

ORDINANCE NO. 588

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, AMENDING SECTIONS OF TITLE 9 OF THE LA QUINTA MUNICIPAL CODE RELATED TO STREAMLINE DEVELOPMENT PROCESS AND STANDARDS

PROJECT: ZONING ORDINANCE AMENDMENT 2020-001

WHEREAS, the City Council of the City of La Quinta, California did, on the 19th day of January 2021, hold a duly noticed public hearing for review of a City-initiated request of Zoning Ordinance Amendment 2020-0001 to amend sections of Title 9 of the La Quinta Municipal Code; and

WHEREAS, previous to said Public Hearing, the Planning Commission of the City of La Quinta did, on December 8, 2020, held a duly noticed public hearing, and after review and consideration of this item, and hearing all public testimony, adopted Planning Commission Resolution 2020-011 to recommend to the City Council adoption of said code amendments; and

WHEREAS, the Design and Development Department published a public hearing notice for this request in *The Desert Sun* newspaper on January 8, 2021, as prescribed by the La Quinta Municipal Code; and

WHEREAS, Sections of Title 9 of the La Quinta Municipal Code address permitted uses, development standards, development review and permitting procedures; and

WHEREAS, the proposed zoning text amendments are necessary to streamline the development process and standards; and

WHEREAS, the proposed zoning text amendments are necessary to implement the General Plan 2035 adopted by the City Council at their regular meeting on February 19, 2013; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all interested persons wanting to be heard, the City Council did make the following mandatory findings to justify adoption of said Zoning Ordinance Amendment:

1. Consistency with General Plan

The code amendment is consistent with the goals, objectives and policies of the General Plan. The proposed amendments are supported by Policy LU-1.2 for land use decisions to be consistent with General Plan policies and programs and uphold the rights and needs of property owners and the public, Goal LU-2 for high quality design that complements and enhances the City, and by Goal LU-5 to offer a broad range of housing types and choices for all residents of the City;

2. Public Welfare

Approval of the code amendment will not create conditions materially detrimental to the public health, safety and general welfare. The amendment streamlines the development review process and clarifies language in the La Quinta Municipal Code and does not incorporate any changes that affect the regulation and/or provision of public services, utility systems, or other foreseeable health, safety and welfare considerations.

NOW, THEREFORE, the City Council of the City of La Quinta does ordain as follows:

SECTION 1. Several Sections of Title 9 shall be amended as written in "Exhibit A" attached hereto and incorporated by this reference.

SECTION 2. That the City Council does hereby approve Zoning Ordinance Amendment 2020-0001, as set forth in enclosed "Exhibit A" for the reasons set forth in this Ordinance.

SECTION 3. The proposed zone text amendment has complied with the requirements of "The Rules to Implement the California Environmental Quality Act of 1970" (CEQA) as amended (Resolution No. 83-63). The zone text amendments are consistent with the previously approved findings of the General Plan 2035 EIR (Environmental Assessment 2012-622) as the proposed amendments implement the goals, policies, and programs of the General Plan.

SECTION 4. **EFFECTIVE DATE:** This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 5. **POSTING:** The City Clerk shall, within 15 days after passage of this Ordinance, cause it to be posted in at least three public places designated by resolution of the City Council, shall certify to the adoption and posting of this Ordinance, and shall cause this Ordinance and its certification,

together with proof of posting to be entered into the Book of Ordinances of the City of La Quinta.

SECTION 6. That the City Council does hereby grant the City Clerk the ability to make minor amendments to "Exhibit A" to ensure consistency of all approved text amendments prior to the publication in the La Quinta Municipal Code.

SECTION 7. SEVERABILITY: If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared unconstitutional.

PASSED, APPROVED and ADOPTED, at a regular meeting of the La Quinta City Council held this 2nd day of February, 2021 by the following vote:

AYES: Council Members Fitzpatrick, Peña, Radi, Sanchez, Mayor Evans


NOES: None

ABSENT: None

ABSTAIN: None


LINDA EVANS, Mayor
City of La Quinta, California

ATTEST:


MONIKA RADEVA, City Clerk
City of La Quinta, California

(CITY SEAL)

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read "William H. Ihrke", is written over a horizontal line.

WILLIAM H. IHRKE, City Attorney
City of La Quinta, California

9.30.040 RC Cove Residential District.

- A. Purpose. To provide for the development and preservation of the medium density “cove” residential area with one-story single-family detached dwellings on medium size lots, except as provided in Section 9.40.020, “Conditions for varying residential densities.”
- B. Permitted Uses. Chapter 9.40 lists permitted land uses.
- C. Development Standards. Chapter 9.50 provides development standards.

9.50.020 Height limits and setbacks near image corridors.

In order to facilitate noise screening for residents and preserve visual openness, it is necessary to limit building heights for residential development. Therefore, notwithstanding the height standards set forth elsewhere in this code, additional height limitations shall apply to buildings within one hundred fifty feet of the edge of right-of-way of the following general plan-designated image corridors:

- A. Image Corridors: All buildings shall not exceed twenty-two feet in height. Any proposed building height over twenty-two feet requires minor use permit approval and shall not exceed a maximum building height of the existing zone.
- B. Rear yard setbacks for residential units abutting the image corridors shall be a minimum of twenty-five feet. The RVL development standard shall be required as specified in Section 9.30.020. (Ord. 550 § 1, 2016; Ord. 341 § 1, 2000; Ord. 325 § 1, 1998; Ord. 284 § 1, 1996)

9.50.030 Table of development standards.

- A. Definitions. See Chapter 9.280.
- B. Table of Standards. Table 9-2 and the illustrations in Section 9.50.040, following, set forth standards for the development of property within residential districts. However, standards different from those in Table 9-2 shall apply if special zoning symbols described in Section 9.20.030 are designated on the official zoning map.

Table 9-2 Residential Development Standards

Development Standard	District					
	RVL	RL	RC	RM	RMH	RH
Minimum lot size for single-family dwellings (sq. ft.)	20,000	7,200	7,200	5,000	3,600	2,000
Minimum project size for multifamily projects (sq. ft.)	n/a	n/a	n/a	n/a	20,000	20,000
Minimum lot frontage for single-family dwellings (ft.) ¹	100	60	60	50	40	n/a

Minimum frontage for multifamily projects (ft.)	n/a	n/a	n/a	n/a	100	100
Maximum structure height (ft.) ²	28	28	17	28	28	40
Maximum number of stories	2	2	1	2	2	3
Minimum front yard setback (ft.) ³	30	20	20	20	20	20
Minimum garage setback (ft.) ⁴	30	25	25	25	25	25
Minimum interior/exterior side yard setback (ft.) ^{5, 7}	10/20	5/10	5/10	5/10	5/10	10/15
Minimum rear yard setback (ft.) ⁷	30	20 for new lots and 10 for existing recorded lots ⁸	10	15	15	20
Maximum lot coverage (% of net lot area)	40	50	60	60	60	60
Minimum livable area excluding garage (sq. ft.)	2,500	1,400	1,200	1,400	1,400 (multifamily: 750)	750 for multifamily
Minimum common open area ⁶	n/a	n/a	n/a	30%	30%	30%
Minimum/average perimeter landscape setbacks (ft.) ⁶	10/20	10/20	n/a	10/20	10/20	10/20
Symbol	Description of Special Zoning Symbols Used as per Section 9.20.030					
<u>60-RM-10,000</u> 17/1	60-foot minimum lot frontage, medium density residential zoning, 10,000 square foot minimum lot size, 17-foot maximum building height at one story					
<u>RL 10,000</u> 17/1	Low density residential zoning, 10,000 square foot minimum lot size, 17-foot maximum building height at one story					
<u>RM</u> 17/1	Medium density residential zoning, 17-foot maximum building height at one story					
<u>RL</u> 17/1	Low density residential zoning, 17-foot maximum building height at one story					

* As shown on the approved specific plan for the project.

