ORDINANCE NO. 2309

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA APPROVING CODE AMENDMENT NO. 16-01 TO ADOPT THE DOWNTOWN PLAN AND CODE AND AMEND THE MUNICIPAL CODE TO DELETE SECTIONS THAT CONFLICT WITH THE DOWNTOWN PLAN AND CODE OR THAT ARE ANTIQUATED

CODE AMENDMENT NO. 16-01

ENVIRONMENTAL IMPACT REPORT

APPLICANT: City of West Covina

LOCATION: Citywide

WHEREAS, on January 12, 2016, the City Council initiated a code amendment regarding the creation of the Downtown Plan and Code, and deletion of sections to of the West Covina Municipal Code; and

WHEREAS, consistent with this proposal, a General Plan Amendment (No. 14-03) is being considered concurrently to update the General Plan and revise the adopted 2014-2021 Housing Element; and

WHEREAS, consistent with this proposal, a Zone Change (No. 16-01) is being considered concurrently to change the zoning designation for those properties within the Downtown area; and

WHEREAS, the Planning Commission, upon giving the required notice, did on the 22nd day of November, 2016 conduct a duly advertised public hearing to consider the subject application, at which time the Planning Commission adopted Resolution No. 16-5837 recommending approval to the City Council; and

WHEREAS, the City Council did, on the 20th day of December, 2016, conduct a duly advertised public hearing as prescribed by law, and considered evidence presented by the Planning Commission, Planning Department, and other interested parties; and

WHEREAS, studies and investigations made by this City Council and in its behalf reveal the following facts:

Z:\Ordinances\Ordinance No. 2308.doc
1. In 2012, as part of the Housing Element Update (2006-2014), the City adopted a Mixed Use Overlay Zone along with zoning standards that allowed for high density residential development and mixed use in that area in the Central Business District (as defined in the 1985 General Plan). The zoning standards were adopted without considering a vision for the future or providing any direction on the type of growth encouraged.

2. The Downtown Plan will be developed as a form-based code. Form-Based Codes specify building types and building frontage types. They provide more direction to an applicant on the form and mass of a building rather than just providing setbacks and height limits as a traditional Zoning Code normally does.

3. To provide for growth for the City it is envisioned that new development downtown will primarily be of a higher intensity than the existing one-story suburban-type development. The Downtown Plan will provide specific development and design requirements to require a more urban development pattern. New buildings will be required to provide street level storefronts and parking behind buildings or in structures to provide a comfortable pedestrian experience so that driving is an option, not a necessity.

4. In preparing the General Plan update and Downtown Plan it was determined that certain sections of the West Covina Municipal Code were inconsistent with the purposes of the General Plan or the Downtown Plan or were antiquated.

5. Pursuant to the requirements of the California Environmental Quality Act (CEQA) of 1970, an ENVIRONMENTAL IMPACT REPORT has been prepared in accordance with the California Environmental Quality Act of 1970, as amended.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of West Covina as follows:

SECTION NO. 1: Based on the evidence presented and the findings set forth, Code Amendment No. 16-01 is hereby found to be consistent with the West Covina General Plan as proposed to be amended (PlanWC) and the implementation thereof.

SECTION NO. 2: Based on the evidence presented and the findings set forth, the City Council of the City of West Covina hereby approves Code Amendment No. 16-01 to amend Chapter 26 (Zoning) of the West Covina Municipal Code to read as shown on Exhibit “A” and to adopt the Downtown Plan Code (as Article XV of the West Covina Municipal Code but under separate cover) as shown on Exhibit “B”.

SECTION NO. 3: Planning applications submitted prior to November 22, 2016 shall be processed based on the previous West Covina Municipal Code zoning
requirements for each property. All applications submitted under the previous West Covina Municipal Code must be processed by the applicant promptly so that they can be acted upon by the appropriate legislative body within twenty-four (24) months of the effective date of the Downtown Plan [unless such time is extended by the City Council based on a showing of good cause]. Any application submitted prior to the effective date of the Downtown Plan which is not brought forward for action to the appropriate legislative body within that twenty-four (24) month period, as it may be extended for good cause by the City Council, will be deemed withdrawn [and/or denied] and any subsequent application for that property must be in compliance with the Downtown Plan and Code. Applications submitted after November 22, 2016 shall comply with the requirements of the Downtown Plan.

