual having special expertise regarding the preservation of oak trees and scrub oak habitat, including a registered landscape architect or certified arborist, and authorized by city staff to review and provide recommendations with respect to oak trees and scrub oak habitat within the city.

“Civil engineer” means a professional engineer registered as a civil engineer by the state of California.

“Clustered development” means a combination or arrangement of attached or detached dwellings and their accessory structures on contiguous or related building sites where the yards and open spaces are combined into more desirable arrangements of open space and where the individual lots may have less area than the required average for the zoning district but the density of the overall development meets the required standard.

“Co-location” means the locating of wireless communications equipment from more than one provider on the same supporting structure.

“Collector street” means a street that collects and distributes through traffic between the arterial network and local roads.
"Commercial building" means any building or structure, all or part of which contains a commercial or industrial land use, not including any building constructed or reconstructed for the elderly or handicapped.

"Commercial zone or zoning district" means any of the commercial zoning districts established by Section 17.10.010 of this Development Code.

"Commission" means the planning commission of the City of Calabasas, appointed by the Calabasas city council as provided by Government Code Section 65101, referred to in this Development Code as "commission".

"Common interest development" means and includes a condominium, community apartment project, planned development or stock cooperative, as provided by California Civil Code Section 1351.

"Community apartment project" means a development in which an undivided interest in land is coupled with the right of exclusive occupancy of any apartment located thereon; as defined in Section 11004 of the Business and Professions Code and Section 1351(d) of the Civil Code.

"Community center, neighborhood" means one or more buildings and associated structures and site improvements used for recreational, social, educational, and cultural activities, owned by a mutual benefit non-profit entity, such as a homeowners association, and not a public benefit non-profit entity, located in the same neighborhood as and operated solely for the benefit of the membership of the organization or the residents of the common interest development or neighborhood it serves. A neighborhood community center is accessory to a residential development and cannot be operated as a for-profit commercial business entity. Uses may include kitchen, classrooms, exercise areas, playgrounds, meeting rooms, multi-purpose rooms and swimming pools open to all residents of the common interest development or neighborhood and their guests for recreational uses such as tennis, basketball, soccer, and swimming, community events, and resident-hosted parties and gatherings.

"Community center, regional" means one or more buildings and associated structures and site improvements owned and/or operated by a public entity or non-profit organization and used for recreational, social, educational and cultural activities, which is open to the general public and intended to serve a large region extending beyond the City of Calabasas. Uses may include commercial kitchen, classrooms, exercise areas, playgrounds, gymnasiums, meeting rooms, multi-purpose rooms, spectator sports, swimming pools, events involving social
or fraternal gatherings, and areas for public assembly, such as an auditorium, theater and/or stage. A regional community center is different from a neighborhood community center, which is defined separately.

“Community garden” means an area of land privately or publicly owned that is divided into a series of plots or gardens where individuals other than the property owner are authorized to use the area for the purpose of cultivating private gardens.

“Compaction” means the increase in the density of soil or rock fill by mechanical means.

“Conditional use permit” means a discretionary land use permit that may be granted under the provisions of this Development Code that authorizes a specific use of land on a specific site, subject to compliance with any conditions of approval imposed on the permit. See Section 17.62.060.

“Condominium” means as defined by Civil Code Section 1351(f), a development where undivided interest in common in a portion of real property is coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map or parcel map. The area within the boundaries may be filled with air, earth or water, or any combination thereof, and need not be physically attached to any land except by easements for access and, if necessary, support.

“Condominium conversion” means the conversion of real property to a common interest development as defined by Section 1351 of the California Civil Code.

“Congregate care facility” means individual housing units within a multi-family structure or complex, with common areas for group dining and socializing. Limited medical care and supervision may also be provided, where the emphasis of the facility remains residential.

“Contrast” means, for the purposes of Chapter 17.27, the ratio of one surface luminance to a second surface luminance. Contrast values exceeding thirty to one are generally considered uncomfortable; ten to one clearly visible; and less than three to one are not perceptible.

“Construction costs,” for the purposes of the art in public places program (Chapter 17.26), means the total value of construction or reconstruction work on a commercial building as determined by the building official at building permit issuance.
“Contributing resource” means any improvement, building, structure, sign, feature, tree, or other object adding to the historical, architectural, or cultural significance of a district.

“Convalescent care” means residential facilities providing nursing and health-related care as a principal use with in-patient beds, such as: skilled nursing facilities (facilities allowing care for physically or mentally disabled persons, where care is less than that provided by an acute care facility); extended care facilities; convalescent and rest homes; board and care homes. Hospices and long-term personal care facilities that do not emphasize medical treatment are classified in “Residential care homes.”

“Convenience stores” means retail stores typically of three thousand five hundred square feet or less in gross floor area, which carry a range of merchandise oriented to convenience and travelers’ shopping needs. These stores may be part of a service station or an independent facility.

“Council” means the City of Calabasas city council, referred to in this Development Code as “council”.

Cut. See “Excavation.”

“Cut through traffic” is traffic that would need to pass through a local street to reach a collector or arterial roadway (these street types are identified in Figure VI-1 of the General Plan). For example, a new development that could only gain access to a collector or arterial via an existing local street would generate “though traffic” on that street.

D. Definitions, D. The following definitions are in alphabetical order:

“Day care - large family” means a state licensed facility located in a single-family residence where an occupant of the residence provides care and supervision for up to fourteen children for periods less than 24 hours a day pursuant to Health & Safety §1597.465. Children under the age of ten years who reside in the home count as children served by the day care facility.

“Day care - small family” means a state licensed facility located in a single-family residence where an occupant of the residence provides care and supervision for up to eight children for periods less than 24 hours a day pursuant to Health &
Safety Code §1597.44. Children under the age of ten years who reside in the home count as children served by the day care facility.

“Day Spa” means facilities that offer a combination of non-medical personal services that may include hair, nail and skin care treatment or other services typically found in a beauty shop; also massage therapy and similar treatment of the human body, and may also include spa tubs, therapeutic immersion pools, steam rooms, saunas or other related accessory facilities and uses intended for health and beauty enhancement.

“dB” means decibel; a unit used to express the relative intensity of a sound as it is heard by the human ear.

“dBA” means the “A-weighted” scale for measuring sound in decibels; weighs or reduces the effects of low and high frequencies in order to simulate human hearing. Every increase of 10 dBA doubles the perceived loudness though the noise is actually ten times more intense.

“Deadwood” means limbs, branches or a portion of a tree that contains no green leaves during a period of the year when they should be present, and no translocation of nutrients within the cambium layer.

“Deck” means a horizontal unenclosed platform, either freestanding or attached to a building.

“Demolition” means, for purposes of Chapter 17.36 of this title, any act or process that destroys in part or in whole an individual historical resource, or a structure within a historic district.

“Density” means the number of dwellings per net acre, unless otherwise stated, for residential uses.

“Department” means the City of Calabasas community development department, referred to in this Development Code as “department.”

“Design guidelines” means for purposes of Chapter 17.36 (Historic Preservation) of this title, the principles contained in a document which illustrate appropriate and inappropriate methods of rehabilitation and construction. The purpose of using design guidelines is to aid design and decision-making with regard to retaining the integrity of scale, design, intent, materials, feelings, patterns of development, and historical character of a historical resource.
“Designated site” means a parcel or part thereof on which a historical resource is situated, including any abutting parcel or part thereof constituting part of the premises on which the historical resource is situated, which has been designated a historic landmark or district pursuant to Chapter 17.36.