** As provided in the underlying base district.

- 1 Minimum lot frontage on cul-de-sacs and knuckles shall be 35 feet. Minimum lot frontage for flag lots shall be 15 feet.
- 2 Not including basements. Also, notwithstanding above table, the maximum structure height equals 22 feet for all buildings within 150 feet of any general plan-designated image corridor, except in the RC zone, which is 17 feet. Any proposed building height over twenty-two feet requires minor use permit approval and shall not exceed a maximum building height of the existing zone.
- 3 For non-garage portions of dwelling only. Also, projects with 5 or more adjacent single-family dwelling units facing the same street shall incorporate front setbacks varying between 20 feet and 25 feet or more in order to avoid streetscape monotony.
- 4 For all but RVL district, minimum garage setback shall be 20 feet if “roll-up” type garage door is used. Also, for side-entry type garages, the garage setback may be reduced to 20 feet in the RVL district and 15 feet in all other residential districts.
- 5 The following are exceptions to the minimum side setbacks shown: For interior side yards in the RL, RM and RMH districts, if the building is over 17 feet in height, the setback is 5 feet plus 1 foot for every foot over 17 feet in height or fraction thereof, to a maximum setback of 10 feet. The additional setback may be provided entirely at grade level or a combination of at grade and airspace above the 17-foot building. For RH, 5 feet minimum plus 1 foot additional setback for every foot of building height above 28 feet, or fraction thereof, up to a maximum setback of 15 feet when said height above 17 feet is located between 5 and 10 feet from said side yard property line. For interior setbacks, if the building is over 28 feet in height the setback is 10 feet plus 1 foot for every foot over 28 feet in height or fraction thereof, to a maximum setback of 15 feet. The additional setback may be provided entirely at grade level or may be a combination of at grade and airspace above the 28-foot building height.
- 6 Common open area and perimeter landscape requirements do not apply to single-family detached projects unless a specific plan is required. Common open area equals percent of net project area. Perimeter landscape setbacks are adjacent to perimeter streets: first number equals minimum at any point; second number equals minimum average over entire frontage (thus, 10/20). See Section 9.60.230 and additional landscape/open area standards.
- 7 Rear and side yard setbacks for residential units abutting the image corridor shall be a minimum of 25 feet with the exception of RVL zone district where it only applies to the side yard.
- 8 Existing recorded lots prior to May 1, 1997.

(Ord. 584 § 2, 2020; Ord. 562 § 1, 2017; Ord. 550 § 1, 2016; Ord. 466 § 1, 2009; Ord. 434 § 2, 2007; Ord. 325 § 1, 1998; Ord. 299 § 1, 1997; Ord. 284 § 1, 1996)

9.50.090 Architectural Design standards.

In addition to the requirements of Chapter 9.30 (Residential Districts) and Chapter 9.60 (Supplemental Residential Regulations) the following shall be required for homes:

A. Requirements.

1. Architectural Design Guidelines. The city council shall, by resolution, adopt architectural design guidelines to be used as guidelines in reviewing landscape materials, architectural style, exterior building materials, colors, and mass and scale;
2. Architectural Variety. Duplication of houses having the same architectural design features on the front elevation of other houses located within two hundred feet of each other shall make provisions for architectural variety by using different colors, roof treatments, window treatments, garage door treatments, and methods;
3. Landscaping. All front and exterior side yards shall be landscaped to property line;
4. The landscaping shall include trees, shrubs and ground cover of sufficient size, spacing and variety to create an attractive and unifying appearance;
5. An irrigation system shall be provided for all areas required to be landscaped;

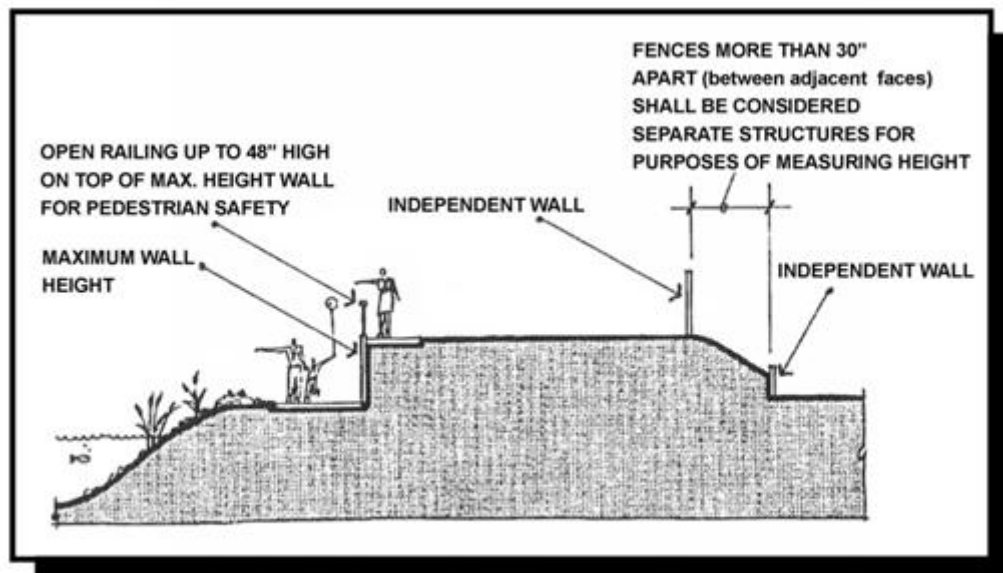
6. The landscaping shall be continuously maintained in a healthy and viable condition;
7. Earth fill shall not exceed what is necessary to provide minimum required drainage to the street;

9.60.030 Fences and walls.

A. Purpose. For purposes of this section, “fence” or “wall” means any type of fence, wall, retaining wall, sound attenuation wall, screen or windscreen. The terms “fence” and “wall” are used interchangeably in this section to mean any or all of the preceding structures. Rear and side yards shall be completely enclosed and screened by view-obscuring fencing, walls, or combinations, unless:

- 1) Adjoining property owners waive the rear or side yard fencing requirements; or
- 2) The fence abuts open space, such as golf course, lake front, or similar areas; or
- 3) A Minor Use Permit is approved by the Design and Development Director for an alternative approach.