**PASSED, APPROVED AND ADOPTED** on this 17th day of January, 2017.

Corey Washaw
Mayor

**APPROVED AS TO FORM:**

Kimberly Hall Barlow
City Attorney

**ATTEST:**

Nickolas S. Lewis
City Clerk
I, NICKOLAS S. LEWIS, CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 20th day of December, 2016. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 17th day of January, 2017, by the following vote:

AYES: Johnson, Toma, Wu, Warshaw
NOES: Spence
ABSENT: None
ABSTAIN: None

Nickolas S. Lewis
City Clerk
Chapter 26 - ZONING
ARTICLE VI. - Procedures, Hearings, Notices, Fees and Cases
DIVISION 1 Generally

Sec. 26-206. - Notices.
Notices of public hearing stating the type of application or nature of proposal, general description of property under consideration, and the time and place at which the public hearing is to be held shall be given in the following manner:

(1) For a reclassification of property from one zone to another, redesignation of a property from one (1) general plan land use designation to another or for a variance (except slight modifications), conditional use permit, or precise plan of design or Special Exception (Downtown Plan):

a. At least ten (10) days prior to the date of the hearing, a public notice shall be published in a newspaper having general circulation in the city; and

b. A notice of public hearing shall be mailed to the applicant or his/her agent, the owner of the property and owners and occupants of all property within a radius of three hundred (300) feet of the exterior boundaries of the property under consideration, using for this purpose the name and address of such owners as shown upon the latest available assessment rolls of the county assessor. The notices shall be mailed at least ten (10) days prior to the date of the public hearing.

c. Notice of the hearing shall be mailed or delivered at least ten (10) days prior to the hearing to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.

d. Both mailing and publication are to be used in all instances unless otherwise directed by the city council.

(2) For amendments, supplements or changes to the zoning ordinance that do not reclassify any property from one (1) zone to another but do impose, change, or remove any new regulation on the use or development of property and for amendments to the general plan text:

a. At least ten (10) days prior to the date of the hearing, a public notice shall be published in a newspaper having general circulation in the city.

(3) For slight modifications:

a. A notice of public hearing shall be mailed to the applicant and to the owners and occupants of all property abutting or affected by the subject property or
separated therefrom only by a street or alley, at the address of such owners as shown on the last equalized assessment roll. The notices shall be mailed at least ten (10) days prior to the date of the hearing.

(4) For administrative use permits:

a. A notice that describes the proposed project and indicates the length of the public review period (including the last date that a request for a public hearing may be given to the planning department) shall be mailed to owners and occupants of surrounding property as indicated below. The public review period shall extend for ten (10) days from the date that the initial notice was mailed, except in the case of large family day care homes which shall have a public review period of fourteen (14) days. If a request for a hearing is received during the specified time, a notice shall be mailed a minimum of seven (7) days prior to the date of the hearing, indicating the date, time, and location of the scheduled public hearing.

1. Three-hundred-foot noticing radius: Notices shall be mailed to the property owners and occupants of the subject site and all properties within a radius of three hundred (300) feet of the exterior boundaries of the subject site unless otherwise provided for in the sections below.

2. Adjacent properties: Notices shall be mailed to the property owners and occupants of the subject site and to the two (2) properties on both sides of the subject site in the case of applications for secondary driveways.

3. One-hundred-foot noticing radius: Notices shall be mailed to the property owners and occupants of the subject site and all properties within a radius of one hundred (100) feet of the exterior boundaries of the subject site in the case of applications for the following purposes: large family day care homes, miniature potbellied pigs, sign exception review; outdoor uses within the outdoor uses overlay zone, wall and fence height increases, and canopy structures.

4. Animal keeping overlay zone: Notices shall be mailed to all property owners and occupants of the subject site and all property owners or occupants of properties within the overlay zone and any property owners or occupants of properties that are adjacent to the subject site and share a property line for improvements in the lower pad area.

ARTICLE VI. - Procedures, Hearings, Notices, Fees and Cases
DIVISION 2. Precise Plan

Sec. 26-236. - Amendment to a precise plan.

(a) The planning commission may grant an amendment to the approved precise plan only after all procedures as set forth for the original application are met except that
the request for such amendment may be in letter form in lieu of being placed on the official form of application for a precise plan of design.