“Detached” means any structure that does not have a wall or roof in common with another structure.

“Development” means any grading or construction activity or alteration of the land, its terrain contour or vegetation, including the addition to, erection, expansion, or alteration of existing structures. New development is that which occurs, after the effective date of this Development Code.

“Development agreement” means a contract between the city and an applicant for a development project, in compliance with Chapter 17.68 of this Development Code and Sections 65864 et seq., of the Government Code.

“Development Code” means the City of Calabasas Land Use and Development Code, Title 17 of the Calabasas Municipal Code, referred to as “this Development Code.”

“Development review committee (DRC)” means the development review committee established by Section 17.70.030.

“Diameter,” with respect to oak trees, means the average diameter at breast height (DBH) measured at 4 1/2 feet above grade on the high side of the tree.

“Director” means the City of Calabasas community development director, or any employee of the Calabasas community development department designated by the community development director to perform any duty assigned to him or her by this Development Code, referred to in this Development Code as “department.”

“Disability glare” means, for the purposes of Chapter 17.27, the effect of stray light in the eye that reduces visibility and visual performance. A direct glare source that produces visual discomfort can also produce disability glare by introducing a measurable amount of stray light into the eye.

“Displayed” means merchandise set out for viewing by the public.
“Distribution uniformity” means uniformity of water application by the irrigation system, as defined by the Irrigation Auditor Handbook.

“Domestic oak” means any oak planted, grown and/or held for sale as a part of a licensed nursery business that does not exceed eight inches in diameter, and is so identified by the city.

“Dripline” means the outermost edge of an oak tree’s canopy. When shown on a map, the dripline will appear as an irregular shape that follows the outline of the oak tree branches as viewed from above.

“Drive-in and drive-thru sales” mean facilities or establishments where food or other products may be purchased or received by motorists from their vehicles. Such facilities include as examples fast-food restaurants and drive-through dairies.

“Drive-in and drive-thru services” means facilities or establishments where services may be obtained by motorists from their vehicles. Such facilities include as examples drive-up teller windows in banks. Does not include: automatic teller machines (ATMs), service stations, or car washes.

“Duplex” means a detached, multifamily housing structure under single ownership containing two dwellings.

“Dwelling” or “dwelling unit” means a room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen, which constitutes an independent housekeeping unit, occupied by or intended for one household on a long-term basis. Types of dwellings include single-family dwellings, duplexes, multifamily dwellings, mobilehomes, condominiums and townhouses.

E. Definitions, E. The following definitions are in alphabetical order.

“Embankment” means a fill consisting of a deposit of soil, rock or other materials mechanically placed, including the conditions resulting there from.

“Emergency shelter” has the same meaning as defined in subdivision (e) of Section 50801 of the Health and Safety Code.
“Encroach/Encroachment,” with respect to an oak tree, means any intrusion of human activity into the protected zone of an oak tree, including alteration, grading, excavating, paving, trenching, disposal or use of materials, construction of animal corrals, parking of vehicles, disposal or use of toxic substances, installation of landscaping, any type of temporary or permanent storage, additional irrigation, or the construction of structures or other improvements.

“Engineered fill” means engineered material mixed, processed, water conditioned and compacted to a specified density per a civil engineer recommendations.

“Engineering geologist” means a registered geologist certified as an engineering geologist by the state of California.

“Engineering geology” means the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

“Environmental impact report (EIR)” means an informational document used to assess the physical characteristics of an area and to determine what effects will result if the area is altered by a proposed action, prepared in compliance with the California Environmental Quality Act (CEQA).

“Ephemeral stream” means a stream where storm water may be found on an infrequent basis and generally occurs only for a short time after extreme storms within poorly defined channels. An ephemeral stream does not include drainage culverts, swales, and other man-made drainage features.

“Equestrian facilities” means commercial horse, donkey and mule facilities including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), pack stations, and barns, stables, corrals and paddocks accessory and incidental to these uses. These facilities may include the retail sales of tack and feed supplies as an accessory use.

“Equipment”, for the purposes of Chapter 17.11, means radio electronic equipment necessary to operate a wireless telecommunication facility which is often installed on a pole, in a ground-mounted metal cabinet, or an underground vault.

“Erosion” means the wearing away of the ground surface as a result of the movement of wind, water or ice.
“Excavation” means the mechanical removal of earth material.

Existing Grade. See “Grade.”

“Exotic animals” means non-domesticated animals that are carnivorous, poisonous or not native to North America, commonly displayed in zoos.

F. Definitions, F. The following definitions are in alphabetical order:

“Farm animals” means cattle, donkeys, fowl, goats, horses, mules, poultry, sheep, swine and other animals determined by the director to be not commonly regarded as household pets. Does not include cats, dogs and other common household pets, which are separately defined.

“FCC” means the Federal Communications Commission or any other successor to that agency.

“Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

“Fence” means a linear structure of wood, wrought iron, chain link or other materials (except entirely of concrete or masonry) which provide for separation and/or screening between adjoining sites or areas within a site. Similar structures primarily of concrete or masonry are included under the definition of “Walls.”

“Fill” means a deposit of earth material placed by artificial means.

“Final map” means a final map prepared in compliance with Article 2, Chapter 2 of the Subdivision Map Act and approved in compliance with Article 4, Chapter 3 of the Subdivision Map Act.

Finish Grade or Grading. See “Grade.”

Flag Lot. See “Lot types.”
"Floor area ratio (FAR)" is the ratio of floor area to total lot area. FAR restrictions are used to limit the maximum floor area allowed on a site (including all structures on the site). The maximum floor area of all structures (measured from exterior wall to exterior wall) permitted on a site (including residential carports) shall be determined by multiplying the Floor Area Ratio (FAR) by the total net area of the site (FAR x Net Site Area = Maximum Allowable Floor Area). FAR for non-residential projects shall apply to the gross area of all functional and habitable floors of all structures and shall not apply to supporting parking facilities (open parking lots or structures) which provide required off-street parking in accordance with Section 17.28. Carports and private garages shall be included as part of the FAR for projects located in the Old Topanga and Calabasas Highlands Overlay zones.

"Footcandle" means, for the purposes of Chapter 17.27, a unit of measure for illuminance on a surface that is everywhere one foot, from a uniform point of light of one candle and equal to one lumen per square foot.

Front Property Line. See “Lot line or property line.”

"Fuel modification area" means an area where the volume of flammable vegetation has been reduced by thinning and the removal of dead material, on both sides of a driveway or road for a depth of ten feet on each side, to provide for reduced fire intensity and duration.

"Full cut-off" means, for the purposes of Chapter 17.27, a lighting fixture that by design of the housing does not allow any light dispersion or direct glare to shine...
above a horizontal plane from the base of the fixture. Full cut-off fixtures must be installed in a horizontal position as designed in order to achieve cut-off.

G. Definitions, G. The following definitions are in alphabetical order.

“Garage or carport” means covered parking space for automobiles or other vehicles, where the size of the parking space complies with the provisions of Section 17.28.070. A garage is a structure with a door, enclosed on four sides; a carport has no door, and is enclosed on two or fewer sides.