B. Measurement of Fence Height. Except as otherwise specified in this section, fence heights shall be measured from finish grade at the base of the fence to the highest point of the fence on the interior or exterior side, whichever is higher.



Measurement of Fence Height

In addition, the following provisions shall apply to the measurement of fence height:

1. Open railings, up to forty-eight inches high, placed on top of a retaining or other wall and required for pedestrian safety shall not be included in the height measurement.
2. Fences less than thirty inches apart (measured between adjoining faces) shall be considered one structure and fence height shall be measured from the base of the lower fence to the top of the higher fence. Fences thirty inches or more apart

shall be considered separate structures and their heights shall be measured independently. The director may require that the area between such fences be provided with permanent landscaping and irrigation.

C. Fence Heights. The construction and installation of fences shall be in compliance with the following standards:

1. Within Main Building Area. In the area of a lot where a main building may be constructed, the maximum freestanding fence height shall be twelve feet.
2. Setback Areas Not Bordering Streets. The maximum fence height shall be six feet within any required setback area not adjoining a street. Where the elevation of an adjoining building site is higher than the base of the fence within a side or rear setback area, the height of the fence may be measured from the elevation of the adjoining building site to the top of the fence. However, fence height shall not exceed eight feet measured from either side with the exception of the RC district.
3. Setback Areas Bordering Streets, Alleys and Other Accessway.
 - a. Within all districts, the maximum fence height shall be six feet within any front, rear or side setback area adjoining a public street.
 - b. Notwithstanding other fence height restrictions, where, because of the orientation of the lots, a property line fence separates a front yard on one lot from a rear yard on an adjacent lot, the maximum fence height shall be six feet.
 - c. Arches or trellises up to nine feet in overall height and five feet interior width may be constructed over a gate on a lot provided the arch/trellis is integrated into the fence/gate design. The director may refer arch designs exceeding the standard to the planning commission for approval.
 - d. Any portion of a building site where vehicular access is taken shall conform to the access intersection requirements of subsection (C)(4) of this section.
 - e. City- or state-required sound attenuation walls bordering freeways or arterial highways may exceed six feet in height if so recommended by a noise attenuation study and approved by the director.
 - f. When there is a combined retaining and garden wall, and the retaining wall exceeds three feet, the garden wall shall not exceed five feet in height;
4. Adjacent to a Nonresidential Zone or Use. The maximum fence height between a residential zone or use and a nonresidential zone or use shall be eight feet.
 - a. The height of fences, trees, shrubs and other visual obstructions shall be limited to a maximum height of thirty inches within the triangular area formed by drawing a straight line:
 - i. Between two points located on and twenty feet distant from the point of intersection of two ultimate street right-of-way lines.

ii. Between two points located on and five feet distant from the point of intersection of an ultimate street or alley right-of-way on one hand and the edge of a driveway or another alley right-of-way on the other if parkway width is less than twelve feet wide.

b. For purposes of this code, "point of intersection" means the intersection of the prolongation of the right-of-way lines, excluding any curved portion joining the two lines.

c. The height restrictions of this subdivision shall apply to fences, walls, trees, shrubs, vegetation, or any other material which obstructs or may obstruct visibility.

D. Gates.

1. Materials. Gates shall be constructed of ornamental iron/tubular steel and/or wood. Such gates may be placed in any location provided they meet the requirements of this section and provided any wood used is not less than a grade of construction heart or merchantable and better redwood or No. 2 and better (no holes) western red cedar, stained or painted to match or complement the adjacent wall or structure. Alternatively, if left in natural color, all wood shall be treated with a water-repellant material. Wood gates over thirty-six inches wide shall have a metal frame. Chain link gates are prohibited. Vehicular driveway gates shall be constructed of ornamental iron/tubular steel and metal if solid. If screening an RV, the gate shall be constructed of a solid opaque material.

2. Width. Pedestrian gates shall not exceed five feet in width, except that gates may be any width within side yard setbacks of at least twelve feet.

E. Fence Construction and Materials. All fencing in residential districts shall conform to the following construction and material standards:

1. Wood and Vinyl Fencing.

a. Except for gates, split two-rail fencing, and for equestrian fencing regulated by Section [9.140.060](#), wood and vinyl or similar recycled fencing materials are permitted in rear or interior side yards only, and only if not visible from the street. Wood-framed fencing with a stucco finish is permissible in any location on the lot provided the color of the masonry or stucco matches or complements the adjacent wall or structure. Gates may be of wood in any location provided they comply with the standards of this section.

b. All wood fencing shall be constructed of not less than a grade of construction heart or merchantable and better redwood or No. 2 and better (no holes) western red cedar, stained or painted to match or complement the adjacent wall or structure. Alternatively, if left in natural color, all wood shall be treated with a water-repellant material.

- c. All vinyl or similar recycled fencing material shall be constructed of an aluminum-reinforced non-reflective material that contains antistatic and UV-radiation inhibiting additives.
 - d. Fence boards may be horizontal or vertical. Support posts shall be a minimum of nominal four inches by four inches redwood, pressure-treated lumber, tubular steel or block and installed per the [Uniform Building Code](#).
 - e. Split Rail Fencing. Split two-rail fencing shall be allowed in the front yard or along the front property line with columns a maximum height of four feet and three feet for the top rail. All columns shall be cemented with footings. Materials for the columns shall be wood, brick, or block. The rails may be either wood or other non-wood products that have the appearance of split rail. A building permit shall be obtained prior to construction.
- 2. Ornamental Iron and Tubular Steel Fencing. Ornamental iron or tubular steel fencing may be used along the front or street side yards only. The iron or steel shall be painted to match or complement the adjacent wall or structure.
 - 3. Masonry Fencing. Solid masonry fencing (i.e., block, rock, brick, with or without stucco covering) is permitted in any location on the lot provided the color of the masonry or stucco matches or complements the adjacent wall or structure. Precision concrete block shall not be used unless all exterior surfaces visible from outside the property are covered with stucco, paint, texture coating, or other comparable coating approved by the director.
 - 4. Material Combinations. Combinations of two or more of the preceding materials may be used provided that the bottom one-half of the fence is constructed of a masonry material. Combinations incorporating wood materials shall only be used for the rear and interior side yards and only when not visible from the street.
 - 5. Other Materials. Other fence materials or combination of fence materials such as, but not limited to, corrugated metal, bamboo, and glass may be permitted in the front or street side yard by the director in conjunction with approval of a building permit for fence construction if the permit application includes a materials sample, a site plan with proposed fence alignment, photographs of the main dwelling, and the following findings are made:
 - a. The design of the fence, including, but not limited to, the architectural style, materials, colors, architectural details, and other architectural elements is compatible with a main dwelling existing on site or in development review at time of application.
 - b. The fence meets all screening requirements.
 - c. The material(s) are of good and durable quality.
 - d. The material(s) will not be detrimental to the health, safety and general welfare of the community in the area.
- F. Fence Landscaping and Maintenance.