(b) The planning director may approve in writing on the approved precise plan minor modifications (also Minor Site Plan Reviews in Downtown Plan) without the benefit of public hearing when such modifications do not adversely affect the public interest or the interest of owners of neighboring properties or substantially alter the plan, and so long as such modification would not affect any other condition of approval.

ARTICLE VI. – Procedures, Hearings, Notices, Fees and Cases
DIVISION 3. Conditional Use Permits

Sec. 26-251. - Amendment to a conditional use permit.
(a) The planning commission may grant an amendment to a conditional use permit only after all procedures as set forth for an original application are met except that the request for such amendment may be in letter form in lieu of being placed on the official form of application for a conditional use permit.

(b) The planning director may approve in writing minor modifications (also Minor Site Plan Reviews in Downtown Plan) in a conditional use permit without the benefit of public hearing when such modifications do not adversely affect the public interest or the interest of owners of neighboring properties or substantially alter the plan for such use, and so long as said modification would not affect any other condition of approval.

ARTICLE VI. – Procedures, Hearings, Notices, Fees and Cases
DIVISION 5. Administrative Use Permits

Sec. 26-271. - Amendment to an administrative use permit.
(a) The planning director may grant an amendment to an administrative use permit after all procedures as set forth for an original application are met, except that the request for such amendment may be in letter form in-lieu of the required application form.

(b) The planning director may approve in writing minor modifications (also Minor Site Plan Reviews in Downtown Plan) to an administrative use permit without the benefit of public notice when he or she determines that such modifications do not adversely affect the public interest or the interest of owners of neighboring properties or substantially alter the plan for such use.

ARTICLE XII. – Special Regulations for Unique Uses
DIVISION 20. Adult Oriented Businesses

Sec. 26-685.4600. - Development and performance standards.
An adult oriented business permit shall comply with all of the following operational requirements, except as otherwise regulated by the State Department of Alcoholic Beverage Control:

1. **Zoning.** The adult oriented business is to be located in the service-commercial (S-C) zone, medium-commercial (C-2) zone, heavy-commercial (C-3) zone, regional-commercial (RC) zone, or manufacturing (M-1) zone, or the Urban Center and General Urban zones in the Downtown Plan.

2. **Proximity to other uses.** The adult oriented business is not:
   a. Within five hundred (500) feet of any residential zone or any lot upon which a residential use is legally occurring at the time this article is adopted and continues to occur at the time the application is reviewed;
   b. Within five hundred (500) feet of any lot upon which there is located a church or other religious facility or institution, public park, or educational institution which is utilized by minors;
   c. Within seven hundred and fifty (750) feet of another adult oriented business, provided that this separation requirement also applies from adult oriented businesses that are located in adjacent cities; and
   d. Within one hundred (100) feet of the civic center.

3. **Measurement of distances.** For the purpose of this subsection, measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line where the building or structure used as a part of the premises where the adult oriented business is conducted to the nearest property line of the premises of the religious institution, educational institution utilized by minors, or park, or to the nearest boundary of a residential district or use, or of the civic center.

4. **Traffic.** The adult oriented business shall not be located in an area where the traffic from the adult oriented business shall increase the volume capacity ratio below level of service E; or, will worsen the existing condition at level of service F; or increase the volume capacity ratio by 0.02, all as determined by the city engineer.

5. **Signs and displays.** Moving signs, as defined in section 26-310.22, as well as signs with changeable copy and temporary signs are not permitted for adult businesses. Exterior signs shall not depict recognizable specified anatomical areas or adult entertainment activities. Advertisements, displays of merchandise, signs or any other exhibit depicting specified anatomical areas or adult entertainment activities placed within the interior of buildings or premises shall be arranged or screened to prevent public viewing from outside such building or premises.

6. **Exterior painting.** Buildings and structures shall not be painted or surfaced with any design that would simulate a sign or advertising message and cannot be
established or maintained such that the exterior appearance of the structure is substantially inconsistent with the external appearance of structures on abutting properties.

(7) Development standards. Except as set out herein or otherwise restricted by law, the adult oriented business shall comply with the development standards, including signage standards, for the zone in which the business is located.

(8) Display of adult oriented material or merchandise. The adult oriented business shall not display any adult oriented material or merchandise in such a manner so as to be visible from any location other than within the adult oriented business.