“General Plan” means the City of Calabasas General Plan, including all elements thereof and all amendments thereto, as adopted by the Council under the provisions of Sections 65300 et seq. of the Government Code, and referred to in this Development Code as the “General Plan.”

Geotechnical Engineer. See “Soils engineer.”

“Glare” means, for the purposes of Chapter 17.27, visual discomfort experienced from high contrast. Glare is categorized into three levels. These levels are based on the contrast ratio as follows:

1. “High glare sources” means a brightly lighted surface where the contrast ratio exceeds thirty to one.

2. “Medium glare sources” means brightly lighted surfaces where the contrast ratio exceeds ten to one, but is less than thirty to one.

3. “Low glare sources” means illuminated surfaces where the contrast ratio exceeds three to one, but is less than ten to one.

“Grade” means the vertical location of the ground surface.

1. “Existing or natural grade” means the contour of the existing topography excluding any cut and/or fill.

2. “Finish grade” means the final grade of the site that conforms to an approved grading plan and grading permit.

“Grading” means any excavating or filling or combination thereof.
“Gross floor area” means the total area in square feet of all floors in all buildings on a site, including all area within the exterior surfaces of the exterior walls.

Guesthouse. See “Secondary housing unit.”

H. Definitions, H. The following definitions are in alphabetical order:

Habitat linkage” means large, regional (landscape level) connections between habitat blocks (core areas) meant to facilitate animal movements and essential genetic flows between different sections of the landscape. These linkages are not necessarily currently constricted, but are essential to maintain connectivity function in the ecoregion.

“Hedge”. See “shrub/hedge”.

“Historic district” means any district designated pursuant to Section 17.36.050(c) or (E).

“Historic landmark” means any landmark designated pursuant to Section 17.36.050(B) or (E).

“Historic landscape” means any landscape district designated pursuant to Section 17.36.050(D).

“Historical resources” means improvements, buildings, structures, signs, features, historic districts, conservation zones, trees, or other objects of cultural, architectural, or historical significance to the citizens of Calabasas and the state of California, the Southern California region, or the nation, which have been determined to be eligible for nomination or designation by the historic preservation commission, or by the council on appeal, pursuant to the provisions of Chapter 17.36.

“Hobby farm” means a parcel of land where farm animals are raised and/or garden crops are grown (fruits, vegetables, flowers and tree nuts) in a manner incidental to a principal residential use of the property.

“Home occupation” means the gainful employment of the occupants of a dwelling, with the business activity being subordinate to the residential use of the property, with no display, or commodity sold on the premises except as provided by Section 17.12.100 and no persons employed other than residents of the dwelling.
“Hotel or motel” means guest rooms or suites, provided with or without meals or kitchen facilities, rented to the general public for overnight or other temporary lodging (less than thirty days). Hotels provide access to most guest rooms from an interior walkway. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, and other such facilities.

“Household pets” means the raising or keeping of birds, cats, dogs or other common household pets, and other animals determined by the director to have similar space and sanitation requirements, and noise characteristics, accessory to a residential use.

“Hydrozone” means a portion of the landscaped area having plants with similar water needs. It may be irrigated or non-irrigated. When irrigated, a hydrozone is served by a valve or set of valves with the same schedule.

I. Definitions, I. The following definitions are in alphabetical order:

“Illuminance” means, for the purposes of Chapter 17.27, means a measure of light energy incident at a specific point on a surface over a specified area. The unit for this quantity is the footcandle (fc).

“Improvement” means any street work and utilities to be installed, or agreed to be installed, by the applicant/developer on the land to be used for public or private streets, highways and easements, as are necessary for the general use of site occupants, lot owners in a subdivision and/or local neighborhood traffic and drainage needs as a condition of a land use permit or precedent to the approval and acceptance of a final map. Improvement also refers to any other improvements, the installation of which, either by an applicant, by public agencies, by private utilities, or by any other entity, is necessary to ensure consistency with, or implementation of, the General Plan or any applicable specific plan.

“Improvement” means, for purposes of Chapter 17.36, any building, structure, fence, gate, tree, wall, or other specified object constituting a historical physical feature of real property, or any part of such feature.

“Infinity pool” means a swimming pool which produces a visual effect of water extending to the horizon, vanishing, or extending to “infinity”. 
“Initial study” means an analytic document used to determine the significance of various environmental effects that may result from a proposed action, prepared in compliance with the California Environmental Quality Act (CEQA). The initial study determines whether an EIR or negative declaration shall be prepared.

“Intermittent stream” means a stream that typically has sustained flows for multiple days only during the wet season.

J. Definitions, J. No definitions of terms beginning with the letter “J” are used at this time.

K. Definitions, K. The following definitions are in alphabetical order:

“Kitchen” means any room or portion of room wherein food is prepared, cooked, served or consumed. A kitchen often contains, but need not contain, installations and appliances (collectively “facilities”) for the preparation, cooking and/or serving of food, such as a sink, a refrigerator, a stove, range, grill, oven or microwave, or any combination thereof.

L. Definitions, L. The following definitions are in alphabetical order:

“Land Use” means the type of activity or purpose for which land or building is occupied, arranged designed or intended, or for which either land or building is or may be occupied or maintained, as approved by the city.

“Landform grading” means a contour grading method which creates artificial slopes with curves and varying slope ratios in the horizontal and vertical planes designed to simulate the appearance of surrounding natural terrain. See Figure 8-2.
“Landscape area” means a planted area in addition to all hardscape elements including, decks, pools, patios, sidewalks, etc., but does not include building structures, parking lots, driveways and streets.

“Land use” means and includes any purpose for which land is dedicated, developed, devoted or improved, and all other activities that occur, are conducted or maintained on unimproved or improved land, or within any structure thereon. “Land Use” includes any type of purpose or activity that is permitted, regulated or prohibited by this Development Code.

“Land use permit” means any of the entitlements established by Article V, including zoning clearance (Section 17.62.090), site plan review (Section 17.62.020), temporary use permits (Section 17.62.030), minor use permits (Section 17.62.040), conditional use permits (Section 17.62.060), development plans (Section 17.62.070), variances (Section 17.62.080) and oak tree permits (Chapter 17.32).

Large Family Day Care Home. See day care facilities.”

"Lawfully built" means a structure that was built in compliance with applicable city, county, state and federal laws and regulations in existence at the time of construction.

“Leq” means the energy equivalent level, defined as the average sound level on the basis of sound energy (or sound pressure squared). The Leq is a “dosage”
type measure and is the basis for the descriptors used in such standards as the 24-hour Community Noise equivalent Level (CNEL).

“Light fixture” means for the purposes of Chapter 17.27, an electrical device used to create artificial light or illumination. A light fixture includes the light source or lamp, a mounting bracket or pole socket, a pole on which the light is supported, the reflector or directing the light, an aperture (with or without a lens), the outer shell or housing for lamp alignment and protection, an electrical ballast, if required, and connection to a power source.

“Light pollution” means, for the purposes of Chapter 17.27, any artificial light which causes a detrimental effect to the environment, night sky, undesirable glare, or light trespass.

“Light pole” means, for the purposes of Section 17.12.050, means a single or segmented structure, with a single continuous footing, that is not stabilized by guy wires, and has only a light fixture attached.

“Light trespass” means, for the purposes of Chapter 17.27, artificial light that produces an unnecessary and unwanted illumination of the public right-of-way or adjacent property.