1. Landscaping. The area between the back of curb and any fencing shall be landscaped, have a suitable permanent irrigation system, and be continuously maintained by the property owner.
2. Maintenance. All walls and fences shall be continuously maintained in good repair. The property owner shall be provided thirty days after receiving notice from the city to repair a wall or fence. The building official may grant an extension to such time period not to exceed sixty days.

G. Prohibited Fence Materials and Construction Fences. The use of barbed wire, razor wire, chain link, or similar materials in or on fences is prohibited in all residential districts. Chain link fencing is permitted for temporary construction fences when authorized by a minor use permit issued in accordance with Section [9.210.025](#). Said minor use permit shall not be approved until a permit for grading, or construction, has been filed for, whichever comes first.

H. Equestrian Fencing. Notwithstanding any other requirements of this section, fencing shall be regulated by the provisions of Section [9.140.060](#) (Equestrian overlay regulations) where the keeping of horses is permitted.

I. Nonconforming Fences. Any fence which does not meet the standards of this section but which was legally established prior to the adoption of these standards may be maintained provided such fence is not expanded nor its nonconformance with these standards otherwise increased. Any fence which is destroyed or damaged to the extent of more than fifty percent of its total replacement value shall not be repaired, rebuilt, or reconstructed except in conformance with these standards. (Ord. 584 § 2, 2020; Ord. 560 § 1, 2017; Ord. 550 § 1, 2016; Ord. 466 § 1, 2009; Ord. 378 § 1, 2002; Ord. 361 § 1, 2001; Ord. 325 § 1, 1998; Ord. 299 § 1, 1997; Ord. 284 § 1, 1996)

9.60.070 Swimming pools.

A. Applicability. The provisions of this section shall apply to any outdoor swimming pool, whirlpool, spa (in-ground or above-ground), or open tank or pond containing or normally capable of containing water to a depth of eighteen inches or more at any point. For purposes of this section, the term “pool” means all or any of the foregoing facilities.

B. Standards. Pools are permitted as accessory uses in residential districts subject to the following requirements:

1. Location. Pools shall be located at least three feet (measured from water’s edge) from any property line. No adjustments to this minimum shall be approved, with the exception of private gated communities where any property line is adjacent to common open area.
2. Filtering and Heating Equipment. Use of equipment shall comply with the following requirements:
 - a. Mechanical pool equipment such as a pump, filter, or heater, may be located within the front or rear yard areas. The equipment shall be enclosed

on at least three sides by a masonry wall with an open side not visible to the street.

b. Mechanical pool equipment may be in an area between the side property line and the residence provided a five foot side yard, clear of any permanent obstructions is maintained between the side yard property line and any mechanical pool equipment.

c. Where there is no side property line wall, mechanical pool equipment may be in a side yard of five feet or less only if a recorded easement in perpetuity exists for the subject property to use the adjacent side yard of the abutting property for access and a minimum five feet distance between the equipment and adjacent obstruction (i.e., building wall) is provided.

d. Mechanical pool equipment may be in a side yard of five feet or less if approved by the Design and Development Director if extenuating circumstances exist and there is a three foot clearance of any permanent obstructions.

3. Fencing Requirements. All pools shall be fenced in accordance with the provisions of the city's building code Chapter [8.02](#), state law and other applicable laws and ordinances.

4. Screening shall be provided as required in Section [9.60.140\(B\)\(2\)](#). (Ord. 577 § 1, 2019; Ord. 550 § 1, 2016; Ord. 361 § 1, 2001; Ord. 325 § 1, 1998; Ord. 299 § 1, 1997; Ord. 284 § 1, 1996)

9.60.075 Ground mounted mechanical equipment.

Use of equipment shall comply with the following requirements:

A. Ground mounted mechanical equipment such as air conditioner condensing units, water softeners, etc., may be located within the rear yard areas. For lots of five thousand square feet or less, said equipment can be in the front yard if there is a wall around the yard, or it is screened by a masonry wall.

B. Where there is no side yard property line wall, mechanical equipment may be in an area between the side property line and the residence provided a five-foot side yard, clear of any permanent obstructions is maintained between the side yard property line and any mechanical equipment.

C. Mechanical equipment may be in a side yard of five feet or less if: (1) a recorded easement in perpetuity exists for the subject property to use the adjacent side yard of the abutting property for access and a minimum five feet distance between the equipment and adjacent obstruction (i.e., building wall) is provided; or (2) if approved by the Design and Development Director if findings are made that extenuating circumstances exist. (Ord. 577 § 1, 2019; Ord. 562 § 1, 2017; Ord. 550 § 1, 2016; Ord. 361 § 1, 2001)

9.60.090 Accessory dwelling units.

A. Purpose. This section provides standards and criteria for the establishment of accessory dwelling units and junior accessory dwelling units within residential districts, consistent with California Government Code Section 65852.2.

Accessory dwelling units shall be permitted only in the RVL, RL, RC, RM, RMH, and RH zone districts.

B. Definitions. See Chapter 9.280. For purposes of this section, “second residential unit,” “second dwelling unit,” “second unit,” and “granny flat” as defined in Section 9.280.030 (or successor section) shall not apply, and, instead, “accessory dwelling unit” as defined in California Government Code Section 65852.2(i)(4) (or successor section in the Government Code) shall apply. An accessory dwelling unit shall be either “attached” or “detached” to the primary residence as described in Government Code Section 65852.2(i)(4) (or successor statute). In addition, the following definitions shall apply for purposes of this section:

1. “Junior accessory dwelling unit” means a unit that is no less than 150 square feet and no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.
2. “Living area” shall have the same meaning as California Government Code Section 65852.2(i)(1) (or successor section in the Government Code), notwithstanding any provision in Section 9.280.030 of this code to the contrary.
3. “Primary residence” shall have the same meaning as “Dwelling, single-family detached” or “single-family detached dwelling” as defined in Section 9.280.030 (or successor section).
4. “Public transit” means public mass transit that has a major transit stop or bus stop along a high- quality transit corridor as described in California Public Resources Code Section 21155(b) (or successor statute).

C. Standards for Accessory Dwelling Units. Subject to allowances set forth in subsection D, the following standards shall apply to accessory dwelling units:

1. An accessory dwelling unit shall be consistent with the provisions of the applicable zoning district in which it is constructed.
2. An accessory dwelling unit shall only be permitted on a lot in which the primary residence and all other structures thereon conform to all minimum requirements of the applicable zoning district.