(9) Exclusion of minors. The adult oriented business shall not be accessible to any person under the age of eighteen (18), and such exclusion shall be clearly posted at all entrances.

(10) Areas open to public view. No area within the adult oriented business shall be visible from its exterior.

(11) Nude performance prohibited. Nude adult oriented performances are prohibited. Adult oriented performers shall wear no less than pasties to cover the nipple areas of female breasts, and a g-string that covers the genital area.

(12) Interior orientation. The interior of the adult oriented business shall be configured such that there is an unobstructed view, by use of the naked eye and unaided by video, closed circuit cameras or any other means, of every public area of the premises (excluding restrooms), including but not limited to the interior of all individual viewing areas, from a manager's station which is no larger than thirty-two (32) square feet of floor area with no single dimension being greater than eight (8) feet in a public portion of the establishment. No public area (excluding restrooms), including but not limited to the interior of any individual viewing area, shall be obscured by any door, curtain, wall, two way mirror or other device which would prohibit a person from seeing into the interior of the individual viewing area, solely with the use of the naked eye and unaided by video, closed circuit cameras or any other means, from the manager's station. A manager shall be stationed in the manager's station at all times the business is in operation or open to the public in order to enforce all rules and regulations. No individual viewing area shall be designed or operated to permit occupancy of more than one (1) person at a time.

(13) Business hours. No adult oriented business shall operate from the hours of 2:00 a.m. to 7:00 a.m.

(14) Parking lot lighting. The parking lot lighting system shall be so designed to produce a minimum light level of three (3) foot-candles on the entire parking facility's horizontal surface.
(15) **Interior lighting.** All areas of the adult oriented business shall be illuminated at a minimum of the following foot-candles, minimally maintained and evenly distributed at ground level:

a. Arcade: ten (10) foot-candles in public areas;
b. Bookstores: twenty (20) foot-candles;
c. Cabaret: five (5) foot-candles, except during performances, at which times the lighting shall be at least 1.25 foot-candles;
d. Hotels/motels: twenty (20) foot-candles in public areas;
e. Individual viewing booths: 1.25 foot-candles;
f. Motion picture theater: ten (10) foot-candles, except during performances, at which times the lighting shall be at least 1.25 foot-candles;
g. Theater: five (5) foot-candles, except during performances, at which times the lighting shall be at least 1.25 foot-candles;
h. Other establishments not listed above: twenty (20) foot-candles.

(16) **Operation of individual viewing areas.** Each machine used to show films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions, which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas, shall be located in an individual viewing area. Any individual viewing area of the adult oriented business shall be separated from patrons by a floor to ceiling plexiglass or other clear, permanent barrier and shall be operated and maintained with no holes, openings, or other means of direct visual or physical access between the interior space of two (2) or more individual viewing areas. No individual viewing area may be occupied by more than one (1) person at any one (1) time.

(17) **Separation zones.** Whenever live entertainment is provided, patrons shall be physically separated from performers by a buffer zone of at least six (6) feet and no physical contact between performers and patrons shall be permitted. This provision shall not apply to an individual viewing area where the stage is completely separated from the individual viewing area by a floor to ceiling permanent, solid barrier.

(18) **Use of single building for multiple uses.** No building, premises, structure, or other facility shall be permitted to contain more than one (1) type of adult oriented business as such types of adult oriented business are defined in section 26-685.4200. For the purposes of this section, the phrase "adult oriented business" shall not be considered a single type of adult oriented business.

(19) **Payment of gratuity.** No patron shall directly or indirectly pay or give any gratuity to any performer and no performer shall solicit or accept any gratuity from any patron.
(20) **Separate restrooms.** The adult oriented business shall provide separate restroom facilities for male and female patrons and employees. The restrooms shall be free from adult oriented material. Only one (1) person shall be allowed in the restroom at any time, unless otherwise required by law, in which case the adult oriented business shall employ a restroom attendant of the same sex as the restroom users who shall be present in the restroom during operating hours. The attendant shall prevent any person(s) from engaging in any specified sexual activities within the restroom and shall ensure that no person of the opposite sex is permitted in the restroom.