“Liquor store” means a retail use which sells beer, wine, and distilled spirits to a customer for consumption off the premises and which needs a State of California Alcoholic Beverage Control License Type 21 (off-sale general). This definition shall not include a grocery store, drug store or convenience market where fifty percent or less of the sales floor area, are alcoholic beverages.

“Live entertainment” means a use which includes but is not limited to disc jockey, live bands, comedians, theater for the performing arts, and other forms of entertainment which include live performances at a commercial establishment, provided that the following shall not be consider live entertainment for the purposes of Title 17:

1. Adult use live entertainment establishments which are subject to the requirements of Section 17.12.025; or

2. Performances by one or two performers with no voice or instrument amplifications.
3. Recorded music played over a speaker system as background music, and not delivered by a disc jockey.

"Local street" means streets that have no through traffic function and provide property access only.

"Loss" means, with respect to oak trees, tangible or intangible diminished existence of the ecosystem, aesthetics, and view shed, and historical or irreplaceable value.

"Lot" means and includes the following:

1. A parcel of real property shown on a subdivision or plat map, required by the Subdivision Map Act or this Development Code to be recorded before the sale of parcels shown on the map or plat, at the time the map was recorded;

2. A parcel of real property that has been issued a certificate of compliance as provided by Government Code Section 66499.35 and Chapter 17.44 of this Development Code; or

3. A parcel of real property not described in subdivision (1) or (2) above, provided the parcel resulted from a separate conveyance or from a decree of a court of competent jurisdiction which was on record before the requirement of the filing of a subdivision map by the Subdivision Map Act or this Development Code.

Lot Area. "Gross lot area" is the total area included within the lot lines of a lot, exclusive of adjacent dedicated street rights-of-way. "Net lot area" is exclusive of easements, including those for utilities or flood control channels, which limit the use of the lot.

"Lot line" or "property line" means any recorded boundary of a lot. Types of lot lines are as follows (see Figure 8-3, Lot Features):

1. "Front lot line," on an interior lot, means the property line separating the parcel from the street. The front lot line on a corner lot is the line with the shortest frontage. (If the lot lines of a corner lot are equal in length, the front lot line shall be determined by the director.) On a through lot, both lot lines adjacent to the street are front lot lines and the lot is considered to have no rear lot line.
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2. “Interior lot line” means any lot line not abutting a street.

3. “Rear lot line” means a property line that does not intersect the front lot line, which is most distant from and most closely parallel to the front lot line.

Lot Depth, Location of Yards. The measurement of lot depth and the location of required yards are illustrated in Figure 8-3, Lot Features.

Lot Types. Types of lots include the following. See Figure 8-4.

1. “Corner lot” means a lot located at the intersection of two or more streets where they intersect at an interior angle of not more than one hundred thirty-five degrees. If the intersection angle is more than one hundred thirty-five degrees, the lot is considered an interior lot.

2. “Flag lot” means a lot having access to a public street by means of private right-of-way strip that must be owned in fee.

3. “Interior lot” means a lot abutting only one street.

4. “Key lot” means an interior lot, the front of which adjoins the side property line of a corner lot.

5. “Reverse corner lot” means a corner lot, the rear of which abuts a key lot.

6. “Through lot” means a lot with frontage on two generally parallel streets.

“Lot width” means the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. See Figure 8-3, Lot Features. The director shall determine lot width for parcels of irregular shape.
Fig 8.3 Lot Features

Fig 8.4 Lot Types
“Luminance” means, for the purposes of Chapter 17.27, a measure of light energy reflected from a specific surface in a specific direction over a standard area. The unit for this quantity is the footlambert (fL).

“Luminance ratio” means, for the purposes of Chapter 17.27, the relationship between the maximum and minimum luminance values over an area. Uniform ratios close to one indicate an area with even brightness. Large ratios indicate areas with high glare.

M. Definitions, M. The following definitions are in alphabetical order.

Map Act. See “Subdivision Map Act.”

“Medical marijuana dispensary” means a facility where marijuana is made available for medical purposes in accordance with Health & Safety Code Section 11362.5. The word “marijuana” shall have the same meaning as the definition of that word in Health & Safety Code Section 11018.

“Mills Act contract” means a property contract entered into between the city and a property owner that provides for lower property taxes in return for the rehabilitation, restoration, and preservation of a qualified historical property pursuant to California Government Code Section 50280, et seq.

“Mitigated negative declaration” means a written statement issued by the city, describing the reasons that a proposed project will not have a significant adverse effect on the environment, including mitigation measures incorporated into the proposed design and/or operation of the project that will avoid, eliminate, reduce, or minimize environmental impacts identified through the process of project review, and therefore does not require the preparation of an EIR, in compliance with the California Environmental Quality Act (CEQA). See also “Negative declaration.”

“Mixed use development” means the development of a site or structure with two or more different land uses, including a combination of residential, office, retail, public, manufacturing or entertainment in a single or physically integrated group of structures.

“Mobilehome park” means any site that is planned and improved to accommodate two or more mobilehomes used for residential purposes, or on which two or more mobilehome lots are rented, leased, or held out for rent or
lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium or other form of resident ownership, to accommodate mobile homes used for residential purposes.

“Monopole” means a single or segmented structure, with a single continuous footing, that is not stabilized with guy wires, and has antennas attached.

Motel. See “Hotel or motel.”

“Multifamily housing” means and includes a building or a portion of a building used and/or designed as residences for two or more families living independently of each other. Includes: duplexes, triplexes, fourplexes (buildings under one ownership with two, three or four dwelling units, respectively, in the same building); apartments (five or more units under one ownership in a single building); townhouse development (three or more attached single-family dwellings where no unit is located over another unit); senior citizen multifamily housing; and common ownership attached unit projects such as condominiums.

“Multiple trunk” means more than one trunk growing from a tree's root system, with the aggregate diameters totaled, deemed to equal one tree.

“Municipal Code” means the City of Calabasas Municipal Code, as it may be amended from time to time.

N. Definitions, N. The following definitions are in alphabetical order.

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

“Native landscaping or plant” means any plant which is a member of a species which was present at a given site prior to European contact.

“Negative declaration” means a written statement issued by the city, describing the reasons that a proposed project will not have a significant adverse effect on the environment, and therefore does not require the preparation of an EIR, in compliance with the California Environmental Quality Act (CEQA). See also “Mitigated negative declaration.”

“Night clubs” means any bar, cocktail lounge, discotheque or similar establishment which provides live entertainment in conjunction with alcoholic beverage sales.
“Nonconforming lot” means a lot of record that was legally created, but does not conform to the provisions of this Development Code because the lot is of a size, shape, or configuration no longer allowed in the zoning district that applies to the site, as a result of amendments to this Development Code.

“Nonconforming structure” means a structure that was legally constructed, but does not conform to the provisions of this Development Code because amendments to the Development Code made the structure nonconforming in its size, type of construction, location on its site, separation from other structures, number of parking spaces provided, or other features.

“Nonconforming use” means a use of land (and/or within a structure) that was legally established, but does not conform with the provisions of this Development Code because the use is no longer allowed in the zoning district that applies to the site, as a result of amendments to this Development Code. A use that does not conform to the development standards (e.g. parking, loading, landscaping and sign regulations) of the zoning district in which it is located shall not be deemed a nonconforming use.