3. The lot shall contain an existing primary residence at the time an application for an accessory dwelling unit is submitted, or the application for the accessory dwelling unit may be made in conjunction with the development of the primary residence.
4. . The accessory dwelling unit must either be attached to, or located within the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure; or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.
5. Prior to issuance of occupancy approval of the accessory dwelling unit, the city shall require the property owner to enter into a restrictive covenant with the city that the accessory dwelling unit shall not be sold, or title thereto transferred separate from that of the lot or the primary residence; and that the accessory dwelling unit shall be rented for terms longer than 30 days
6. The maximum increase in gross floor area of an attached accessory dwelling unit shall not exceed fifty percent of the existing primary residence.
7. The minimum gross floor area of an accessory dwelling unit shall be four hundred square feet, except that the minimum gross floor area of an accessory dwelling unit that qualifies as an efficiency unit under California Health and Safety Code Section 17958.1 (or successor statute) shall be one hundred fifty square feet.
8. The maximum gross floor area of a detached accessory dwelling unit shall not exceed one thousand two hundred square feet.
9. An accessory dwelling unit shall have no more than two bedrooms.
10. The accessory dwelling unit shall be architecturally compatible with the primary residence and surrounding residential neighborhood. If a dispute arises whether the accessory dwelling unit is architecturally compatible with the primary residence, review of the application for the accessory dwelling unit shall be processed as any other design review application under the code but limited to the determination of architectural compatibility. For purposes of this section, “architecturally compatible” means that the accessory dwelling unit generally has the same or substantially similar architectural style, construction and structure materials, paint palette or scheme, and other prominent design features, as the primary residence.
11. No attached accessory dwelling unit shall cause the height of the primary residence to exceed the height limitation for the applicable zoning district. If the attached accessory dwelling unit is not located above any portion of an existing primary residence, the maximum height of the

accessory dwelling unit shall not exceed the height of the primary residence.

12. A detached accessory dwelling unit shall not exceed seventeen feet in height nor more than one story.

13. No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory unit that is constructed not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

14. An attached accessory dwelling unit may have a separate entrance; provided, however, in no event shall any external stairwell be placed within the front or side yard setback.

15. An accessory dwelling unit shall contain separate kitchen and bathroom facilities.

16. All attached and detached accessory dwelling units shall be equipped with approved smoke detectors conforming to the latest Uniform Building Code standards, mounted on the ceiling or wall at a point centrally located in an area giving access to rooms used for sleeping purposes.

17. In addition to the required parking for the primary residence, one additional off- street parking space shall be provided per accessory unit or per bedroom of the accessory unit, whichever is less, on the same lot as the accessory dwelling unit. One parking space shall be provided for each efficiency unit as defined under California Health and Safety Code Section 17958.1 (or successor statute). Subject to the allowances in subsection D, no variance or adjustment shall be granted to allow substandard parking spaces or locations.

18. All construction, structural alterations or additions made to create an accessory dwelling unit shall comply with current building, electrical, fire, plumbing and zoning code regulations.

19. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

20. In the event of any conflicts between the standards set forth in this section and those set forth in the regulations of the applicable zoning district, the provisions of this section shall prevail.

21. The applicant shall pay to the city all applicable fees imposed on such

new development of an accessory dwelling unit or new or rehabilitated primary residence that will include an accessory dwelling unit.

22. The city manager or authorized designee may add other conditions, consistent with general law and applicable state and city standards, as necessary to preserve the health, safety, welfare and character of the residential neighborhood; provided, however, that such conditions shall not unreasonably restrict the ability of an applicant to create an accessory dwelling unit.

D. Allowances for Qualifying Accessory Dwelling Units. In accordance with California Government Code Section 65852.2, as amended the following allowances apply for qualifying accessory dwelling units.

1. Parking Requirement Exemptions. If one or more of the following criteria is met: (a) a proposed accessory dwelling unit is located within one-half mile walking distance of public transit; (b) a proposed accessory dwelling unit is located within an architecturally and historically significant historic district; (c) a proposed accessory dwelling unit is part of an existing primary residence or existing accessory structure; (d) the occupant of a proposed accessory dwelling unit would be required to obtain an on- street parking permit from the city; or (e) a proposed accessory dwelling unit is located within one block of a car-share vehicle station or parking area; then the applicant for an accessory dwelling unit may be exempted from the parking requirements under the zone for which the proposed accessory dwelling unit is located. Nothing in this subsection, however, exempts the primary residence from complying with all parking requirements under the zone in which the primary residence is located. Furthermore, nothing in this subsection exempts the owner of the lot from complying with all parking requirements for fire safety, including access to the lot by front and rear setbacks that are to be clear of obstructions.

2. For purposes of this subsection D, "existing accessory structure" means "accessory building or structure" as defined in Section 9.280.030, that exists on the lot with an existing primary residence at the time of submittal for any application relating to the proposed accessory dwelling unit.

E. Standards for Junior Accessory Dwelling Units.

1. Junior accessory dwelling units shall be limited to one per residential lot zoned for single-family residences with a single-family residence already built or proposed to be built, on the lot.
2. The single-family residence in which the junior accessory dwelling unit will occur must be owner-occupied. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit.

Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

3. Prior to issuance of occupancy approval of the accessory dwelling unit, the city may require the property owner to enter into a restrictive covenant with the city prohibiting the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers; and restricting the size and attributes of the junior accessory dwelling unit that conforms with this section.
 4. A junior accessory dwelling unit must be constructed within the walls of the proposed or existing single-family residence.
 5. A junior accessory dwelling shall provide a separate entrance from the main entrance to the proposed or existing single-family residence.
 6. A junior accessory dwelling unit shall include an efficiency kitchen, which shall include all of the following:
 - A. A cooking facility with appliances, and
 - B. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
 7. Parking: A junior accessory dwelling unit shall not require parking in addition to that required for the proposed or existing single-family residence.
 8. For the purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.
- F. A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing. The Director, or his/her designee, shall act on the application within 60 days from the date the application is found complete if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the Director may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the issuance of a building permit for the new single-family dwelling. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.
- G. If an application for an accessory dwelling unit or junior accessory dwelling unit is submitted or required to be submitted with any other applications that require or permit ministerial or discretionary review under the code, nothing in this section precludes the processing and review of those other applications pursuant to those other provisions in the code.

9.60.140 Screening.

A. **Parking Area Screening.** Screening of common parking areas shall be provided for all residential projects in accordance with the requirements for nonresidential uses in Section [9.100.050](#)

B. **Equipment Screening.**

1. **Roof-Mounted Equipment.** Roof-mounted utility and mechanical equipment, including, but not limited to, air conditioning, heating, restaurant exhaust fans, electrical elevator structures, roof accesses, etc., may be permitted only as follows:

- a. For flat roofs, a screened enclosure behind the parapet wall may be used if it is made to appear as an integral part of the building. Screening shall be an integral part of the roof design and not appear as an afterthought.
- b. Such screening shall be provided so that the highest point of the equipment is below the surrounding architectural feature and is screened from view to a minimum horizontal sight distance of one thousand three hundred twenty feet as viewed from a point five feet above finish grade, whichever provides the most screening.
- c. Roof-mounted equipment shall be screened from view of surrounding two-story (or more) residential development and, where feasible as determined by the city, from two-story commercial and other types of development.
- d. No equipment shall be placed on any sloped roof.
- e. Refuse containers and bottled gas tanks shall be concealed by view-obscuring landscaping, fencing or walls;

2. **Ground-Mounted Equipment.** Ground-mounted utility, mechanical, and pool, spa, or water feature equipment shall be screened from ground view of surrounding properties. Such screening may consist of perimeter walls or fencing (if permitted), screen walls, or landscape planting. Equipment within unenclosed exterior side yards shall be screened by an opaque wall.