(21) **Parking.** The adult oriented business complies with the city's parking standards for the underlying use. Where no city parking standards exist for a particular underlying use, the applicant shall provide one (1) space per occupant as based upon the maximum occupancy as determined by the building official.

(22) **Security plan.** A detailed security plan is submitted to the planning director that describes measures that will be implemented to provide adequate security both within the interior and exterior of the premises of the business, specifically including, but not limited to, measures to comply with the requirements of subparagraphs (10) and (21) of this section.

(23) **Security guards.** For an adult oriented business that provides live entertainment, at least one (1) security guard shall be on duty outside the premises, patrolling the grounds and parking areas, at all times while the business is open and providing live entertainment. If the occupancy limit of the premises is greater than fifty (50) persons, an additional security guard shall be on duty inside the premises for each additional fifty (50) patrons permitted. The security guard(s) shall be charged with preventing violations of and enforcing compliance by patrons with the requirements of this division, and notifying the appropriate authorities of any violations of law observed. Any security guard required by this subparagraph shall be uniformed in such a manner so as to be readily identifiable as a security guard by the public and shall be duly licensed as a security guard as required by applicable provisions of state or local law. No security guard required pursuant to this subparagraph shall act as a door person, ticket seller, ticket taker or admittance person while on duty as a security guard.

(24) The business location, structure, and equipment complies with all applicable health, fire, building, or other state, federal, or local laws and regulations.

(25) The owner or manager of an adult oriented business will not permit any employee on the premises to engage in a live showing of specified anatomical areas. The owner or manager of an adult oriented business shall be responsible to ensure compliance with this division by employees, performers and patrons.

**ARTICLE XII. - Special Regulations for Unique Uses**

**DIVISION 22. Permanent Makeup**
Sec. 26-685.6500. - Permit required. **Zoning.**

An administrative review and approval by the planning director shall be obtained prior to establishing and operating permanent makeup uses as an accessory use to a beauty shop in the N-C, R-C, S-C, C-2, C-3, and M-1 zones. **Permanent makeup uses may be established and operated only in the zones specified in section 26-597 and in the Downtown Plan.**

**ARTICLE XII.** – Special Regulations for Unique Uses

**DIVISION 23. Body Piercing Use**

Sec. 26-685.6800. - Permit required. **Zoning.**

An administrative review and approval by the planning director shall be obtained prior to establishing and operating a body piercing use as an accessory use to a beauty shop or jewelry store in the R-C, C-3, or M-1 zones. **Body piercing uses may be established and operated only in the zones specified in section 26-597 and in the Downtown Plan.**

**ARTICLE XII.** – Special Regulations for Unique Uses

**DIVISION 24. Tattooing**

Sec. 26-685.7100. - Permit required. **Zoning.**

A conditional use permit shall be obtained prior to establishing and operating a tattooing use in the R-C or M-1 zones. **Tattooing uses may be established and operated only in the zones specified in section 26-597 and in the Downtown Plan.**

**ARTICLE XIII.** – Overlay Zones

**DIVISION 1. Civic Center**

Sec. 26-686. – Purpose.

The purpose of the civic center overlay zone is to provide for the orderly, harmonious, and attractive development of the area around the public buildings in the civic center in order to protect and preserve the character and integrity of the public and private investment and to encourage the development of the area as a focal point for the community. The regulations contained in this division are in addition to those in the underlying zones which are applicable to the property in the civic center area.

(Code 1960, § 11201.11; Ord. No. 1333, § 1, 4-25-77)

Sec. 26-687. – Location.

The civic center area consists of the property in the civic center area including: All land lying between the center line of San Bernardino Freeway; a line of three hundred fifty (350) feet easterly of the center line of Sunset Avenue; a line three hundred thirty-five (335) feet southerly of the center line of Cameron Avenue (eighty (80) feet wide);
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the most westerly property line of Orange Avenue, exclusive of any portion thereof lying southerly of the northwesterly line of the Walnut Creek Wash.

(Code 1960, § 11201.02; Ord. No. 1333, § 1, 4-25-77; Ord. No. 2030, § 4, 4-20-99)

Sec. 26-688.—Permitted and prohibited uses.
(a) Uses permitted within the civic center overlay zone shall be those permitted within the underlying zone, with the exception of those uses specifically prohibited as indicated within section 26-597 of this chapter.