“Noncontributing resource” means, for purposes of Chapter 17.36, any improvement, building, structure, sign, feature, tree, or other object that does not add to the historical, architectural, or cultural significance of a district.

O. Definitions, O. The following definitions are in alphabetical order.

“Oak tree” means any protected oak tree of the genus Quercus, including Valley Oak (Quercus lobata) and California Live Oak (Quercus agrifolia) measuring four inches dbh (diameter at breast height) or greater and Scrub Oak (Quercus dumosa or Quercus berberidifolia), having a diameter greater than one inch when measured twelve inches above grade.

“Oak tree permit” means a permit issued by the city in compliance with Section 17.26.070 of this title.

“Oak Tree Preservation and Protection Guidelines” means the guidelines adopted by council resolution 91-36, as amended, on file with the city clerk, or the most recently adopted council resolution replacing them. This document may be referred to as the “Guidelines.”

"Oak Tree Report" means a report prepared by a licensed arborist, landscape architect or other licensed consultant specializing in oak tree preservation and
approved by the city that contains specific information on the location, condition, potential impacts of development, recommended actions and mitigation measures regarding one or more scrub oak or oak trees on an individual lot or project site.

“Oak woodlands” means an area of land containing at least 10 percent ground coverage of the genera Quercus (i.e.: with single trunk diameters greater than 6 inches at DBH or if multi-trunked, 8 composite inches at DBH with no trunk less than 2 inches in diameter) and total oak canopy coverage of a minimum of one acre, not surrounded by or heavily influenced by urban development such as structures or roads, and where the understory has not been permanently disturbed by structures or roads.

“Object” means, for purposes of Chapter 17.36, a material thing of historical, cultural, or architectural value.

“Occupancy” means all or a portion of a structure occupied by one tenant.

“Ordinary maintenance and repair” means, for purposes of Chapter 17.36, any work for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration of or damage to a structure or any part thereof, and to restore the same to its condition prior to the occurrence of such deterioration or damage.

“Original parcel” means a contiguous area of land under one ownership at the time of division, which is proposed for division under Article IV of this Development Code.

P. Definitions, P. The following definitions are in alphabetical order.

“Parcel map” means the map described by Article 3, Chapter 2 of the Subdivision Map Act, which is required by Article IV of this Development Code to complete a subdivision of four or fewer lots.

Parcel. See “Lot.”

“Perennial stream” means a stream that flows for most or all of the year within a well defined channel.

“Permeable paving” means any paving material that permits water penetration to a soil depth of eighteen inches or more. Includes nonporous surface material
poured or laid in sections not exceeding one square foot in area and less than two-thirds of the total surface area of a lot that permits water penetration to a soil depth of eighteen inches or more. Examples include crushed stone or gravel.

“Permitted use” means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

“Person” means any individual, firm, co-partnership, corporation, company, association, joint stock association; city, county, state or district; and includes any trustee, receiver, assignee or other similar representative thereof.

“Pervious surface” means portions of a site that are only paved with permeable paying materials and are not covered with structures after development. Includes landscaped and natural areas.

Planning commission. See “commission”.

“Planted area” means the total area of a site containing only plants and natural landscaping and not covered by buildings, parking lots, driveways, patios, plazas, or other structures.

“Pool house” means a building with a toilet, sink, and shower used as a changing and rinsing facility in conjunction with a swimming pool.

“Portable storage container” means portable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, building materials or merchandise.

“Preferential parking” means 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.

“Preservation” means, for purposes of Chapter 17.36, the identification, study, protection, restoration, rehabilitation, or acquisition of historical resources.

“Primary structure” means a structure that accommodates the primary use of the site.
“Primary use” means the main purpose for which a site is developed and occupied, including the activities that are conducted on the site a majority of the hours during which activities occur.

Property Line. See “Lot line” or “property line.”

“Property owner” means the legal owner(s) of a lot.
“Proposed parcel(s)” means each separate parcel shown on a tentative map or lot line adjustment, as proposed by an applicant.

“Protected zone” means a defined area surrounding an oak tree within which work activities are strictly controlled. When shown on a map, the outermost edge of the protected zone will appear as an irregular shaped circle that follows the outline of the drip line of the tree. Using the drip line as a point of reference, the protected zone shall commence at a point five feet outside of the drip line and extend inward to the trunk of the tree. The protected zone shall be no less than fifteen feet from the trunk of an oak tree or fifty feet from the trunk of a heritage oak or five outside of a mass growth of scrub oak.

“Public right-of-way” means a street or highway owned and maintained by the city or the state.

“Public road” means a street or highway owned and maintained by the city, the county, the state, or federal government.

Q. Definitions, Q. The following definitions are in alphabetical order.

“Queue jump” means a type of roadway geometry typically found in bus rapid transit systems. It consists of an additional travel lane on the approach to a signalized intersection. This lane is often restricted to transit vehicles only, though some variation may permit bicyclists, mopeds, and motorcycles. The intent of the lane is to allow the high-capacity vehicles to cut to the front of the queue, reducing the delay caused by the signal and improving the operational efficiency of the transit system.

R. Definitions, R. The following definitions are in alphabetical order.

“Radome” means a structural weatherproof enclosure that protects an antenna.

“Reclaimed water” means tertiary treated waste water of a quality suitable for non-potable uses such as landscape irrigation.
"Reconstruction" means, for the purposes of Chapter 17.24, all alterations or repairs made to a commercial building within any twelve-month period which alterations or repairs exceed fifty percent of the value of an existing commercial building. Reconstruction necessitated by earthquake damage, other natural disasters, or acts of God shall be exempt from this definition.

"Recreational Vehicle" means a vehicle or trailer which is capable of human habitation or designed or used for recreational camping or travel use, whether self-propelled or mounted on or drawn by another vehicle, or any structure inspected, approved and designated a recreational vehicle by and bearing the insignia of the state of California or any other state or federal agency having the authority to approve recreational vehicles. For the purposes of this chapter, the following vehicles shall be considered recreational vehicles: (i) Camp trailer, per California Vehicle Code Section 242; (ii) Fifth-wheel travel trailer, per California Vehicle Code Section 324; (iii) House car, per California Vehicle Code Section 362; (iv) Trailer coach, per California Vehicle Code Section 635; (v) Mobilehome, per California Vehicle Code section 396; (vi) Boat, watercraft, and/or boat/watercraft trailer; (vii) Trailers designed for the carrying of persons or property or animals on its own structure and for being drawn by another motor vehicle; and (viii) Recreational vehicle, per California Health and Safety Code section 18010.

Recycling Facilities.

1. "Collection facility" means a center for the acceptance by donation, redemption or purchase of recyclable materials from the public, which may include the following:

   a. Reverse vending machine(s);

   b. Small collection facilities which occupy an area of five hundred fifty square feet or less and may include:

      i. A mobile unit,

      ii. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty square feet, and

      iii. Kiosk-type units which may include permanent structures;
c. Large collection facilities which may occupy an area of more than five hundred fifty square feet and may include permanent structures.

2. “Recycling facility” means a center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor is certified by the California Department of Conservation as meeting the requirements of state law (California Beverage Container Recycling and Litter Reduction Act of 1986). A recycling facility does not include storage containers located on a residential, commercial or industrial designated parcel used solely for the recycling of material generated on the parcel.