3. **Solar Equipment.** Solar heating equipment, whether roof- or ground-mounted shall be installed so that the underside of the equipment is not visible from surrounding properties.

4. **Access Ladders.** Wall-mounted exterior roof access ladders are prohibited unless screened from view by surrounding features.

C. **Facility Screening.** Within multifamily and condominium projects, storage, trash and loading areas shall be screened as follows:

1. **Storage Areas.** All storage, including cartons, containers, materials or equipment shall be screened from public view as required by Section [9.100.110](#) (Outdoor storage and display).

2. **Trash Areas.** All outdoor trash and waste bins shall be enclosed by a solid wall not less than six feet in height in accordance with Section [9.60.210](#). Decorative

overhead structures such as trellises shall be integrated into the enclosure design if it is visible from higher terrain.

3. Loading Areas. Loading platforms and areas shall be screened from view from adjacent streets and residential, open space and recreation areas. (Ord. 584 § 2, 2020; Ord. 550 § 1, 2016; Ord. 325 § 1, 1998; Ord. 284 § 1, 1996)

9.60.270 Bed and breakfast regulations.

- A. Purpose. The city council finds that bed and breakfast facilities constitute small commercial lodging facilities in residential districts. This requires special regulations that are not normally covered by standards for motels and hotels.
- B. Definitions. See Chapter [9.280](#).
- C. Limits on Occupancy.
 - 1. The bed and breakfast shall be conducted only by a person owning the dwelling and residing therein as their principal place of residence. The use permit shall be voided upon the sale or transfer of the property ownership.
 - 2. The bed and breakfast shall accommodate a maximum of eight guests in four rooms.
- D. Where Permitted. Bed and breakfast are permitted subject to approval of a minor use permit only in residential zoning districts.
- E. Development Standards.
 - 1. Individual units shall not contain cooking facilities.
 - 2. Parking shall be provided on-site, in accordance with Chapter [9.150](#), Parking.
 - 3. No change in the outside structure is permitted and any change inside must be convertible to the original residential use. A minimum of one hundred square feet is required for each of the sleeping rooms and not more than twenty-five percent of the structure can be used for rental.
 - 4. Landscaping may be required to screen parking areas from the view of adjacent properties and from public/private streets.
 - 5. Locating another bed and breakfast use within three hundred feet is prohibited.
 - 6. Signs shall not exceed two square feet attached to the house.
- F. Required Finding. In addition to the requirements for findings of fact as established by California law or other provisions of this code, the approval of a conditional use permit for a bed and breakfast shall require the following additional findings:
 - 1. The property is physically suitable for use as a bed and breakfast facility;
 - 2. The use of the property as a bed and breakfast will not cause an undue burden on adjacent and nearby property owners.

G. Transient Occupancy Tax. Bed and breakfast facilities shall be subject to all applicable provisions of Chapter [3.24](#) of the municipal code. (Ord. 550 § 1, 2016; Ord. 299 § 1, 1997)

9.60.310 Resort residential.

A. Purpose. Resort residential provides for the development and regulation of a range of specialized residential uses that are individually owned but rented for periods of thirty consecutive days or less, on a regular basis and oriented to tourist and resort activity. Land uses include single-family detached or attached residential uses, eating and drinking facilities, small accessory retail and personal service shops, and recreational buildings.

B. Review Process. Resort residential uses are permitted.

C. Development Standards. The following standards apply to the development of resort residential uses:

ITEM	QUANTITY
Minimum lot frontage	30 ft.
Maximum building height	28 ft. (1) 22 ft. (1) adjacent to an image corridor
Maximum number of stories	2
Minimum livable reserved floor area excluding garage	420 sq. ft.
Minimum front yard setback from:	
Street or parking stall curb	8 ft.
Pedestrian circulation walks	5 ft.
Garage/carport setback-from street curb	5 ft.
Minimum building to building setback:	
Without partial attachment (see note)	6 ft.
With partial attachment (see note)	4 ft.
Minimum interior/exterior side yard setbacks	3 ft. (2)
Minimum rear yard setback	5 ft.
Maximum allowable wall height	8 ft.
Minimum parking required	1 space per bedroom 1 space per 300 sq. ft. GFA

Note: Partial attachment of two buildings is made when an enclosed area having a typical interior function such as a hot water heater closet, furnace closet, or other essential use, is attached to two otherwise separate buildings. Construction standards and fire ratings shall meet U.B.C. requirements.

1. Chimneys, roof vents, finials, spires, and similar architectural features not containing usable space are permitted to extend up to three feet above the maximum structure height.
 2. Residential units supporting mechanical equipment shall be allowed within side yard setback area with a minimum three-foot clearance to the side property.
- D. Allowable Resort Residential Units and Commercial Uses. The density of the allowable units is determined by the underlying general plan land use designation. The eating and drinking facilities, small accessory retail and personal service shops, and recreational buildings shall be an integral part of the development. These facilities shall not utilize more than five acres of the total site.
- E. Transient Occupancy Tax. Resort residential shall be applicable to all provisions of Chapter [3.24](#) of this code. (Ord. 550 § 1, 2016; Ord. 325 § 1, 1998)

9.90.040 Table of development standards.

Table 9-6 and the illustrations in Section 9.90.050 set forth standards for the development of property within nonresidential districts. Notwithstanding Table 9-6, different standards shall apply if special zoning symbols, described in Section 9.20.030, are designated on the official zoning map.

Table 9-6 Nonresidential Development Standards

[illegible]

	From all other perimeter street rights-of-way ¹	20/10	20/10	20/10	20/10	20/10	20/10	20/10	n/a
	From residential districts and PR, OS and GC districts ¹	50/10	50/10	50/10	30/15 ⁵	30/15 ⁵	30/15 ⁵	30/15 ⁵	10/0
Minimum setback from interior property lines within nonresidential districts		0	0	0	0	0	0	0	0
Parking and signs		See Chapters 9.150 and 9.160							
Fences and walls		See Section 9.100.030							
Landscaping and screening		See Sections 9.100.040 and 9.100.050							

Notes:

- 1 All minimum perimeter setbacks shall be increased one foot for every foot in height that building is above thirty-five feet. Mixed use projects and projects in the Village Build-Out Plan Area are exempt from this requirement.
- 2 FAR means the gross floor area of all buildings divided by the building site area.
- 3 See General Plan Exhibit II-4.
- 4 Landscape setback shall consist of landscaped area within the building setback. Number given is minimum landscaped setback from the street right-of-way. The remaining building setback may contain parking, driveways and similar facilities. In addition to above landscape setbacks, interior landscaping shall be required as a percentage of the net project area as follows: parking areas: minimum five percent; nonparking areas: minimum five percent (also see Section 9.100.050).
- 5 For buildings over one story in CN, CT and CO districts, setbacks shall be increased to 40/20.
- 6 Not including basements. Also, notwithstanding above table, the maximum structure height equals twenty two feet for all buildings within one hundred fifty feet of any general plan image corridor and major or primary arterials. Any proposed building height over twenty-two feet requires minor use permit approval and shall not exceed a maximum building height of the existing zone.
- 7 Except in the Village Build-Out Plan Area, where the provisions of Section 9.70.110 shall apply.