(b) Uses permitted—subject to performance standards. The following uses shall be permitted when it is determined by the planning director that the proposed use meets performance standards as specified:

(1) Auto-supply stores. Auto-supply stores shall be permitted when any associated installation facilities have been designed to minimize the exposure of service bays and mechanical lifts to public view, and to minimize the number and exposure of vehicular access doorways.

(Ord. No. 1993, § 3, 5-6-97)

Sec. 26-689.—Development standards.
The following development standards, in addition to the requirements of the underlying zone, shall apply to all development within the civic center overlay zone.

(a) Precise plan for design. Before property in the civic center overlay zone is developed or improved, a precise plan of design will be required as specified in article VI, divisions 1-1 and 2 of this chapter.

(b) Architectural treatment. The planning commission and the city council shall consider the exterior architectural design and appearance, signage, landscaping, and other physical characteristics, including location and type of public utility facilities proposed to be constructed in the civic center overlay zone. A scale elevation of each exposed side, as well as at least one (1) perspective and samples of the surface materials shall be submitted with the application for approval of the precise plan of design and shall become an integral part of such application.

(1) The exterior architectural design and appearance shall include strong vertical and horizontal lines to convey a definite feeling of massiveness and volume. Building walls should be the dominant architectural form; roofs should be a secondary element, preferably flat with moderate parapets. Exposed side and rear walls shall be finished in the same style, design, and materials as the front of the building.

(2) The color of building and screening walls shall be limited to brick red, white or earth tones.
(3) The surface materials shall be smooth concrete and brick with accents of rough-sawn redwood, textured concrete, stucco-textured plaster or other similar materials as approved by the planning commission.

(4) Roof surfaces of all structures shall include a design element consisting of patterns, materials, and shall be finished as though it will be viewed from above.

(5) Exterior lighting. All luminaries shall be designed and placed to complement the development by respecting structural modules, roof lines, and landscape layout. Preference should be given to concealed, wall-mounted or recessed fixtures which eliminate the clutter of poles and elaborate frames. Glare and distraction should be minimized wherever possible by the use of diffused or indirect light.

(6) Landscaping shall include the city flower, Agaphantha, and at least one (1) of the following: Pyrus kawakami, Pinus canariensis, or Eucalyptus citriodora, as well as other complementary tree shrubs and ground covers. A permanent, automatic irrigation system shall be installed in all planter area.

(7) All screening walls shall be of the same or coordinated color and material as the building.

(c) Yards. Parking shall not be allowed in the required front yard setback which shall be landscaped.

(d) Refuse storage. All trash, garbage, and refuse shall be stored within a fully enclosed structure of the same color and material finish as the building.

(e) Mechanical equipment. All mechanical equipment and vents shall be completely screened behind a permanent structure and all roof-top mechanical equipment shall be completely screened from all views, including that from above.

(f) Signs. All signs shall be considered by the planning commission at the time of the precise plan review for the development, except in the case of existing structures when only the sign or sign copy is being changed. In the case of a sign change or copy change only, the planning director shall review the change subject to the conditions of this section and shall make all approved plans and specifications part of the precise plan file for the development.

ARTICLE XIII. – Overlay Zones
DIVISION 4. Outdoor Uses Overlay Zone

Sec. 26-735. – Purpose.
The purpose and intent of the outdoor uses overlay zone is to allow uses and activities that will further enhance pedestrian-oriented areas of the city and assist in achieving the land use and economic development objectives for these areas. By allowing
outdoor uses and activities in appropriate locations within pedestrian-oriented areas, this overlay zone will serve to add interest and stimulation to pedestrians, enhance the character of the area, provide alternative options for food, merchandise, and entertainment, and enhance opportunities for the generation of commerce within the area.

(Ord. No. 1997, § 2(Exh. A), 6-17-97)

See 26-735.1. Definitions.

For the purpose of this chapter, the following definitions shall apply:

(a) **Outdoor community event** shall mean any event of a civic or cultural nature, which may include the sale or serving of food, merchandise, and/or entertainment held or conducted on an occasional basis for a limited duration of time.

(b) **Outdoor dining area** shall mean the area where outdoor dining is reserved for the exclusive use by a particular business.

(c) **Outdoor entertainer** shall mean a person or persons who conduct(s) live performances for the general public outside an enclosed building not necessarily in conjunction with a promotional event.