3. “Recycling or recyclable material” means reusable domestic containers including glass, metals, paper and plastic which are intended for reconstitution, remanufacture or reuse in an altered form. Recyclable material does not include refuse or hazardous materials.

4. “Reverse vending machine” means an automated mechanical device which accepts at least one or more types of empty beverage containers including to aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container’s redemption value as determined by state law. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

A bulk reverse vending machine is a reverse vending machine that is larger than fifty square feet, is designed to accept more than one container at a time and will pay by weight instead of by container.

“Replacement”, for the purposes of Chapter 17.27, means to put something new in place of and shall include any or all of the components that make up a light fixture.

“Residential accessory uses and structures” means and includes any use that is customarily part of, and clearly incidental and secondary to a residence and does not change the character of the residential use. These uses include accessory structures (e.g., garages, gazebos, greenhouses, spas and hot tubs, studios, swimming pools, tennis courts, workshops, and other similar facilities). Does not include secondary housing units, which are defined separately.
“Residential care homes” means facilities providing residential social and personal care for children, the elderly, and people with some limits on their ability for self-care, but where medical care is not a major element. Includes: children’s homes; halfway houses; orphanages; rehabilitation centers; self-help group homes and hospices. Convalescent homes, nursing homes and similar facilities providing medical care are included under a separate land use.

Residential Density. See “Density.”

“Residential zone” or “zoning district” means any of the residential zoning districts established by Section 17.10.010 of this Development Code.

Restaurant, Counter Service. “Counter service restaurant” means franchised or independently-operated restaurants where customers are served prepared food from a walk-up ordering counter for either on- or off-premise consumption. A restaurant with drive-up or drive-through service is instead included under the definition of “Drive-in and drive-thru sales.”

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

“Review authority” means the individual or official city body (the development review committee, community development director, commission or council) identified by this Development Code as having the responsibility and authority to review, and approve or disapprove the subdivision applications described in Article IV, permits described in Article V, and appeals and amendments described in Article VI.

“Ridgeline” means a line connecting the highest points along a ridge and separating drainage basins or small-scale drainage systems from one another.

“Ridgeline, significant” means those ridgelines depicted on Figure III-4 of the General Plan Open Space Element.

“Riparian” means lands that are comprised of the vegetative and wildlife areas adjacent to perennial and intermittent streams. Riparian areas are delineated by the existence of plant species normally found near freshwater.
“Rooming and boarding houses” means the renting of individual bedrooms within a dwelling to three or more people, whether or not meals are provided; or a single-family dwelling occupied by six or more unrelated people, living together as a single housekeeping unit.

“Routine maintenance” means, with respect to oak trees, actions taken for the continued health of an oak tree such as dead wooding. In special cases fertilization, insect control, limited watering and ground aeration may also be warranted. Routine maintenance shall not include pruning.

“Rural” means an area characterized by a non-urban or agricultural environment at low densities without typical urban services. Urban services and facilities not normally found in rural areas include curbs, gutters, sidewalks, street lighting, landscaping, and commercial centers dependent on large consumer volumes, such as regional shopping centers.

S. Definitions, S. The following definitions are in alphabetical order.

“Scrub oak habitat” means either of two separate oak species that form a thicket, three or more, of shrubs or small trees, including *Quercus dumosa* (Coastal Shrub) and *Quercus berbberidifolia* (Inland Scrub).

“Secondary housing unit” means a second permanent dwelling that is accessory to a primary dwelling on the same site. For the purposes of Title 17, a guest house shall be considered a secondary housing unit. A secondary housing unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

“Secretary of the Interior Standards for the Treatment of Historic Properties” means the most current version of the standards and guidelines prepared by the National Park Service for the preservation, rehabilitation, restoration and reconstruction of historic buildings.

“Senior citizen” means a person fifty-five years of age or older.

“Senior residential projects” means a multifamily housing project providing housing for senior citizens (fifty-five years of age or more) in an independent living environment.
“Service station” means a retail business selling gasoline or other motor vehicle fuels, which may also provide vehicle engine maintenance and repair services incidental to fuel sales.

“Setback” means the distance by which a structure, parking area or other development feature must be separated from a lot line, other structure or development feature, or street centerline. See also “Yard”.

“Shielding” means, for the purposes of Chapter 17.27, a technique or method of construction or manufacture that prevents any light dispersion to shine beyond the horizontal plane from the light emitting point of a fixture. The light emitting, reflecting, or refracting components of the light fixture, (i.e., lamp, lens, and reflective surface), shall not extend beyond the shielding of the fixture. Any structural part of the light fixture providing this shielding shall be permanently affixed to the light fixture.

“Shrub/hedge” means a plant or number of plants with a compact growth habit and branches coming from the base of the plant cultivated and maintained in a linear fashion to form a barrier similar to a fence or wall. Mature heights of shrubs/hedges may vary from one foot to fifteen feet depending on their species and landscape application.

“Shopping center” means a group of retail stores and similar complementary commercial establishments on a site, planned and built as a coordinated unit with shared pedestrian and vehicular circulation and off-street parking.

“Sign” means any visual device or representation (written or pictorial) used to convey information, or to identify, announce, or otherwise direct attention to a premise, product, service, person, organization, business or event, and placed on, suspended from, or in any way attached to, any structure, vehicle or landscape feature. The following are definitions related to signs:

1. “Abandoned sign” means a sign that identifies a business, lessor, owner, product, service, or activity which has been discontinued on the premises for a period of ninety days or more.

2. “Address sign” means the numeric reference of a structure or use to a street, included as part of a wall or monument sign.
3. “Animated or moving sign” means any sign which uses movement, lighting or special materials to depict action or create a special effect or scene.

4. “Awning or canopy sign” means a sign located on a roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

5. “Balloon” means an object made of an airtight material, no greater than eighteen inches in diameter at its widest point, filled with air or gas and used as a sign.

6. “Banner” means a strip of cloth, thin plastic or other flexible material on which a sign is painted, printed, or otherwise displayed.


8. “Billboard or off-site sign” means a sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured or furnished at the property on which the sign is located.

9. “Building-mounted or wall sign” means a sign painted on or fastened to a building wall, and which does not project more than twelve (12) inches from the wall.

10. “Cabinet sign” or “can sign” means a sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.

11. Canopy sign. See “Awning sign.”

12. “Channel letters” means three-dimensional individually cut letters or figures, illuminated or non-illuminated, affixed to a structure.

13. “Civic event sign” means a temporary sign, other than a commercial sign, posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization.

14. “Commercial copy or commercial message” means a message displayed on a sign which pertains primarily to the name, location, products or proposed
economic transactions of any services or activities carried on for profit or gain.

15. “Construction sign” means a temporary sign erected on the parcel on which construction is taking place, limited to the duration of the construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owner, financial supporters, sponsors, and similar individuals or firms having a major role or interest with respect to the structure or project.

16. “Decorative graphics” means any graphic symbol, logo, monogram, words treated as a graphic image or other symbolic device that identifies the specific business, products or services offered on the premises, or which relates to the contents of the building-mounted sign.

17. “Directional sign” means an on-site sign which is designed and erected solely for the purposes of directing vehicular and/or pedestrian traffic within a project.

18. “Directory sign” means a sign for listing the tenants or occupants and their suite numbers of a structure or center.