(Ord. 577 § 1, 2019; Ord. 553 § 1, 2017; Ord. 550 § 1, 2016; Ord. 466 § 1, 2009; Ord. 325 § 1, 1998; Ord. 299 § 1, 1997; Ord. 284 § 1, 1996)

9.130.010 Table of development standards.

Table 9-9 contains standards for development of property within special purpose districts:

Table 9-9 Special Purpose District Development Standards

	District								
Development Standard	PR	GC	OS	FP	HC	EOD	AHO	A/ER	MU

Minimum building site	n/a	n/a	n/a	*	20,000 sf	***	1 acre	10,000 sf/20,000 sf multifamily	1 acre
Minimum lot frontage	n/a	n/a	n/a	n/a	100 ft.	n/a	100	100	n/a
Maximum structure height (ft.) ¹	28	28	28	*	28	***	40	28	***
Maximum lot coverage	n/a	n/a	n/a	n/a	30%	n/a	60%	40%	***
Maximum number of stories	2	2	2	*	2	***	4	2	***
Minimum setbacks	n/a	n/a	n/a	n/a	Front: 30 Int./Ext. Side: 10/20 Rear: 30	n/a	Front: 20 Int./Ext. Side: 10/15 Rear: 20	Front: 30 Garage: 20 Side: 20 Rear: 30	***
Minimum perimeter building/landscape setbacks (ft.) ^{2, t4}	From Highway 111 right-of-way	50/50	50/50	50/50	50/50	50/50	n/a	***	***
	From perimeter street ROWs	30	30	30	*	10' min, 20' average	***	10' min, 20' average	***
	From all image corridor ³ rights-of-way (except Hwy 111) and from all major and primary arterials	30/20	30/20	30/20	30/20	30/20	30/20	***	***
	From abutting residential property or districts	30	30	30	*	**	***	***	***
	From abutting commercial and other nonresidential property or districts	20	20	20	*	**	***	***	***
Minimum setback from interior property lines within the same project ⁴	0	0	0	*	**	***	***	***	***
Parking and signs	See Chapters 9.150 and 9.160								
Fences and walls	See Section 9.100.030								
Landscaping and screening	See Sections 9.100.040 and 9.100.050								

Notes:

* As required for needed flood control structures.

** As provided in the HC supplemental regulations, Section 9.140.040.

*** As provided in the underlying base district regulations, subject to the additional requirements of the overlay district in Chapter 9.140.

- ¹ Not including basements. Also, notwithstanding above table, the maximum structure height equals 22 feet for all buildings within 150 feet of any General Plan image corridor and major or primary arterials. Any proposed building height over twenty-two feet requires minor use permit approval and shall not exceed a maximum building height of the existing zone.
- ² Landscape setback shall consist of landscaped area within the building setback. Number given is minimum landscaped setback from the street right-of-way. The remaining building setback may contain parking, driveways and similar facilities.
- ³ The image corridors as identified in the General Plan.
- ⁴ In the AHO, for interior yards, 5 ft. minimum plus 1 ft. additional setback for every foot of building height above 28 feet, or fraction thereof, up to a maximum setback of 15 ft. when said height above 17 ft. is located between 5 and 10 ft. from said side yard property line. If the building is over 28 feet in height, the setback is 10 ft. plus 1 ft. for every foot over 28 ft. in height or fraction thereof, to a maximum setback of 15 ft. The additional setback may be provided entirely at grade level or may be a combination of at grade and airspace above the 28-foot building height.

(Ord. 550 § 1, 2016; Ord. 512 § 1, 2013; Ord. 445 § 4, 2007; Ord. 284 § 1, 1996)

9.160.050 Permanent signs in nonresidential districts.

Signs identified in Table 9-19 following are permitted in nonresidential districts subject to approval of a sign permit per Section [9.160.090](#).

Table 9-19 Permanent Signs Permitted in Nonresidential Districts With a Sign Permit

Sign Type and Placement	Maximum Number	Maximum Area	Maximum Height	Illumination	Additional Requirements
Freestanding center or complex ID sign for multitenant building or multibuilding shopping center or other commercial or office complex	1 per street frontage	0.25 sq. ft. per lineal ft. of street frontage up to maximum of 50 sq. ft. per sign and 100 sq. ft. aggregate for all signs	8 ft.	Direct or indirect for all signs	Aggregate sign area may not be combined among street frontages. Letter height shall be a minimum 10" high
Building-mounted or permanent window ID signs for individual commercial	1 flush-mounted plus 1 under-canopy per tenant frontage along a street	Flush-mounted: 1 sq. ft. per lineal ft. of lease frontage up to maximum of	8 ft.	Direct or indirect for all signs	ID signs for tenants above the ground floor in buildings with only interior access above ground floor shall

Sign Type and Placement	Maximum Number	Maximum Area	Maximum Height	Illumination	Additional Requirements
or office tenants	or along a common-use parking lot with no direct street frontage	50 sq. ft. aggregate Under-canopy: 3 sq. ft.			require a sign program
Freestanding ID sign for individual commercial or office building	1	50 sq. ft.	8 ft.	Direct or indirect for all signs	Allowed only if building has minimum 200 ft. of street frontage
Building-mounted ID sign for individual commercial or office building	2 (but no more than 1 per each side of building)	1 sq. ft. per lineal ft. of building frontage along a street up to maximum of 50 sq. ft. aggregate	Top of wall	Direct or indirect for all signs	
Building-mounted or freestanding directory sign for multitenant buildings or complexes	1 per entrance to building or complex	18 sq. ft.	Top of wall or 6 ft. if freestanding	Direct or indirect	Signs are to be designated and oriented to direct pedestrian traffic
Business A-board type signs	1 per business	10 sq. ft. per side	n/a	Indirect only	Signs shall be located no further than 20 feet from the main store entrance, shall not interfere with pedestrian access/ADA compliance, and