20. “Flag” means the official flag of a government, religious group or other organization.

21. “Flashing sign” means a sign that contains an intermittent or sequential flashing light source.

22. “Freestanding sign” means a sign which is erected or mounted on its own self-supporting permanent structure or base detached from any supporting elements of a building.

23. “Freeway facing sign” means a building mounted sign that is located (a) on a site that directly abuts the 101 Freeway and (b) is located on the one side of the building that is generally parallel to the freeway.

24. “Illegal sign” means a sign that was not established or is not being maintained in compliance with the applicable provisions of the Los Angeles
25. “Illuminated sign” means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

26. “Inflatable sign” means an object made of an airtight material, generally greater than eighteen (18) inches in diameter at its widest point, filled with air or gas to form a three dimensional shape and used as a sign.

27. “Institutional sign” means a sign identifying the premises of a church, school, hospital, rest home, or similar institutional facility.

28. “Kiosk” means a free standing structure erected on a foundation and designed to provide advertising space for a group of buildings in a shopping center addressing a pedestrian audience.

29. “Logo sign” means an established trademark identifying the use of a structure.

30. “Marquee sign” means a sign designed to have changeable copy. Marquee signs may be a freestanding sign or a wall sign.

31. “Menu board” means a permanently mounted sign displaying the bill of fare for a drive-through restaurant.

32. “Monument sign” means a free-standing sign permanently affixed to the ground by a solid base or by supports so that the sign face, in its entirety, is situated above and between the outermost edges of the supporting base or support structures, and so that the open space, if any, beneath the sign face is not greater than one-fifth the overall sign height.

33. “Neon sign” means a sign with tubing that is internally illuminated by neon or other electrically charged gas.

34. “Non-appurtenant sign” means any sign which does not relate to, or which relates only incidentally to, the occupant of the site or the principal business conducted within the structure.

35. “Noncommercial copy” means a message that does not include commercial copy.
36. “Nonconforming sign” means an advertising structure or sign which was lawfully erected and maintained prior to the adoption of this Zoning Ordinance, and which has subsequently come under the requirements of this Zoning Ordinance, but does not now completely comply.

37. “Open/closed sign” means an “open” or “closed” window sign.

38. “Open house sign” means a temporary sign posted to indicate a salesperson is available to represent the property subject to sale, lease or rent.

39. “Pedestrian sign” means an identification and/or directional sign designed and located primarily to inform pedestrians. These signs are usually mounted or suspended from the underside of an eave or canopy, perpendicular to an adjacent store front.

40. “Pennants,” “streamers,” and “flags” means any cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes attached to any structure, staff, pole, line, framing or vehicle, not including noncommercial flags.

41. “Pole sign” means any free-standing sign that is not a monument sign.

42. “Political sign” means a temporary sign directly associated with national, state or local elections.

43. “Price sign” means a sign limited to the name or identification of items or products for sale on the premises, and the price of the items or products.

44. “Projecting sign” means any sign which is attached to a wall and which projects horizontally from a structure or building face or wall by more than twelve inches.

45. “Promotional sign” means a temporary sign which serves to promote the sale of new products, new management, new hours of operation, a new service, or to promote a special sale.

46. “Reader board sign” means a sign that is designed so that message elements or sign copy may be readily changed through the use of individual letters or characters, separate panels, or electrical messages.
47. “Real estate sign” means a temporary sign that relates to the sale, lease, or rental of property or buildings, or to construction activities on a site.

48. “Roof sign” means a sign that is mounted on the roof of a building, or which is dependent upon a building for support, and which projects above the highest point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

49. “Sign area” means the area in square feet determined by drawing a line around the outer perimeter of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.

50. “Sign copy” means the information content of a sign, including text, illustrations, logos and trademarks.

51. “Sign face” means the visible portions of a sign including all characters and symbols, but not supporting structures.

52. “Sign height” means the vertical distance from average curb height to the top of the sign including the support structure and any design elements.

53. “Sign program” means a coordinated program of one or more signs for an individual building or building complexes.

54. “Temporary sign” means any sign intended to be displayed for a limited period of time and capable of being viewed from any public right-of-way, parking area or neighboring property. A temporary sign is any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, poster board or other light materials, with or without frames, and mounted in a nonpermanent manner.

55. “Vehicle-mounted or trailer-mounted sign” means any sign placed or maintained on a stationary automobile, truck, trailer or any other motor-driven vehicle.

56. Wall sign. See “Building-mounted sign.”
57. “Window sign” means a sign posted, painted, placed or affixed in or on a window exposed to public view. An interior sign that faces a window exposed to public view and is located within three feet of the window is also a window sign.

“Significant feature” means, for purposes of Chapter 17.36, the man-made elements embodying the style or components of an improvement, including the kind and texture of the building materials, and the type and style of windows, doors, lights, signs, and other fixtures appurtenant to such improvement.

“Significant Ecological Area” means an area that possesses one or more of the following features, or classes:

1. Is the habitat of rare, endangered, or threatened plant or animal species.
2. Represents biotic communities, vegetative associations, or habitat of plant or animal species that are either one-of-a-kind, or are restricted in distribution on a regional basis.
3. Represents ecological communities, vegetative associations, or habitat of plant or animal species that are either one-of-a-kind, or are restricted in distribution in Los Angeles County.
4. Is habitat that at some point in the life cycle of a species or group of species, serves as a concentrated breeding, feeding, resting, or migrating grounds, and is limited in availability
5. Represents biotic resources that are of scientific interest because they are either an extreme in physical/geographical limitations, or they represent an unusual variation in a population or community.
6. Is an area important as game species habitat or as fisheries.
7. Is an area that would provide for the preservation of relatively undisturbed examples of the natural biotic communities in Los Angeles County.
8. Is a special area, worthy of inclusion, but one which does not fit any of the other seven criteria.

“Single-family housing” means a building containing one dwelling unit located on a single lot. Also includes factory-built housing (modular housing) units, constructed in compliance with Title 15 of this code.

“Site” means a lot or adjoining lots under single ownership or single control, considered a unit for the purposes of development or other use.
“Site coverage” means the percentage of total site area occupied by structures. Site coverage includes the principal structure, all accessory structures (e.g., carports, garages, patio covers, storage sheds, trash dumpster enclosures, and other such structures) and architectural features (e.g., chimneys, balconies, decks above the first floor, porches, stairs, and other such structures). A trellis with a minimum of fifty percent of the roof open is exempt from site coverage calculations. Building coverage is measured from exterior wall to exterior wall. See Figure 8-5.

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

Small Family Day Care Homes. See “Day care facilities.”

“Soil” means naturally occurring superficial deposits overlying bedrock.

“Soils engineer (geotechnical engineer)” means an engineer experienced and knowledgeable in the practice of soils (geotechnical) engineering.
“Soils engineering” means the application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection or testing of the construction thereof.

“Solid waste” shall have the meaning described by Public Resources Code Section 40191, as it may be amended from time to time.

“South Coast Air Quality Management District (SCAQMD)” means 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).

“Special purpose zone” or “zoning district” means any of the special purpose zoning districts established by Section 17.10.010 of this Development Code.

“Spill light”, means, for the purposes of Chapter 17.27, light that falls outside the area intended to be illuminated.

“State” means the state of California or any official agency of the state.

“State Historic Building Code” means Part 2.7 of the California Health and Safety Code, commencing with Section 18950, and the regulations promulgated there under, as they may be amended from time to time (California Code of Regulations, Title 24, Part 8).

“Stock cooperative” means a development defined by Section 11003.2 of the Business and Professions Code and Section 1351(m) of the Civil Code, where a corporation is formed to hold title to improved real property and the shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property.

“Storage, Outdoor” means the storage of various materials outside of a structure other than fencing, either as an accessory or principal use.

“Storage, mini storage or personal storage facility” means a structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

“Stored” means putting property away for future use.
“Storm water” means any surface water or water flow produced by rain, snow or sleet.

“Structure” means anything constructed or erected that is placed on the ground or that is attached to something located on the ground. For the purposes of this Development Code, the term “structure” includes “buildings,” “fences,” and “walls”.

“Sub-divider” means a person, firm, corporation, partnership or association, a governmental agency, public entity or public utility, or the grantor to any agency, entity, utility or subsidiary, who proposes a subdivision for themselves or for others, except employees and consultants or other persons or entities acting in this capacity.

Subdivision Improvements. See “Improvements.”

“Subdivision Map Act” or “Map Act” means division 2, Title 7 of the California Government Code, commencing with Section 66410 as presently constituted, and any amendments to those provisions.

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

“Supportive housing” has the same meaning as defined in subdivision (b) of Section 50675.14 of the Health and Safety Code.

T. Definitions, T. The following definitions are in alphabetical order.

“Temporary Structure” means a structure without any foundation or footings, and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.
“Temporary Use” means a use of land that is designed, operated and occupies a site for a limited period of time, in compliance with the terms of the applicable temporary use permit.

“Tenant” means the lessee of facility space within a development project.

“Tentative map” means a map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions within and around it.

“Traffic safety visibility area” means an area on a corner lot formed by measuring thirty-five feet from the intersection of the front and side property lines, and connecting the two lines across the property. See Section 17.26.060.

“Transitional housing” has the same meaning as defined in subdivision (h) of Section 50675.2 of the Health and Safety Code.

“Transportation demand management (TDM)” means 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 changes in work schedules that move trips out of the peak period or eliminate them altogether (as in the case in telecommuting or compressed work weeks).

“Trellis” means any framework or structure of crossed wood or other suitable building material open on at least three sides and used to cover open space for aesthetic or shading purposes. For the purposes of lot coverage calculations, the roof of the trellis must be at least fifty (50) percent open.

“Trip reduction” means reduction in the number of work-related trips made by single occupant vehicles.

“Turf” means a single blade of grass or sod.

“Undeveloped” means a parcel devoid of any structure or utility.

“Uniform ratio”, as used in Chapter 17.27, means the relationship between the maximum and minimum illuminance values over an area. Uniform ratios close to
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one indicate an area with even illuminance and low shadow. Large ratios indicate areas with uneven illuminance and high shadow.

“Urban runoff” means any surface water flow produced by non-storm water resulting from residential, commercial and industrial activities involving the use of potable and non-potable water.

“Urban runoff pollution control plan” means a plan which shall be required to be approved in connection with any new development.

“Useful life” means, for the purposes of Section 17.30.090, a period of time during which a sign is expected to be usable for the purpose it was erected. The sign may be kept in good repair and maintained in good structural and electrical order.

“Utility pole” means, for the purposes of Section 17.12.050, a single or segmented structure, with a single continuous footing supporting utility wires.

V. Definitions, V. The following definitions are in alphabetical order.

“Vacant” means a building that is not currently occupied or used for any purpose.

“Vanpool” means a vehicle carrying seven or more persons commuting together to and from work on a regular basis, usually in a vehicle with a seating arrangement designed to carry seven to fifteen adult passengers, and on a prepaid subscription basis.

“Variance” means a discretionary entitlement that adjusts or relaxes the development standards of this Development Code, in compliance with Section 17.62.080.

“Vehicle” means any motorized form of transportation, including automobiles, vans, buses and motorcycles.

“Viewshed” means the area within view from a defined observation point.

“Vesting tentative map” means a subdivision map with the words “Vesting tentative map” printed conspicuously on its face, that is filed and processed in the same manner as a tentative map, except as otherwise provided by Article IV or the Subdivision Map Act.
W. Definitions, W. The following definitions are in alphabetical order:

“Wall” means a linear structure primarily of concrete or masonry which provides for separation and/or screening between adjoining sites or areas within a site. Similar structures primarily of wood, or materials other than concrete or masonry, are included under the definition of “Fence.”

“Warehouse retail stores” means retail stores that emphasize the packaging and sale of products in large quantities or volumes, some at discounted prices, where products may be displayed in their original shipping containers. Sites and buildings are usually large and industrial in character. Patrons may or may not be required to pay membership fees.

“Wetlands” means transitional areas between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is covered by shallow water. When all three wetland indicators (hydrophytic vegetation, hydric soil, and/or hydrology) are present, the presumption of wetland existence is conclusive. Where less than three indicators are present, the demonstrable use of wetland areas by wetland associated fish or wildlife resources, related biological activity, and wetland habitat values shall be the determinate.

“Wildlife corridor” means a portion of habitat, usually linear in nature, which connects two or more habitat patches that would otherwise be fragmented or isolated from one another. Wildlife corridors are usually bounded by developed land areas or other areas unsuitable for wildlife. A corridor generally contains suitable cover, food, and water to support species and facilitate movement while in the corridor.

“Wildlife-friendly fencing” means fencing that can be easily bypassed by all species of wildlife found within the Santa Monica Mountains, including but not limited to deer, coyotes, bobcats, mountain lions, ground rodents, amphibians, reptiles and birds, and shall be subject to the following standards:

1. Fences shall be split rail with no more than three horizontal rails.
2. The bottom edge of the bottom horizontal rail shall be no lower than 18 inches from the ground.
3. There shall be a minimum two-foot gap between each rail.
4. The top edge of the topmost rail shall be no higher than 48 inches from the ground.
5. Fence material shall be of wood, wood composite or some other similar material.
6. Fence posts shall not be hollow at the top or have holes drilled into them near the top.
7. Fences shall not be barbed.
8. The top of the fence shall not contain spikes of any manner.

“Wireless communication facility” or “wireless communication facilities” mean a structure, antenna, pole, tower, equipment and related improvements established for the purpose of providing wireless transmission of voice data, images or other information, including but not limited to radio, television, cellular phone service, personal communication service and paging services.

X. Definitions, X. No definitions of terms beginning with the letter “X” are used at this time.

Y. Definitions, Y. The following definitions are in alphabetical order:

“Yard” means an area between a lot line and a required setback, other than a court, unobstructed and unoccupied from the ground upward, except for projections permitted by this Development Code. See Section 17.20.180 and Figure 3-7, Setbacks.

1. “Front yard” means an area extending across the full width of the lot between the front lot line and the required setback.
2. “Rear yard” means an area extending the full width of the lot between a rear lot line and the required setback.
3. “Side yard” means an area extending from the front yard to the rear yard between the nearest side lot line and the required setback.

Z. Definitions, Z. The following definitions are in alphabetical order:

“Zoning district” means a portion of the city within which certain uses of land and structures are defined, and regulations are specified by this Development Code. The zoning districts established by this Development Code are described in Section 17.10.010.