Sign Type and Placement	Maximum Number	Maximum Area	Maximum Height	Illumination	Additional Requirements
					shall only be placed during business hours
Gas/service stations	1 freestanding sign per street frontage, combining business identification and gas prices 1 building-mounted ID	50 sq. ft. aggregate	8 ft. Top of wall	Direct or indirect for all signs	Allowed only for stations which are not accessory to other uses. Price sign must show the lowest price per gallon of all grades, including taxes
Theaters, cinemas and cabarets	1 freestanding and 1 building-mounted sign, of which 1 sign may be combination ID and attraction board 1 building-mounted coming-attraction poster per screen or stage	Aggregate allowed: 20 sq. ft. plus 10 sq. ft. per screen/stage over 1, up to a maximum of 40 sq. ft. 6 sq. ft. each	Top of wall or 12 ft. if freestanding Top of wall	Direct or indirect for all signs Indirect only	Theaters, cinemas and cabarets 1 building-mounted coming-attraction poster per screen or stage
Church and institutional uses	Same as the underlying district	Same as the underlying district	Same as the underlying district	Direct or indirect for all signs -	1 of the allowed signs may include an attraction board -

Sign Type and Placement	Maximum Number	Maximum Area	Maximum Height	Illumination	Additional Requirements
Signs in residential districts requiring a permit				See Section 9.160.040	
Signs exempt from sign permit approval				See Section 9.160.020	
Temporary and semipermanent signs				See Sections 9.160.060 and 9.160.070	

Notes:

Freestanding signs shall not be located within five feet of a street right-of-way nor within a corner cutoff area identified in Section [9.100.030](#).

“ID” means identification sign.

Signs required by law shall be allowed at the minimum size specified by such law.

(Ord. 550 § 1, 2016; Ord. 506 § 1, 2013; Ord. 480 § 1, 2010; Ord. 284 § 1, 1996)

9.170.070 Application.

All new telecommunication facilities shall require a conditional use permit. Additions, such as additional antennas or equipment or size increases, to approved existing telecommunication facilities shall require a minor use permit for director approval. Modifications to approved existing telecommunication facilities shall be reviewed through a building permit. All modifications and/or additions shall be reviewed on a case-by-case basis. Upon review of an application for modification and/or additions to an existing facility, the director may schedule the proposal for a hearing with the planning commission. In all cases, unless otherwise waived by the director, an application for approval of a wireless telecommunication facility shall include, at a minimum:

- A. A site plan or plans drawn to scale and identifying the site boundaries; tower(s); guy wires; existing and proposed facilities; vehicular parking and access; existing vegetation to be added, retained, removed or replaced; and uses, structures and land use and zoning designations on the site and abutting parcels.
- B. A plan drawn to scale showing proposed landscaping, including species type, size, spacing and other features.
- C. Photo simulations showing the proposed wireless telecommunication facility and surrounding features. Photo simulations shall include at least three different angles of the proposed facility at different distances from the location, including before and after visualizations.
- D. RF maps showing all existing wireless telecommunication facilities within a ten-mile radius of the proposed facility. The RF maps shall show existing coverage without the proposed site, predicted coverage with the proposed site and existing sites, and the predicted coverage of only the proposed site. RF maps shall show the predicted coverage for indoor, in vehicle, and outside service.

E. The applicant shall provide a project information and justification letter. The letter shall provide the project location, contact information, a project description and project objectives, alternative site analysis and justification for why the proposed site was chosen over existing sites. The letter shall include justification for the selected site and a benefits summary on how the proposed site will improve wireless telecommunication access in the community.

F. A structural report from a California registered structural engineer. The report shall provide the following information:

1. Describe the tower and the technical, economic and other reasons for the tower design;
2. Demonstrate that the tower complies with the applicable structural standards;
3. Describe the capacity of the tower, including the number and type of antennas that it can accommodate and the basis for the calculation of capacity;
4. Show that the tower complies with the capacity requested under Section [9.170.060](#); and
5. Demonstrate that the proposed sources of NIER are in compliance with FCC guidelines.

G. The applicant shall request the FAA, FCC, and state aeronautics division to provide a written statement that the proposed tower complies with applicable regulations administered by that agency or that the tower is exempt from those regulations. If each applicable agency does not provide a requested statement after the applicant makes a timely, good-faith effort to obtain it, the application will be accepted for processing. The applicant shall send any subsequently received agency statements to the director.

H. Evidence that the tower complies with Section [9.170.060\(A\)](#) and a letter of intent to lease excess space on the tower and excess land on the tower site except to the extent reduced capacity is required under Section [9.170.060](#).

I. The applicant shall provide a draft copy of the lease agreement between the tower operator and the property owner to the planning division. Financial information may be blocked out.

J. A letter of intent, committing the tower owner and his or her successor in interest to:

1. Respond in a timely, comprehensive manner to any request, required under Section [9.170.060](#), for information from a potential shared-use applicant, the tower owner may charge a party requesting information under this section to pay a reasonable fee not in excess of the actual cost of preparing a response.
2. Negotiate in good-faith or shared use by third parties; an owner generally will negotiate in the order in which requests for information are received, except an owner generally will negotiate with a party who has received an FCC license or permit before doing so with other parties.

3. Allow shared use if an applicant agrees in writing to pay charges and to comply with conditions described in this section. (Ord. 579 § 1, 2019; Ord. 577 § 1, 2019; Ord. 550 § 1, 2016; Ord. 492 § 1, 2011)

9.200.015 Conceptual Design Review

A. Any potential project applicant has the option to file a conceptual design review (CDR) to ascertain anticipated conditions, requirements and costs associated with a proposal. This allows the applicant to be informed of any potentially significant issues which may affect any decision to pursue the project. This process offers the following advantages:

1. Provides a comprehensive overview of city applications, fees, and other requirements necessary to obtain project approval, in writing;
2. Provides previous project background which can speed up the formal approval process when the project is submitted;
3. The written information can be used as the basis for an estimate of project costs, in order to determine a project's viability.

Submittal for this process shall include completion of an application and supplemental documentation as determined by the director.

B. Within thirty calendar days of receipt of a preliminary development plan application, a review letter shall be issued to the applicant, incorporating all comments received during the review period. (Ord. 550 § 1, 2016)

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF LA QUINTA)

I, MONIKA RADEVA, City Clerk of the City of La Quinta, California, do hereby certify the foregoing to be a full, true, and correct copy of Ordinance No. 588 which was introduced at a regular meeting on the 19th day of January, 2021, and was adopted at a regular meeting held on the 2nd day of February, 2021, not being less than 5 days after the date of introduction thereof.


I further certify that the foregoing Ordinance was posted in three places within the City of La Quinta as specified in the Rules of Procedure adopted by City Council Resolution No. 2015-023.



MONIKA RADEVA, City Clerk
City of La Quinta, California

DECLARATION OF POSTING

I, MONIKA RADEVA, City Clerk of the City of La Quinta, California, do hereby certify that the foregoing ordinance was posted on February 3, 2021, pursuant to Council Resolution 2015-023.



MONIKA RADEVA, City Clerk
City of La Quinta, California