(d) **Outdoor farmers market** shall mean an outdoor area where produce, other specialty food items, and specialty retail items may be sold on a weekly, semi-weekly, or other occasional basis. Food items may include fresh or dried fruits, vegetables, and flowers, but shall not include canned or commercially-packaged food items.

(e) **Outdoor retail display** shall mean the display of items for sale outside an enclosed building where the display remains at a fixed location even if the structure housing the display is capable of moving.

(f) **Pedestrian-oriented area** shall mean a public or private sidewalk or other outdoor area that, in addition to providing pedestrian access, has been designed or serves to foster pedestrian interest, activity and/or seating. Pedestrian-oriented areas consist of walkways of enhanced dimensions or design, and other plaza, courtyard, and seating areas. Design elements within pedestrian-oriented areas may include decorative paving, enhanced landscaping and lighting, water or art features, and seating areas.

(g) **Specialty food items** shall mean food or non-alcoholic drink items that are prepared and/or served on site, that are not commercially prepackaged, and that would not generally be considered to be a meal item. Examples of permitted items include fresh popcorn, pretzels, pastries, cotton candy, ice cream cones, and juices. Examples of excluded items include pre-packaged candy bars and other pre-packaged snack items, hotdogs, hamburgers, pizza, or tacos.

(h) **Specialty retail items** shall mean retail merchandise that has been produced through hand-manufactured or hand-crafted methods, and excludes pre-packaged merchandise that is available in national distribution.
(Ord. No. 1997, § 2(Exh. A), 6-17-97; Ord. No. 2142, § 3, 8-2-05)

Sec. 26-735.2. Uses permitted.

Notwithstanding other sections of this code, and in addition to uses otherwise permitted within the underlying zone, the following uses may be permitted within the outdoor uses overlay zone, subject to the granting of an administrative use permit (AUP) and compliance with the standards contained within this division. Nothing within this division shall be construed to limit or affect the ability to conduct street fairs and other similar events within street rights-of-way pursuant to provisions of the state vehicle code.

(a) Outdoor dining areas in conjunction with and for exclusive use by restaurants or other eating and drinking establishments (e.g. ice cream, doughnut, coffee) with indoor seating.

(b) Outdoor retail display areas.

(c) Outdoor farmers' markets.

(d) Outdoor community events.

(e) Outdoor entertainment areas.

(Ord. No. 1997, § 2(Exh. A), 6-17-97)

Sec. 26-736. Standards for outdoor dining areas.

The following minimum standards shall apply to the design and operation of outdoor dining areas. Additional standards may be imposed as conditions of an AUP for specific proposals as deemed necessary.

(a) Paved surfaces. Outdoor dining areas shall be located only on paved surfaces.

(b) Pedestrian access. A clear and unobstructed path shall be provided between major walkways and building doors.

(c) Clearance. Outdoor dining areas shall be located at reasonable distances from parking areas, streets and vehicular accessways.

(d) Orientation. To the extent possible, outdoor dining areas should be located within pedestrian-oriented areas or otherwise oriented toward such areas.

(e) Parking. Additional parking may be required when it is determined that an outdoor dining area will create significant demand for parking beyond that currently provided.

(f) Noise. Noise generated from outdoor dining areas, including amplified sound equipment, shall meet the provisions of Chapter 15 of this Code. Live entertainment associated with outdoor dining areas shall be authorized by AUP and subject to the standards in section 26-740 of this division.

(g) Hours. Outdoor dining areas may only be operated during the following hours, unless further limited as a condition of an AUP:
(1) Sunday through Thursday, not-including days prior to legal holidays: 6:00 a.m. to 12:00 midnight.

(2) Friday, Saturday, and days prior to legal holidays: 6:00 a.m. to 2:00 a.m.

(h) Design. Outdoor dining furniture, barriers, and other components of outdoor dining areas shall reflect a high-quality of design and be compatible with its surroundings. Outdoor dining objects shall be made of wood, metal, or other durable material. Plastic furniture shall be durable and approved in advance by the planning director.

(i) Barriers. Outdoor dining areas for uses with alcohol service shall be demarcated by a temporary, semi-permanent, or permanent barrier, as deemed appropriate by the planning director and police chief.

(j) Signs. In addition to provisions under article VI of this chapter, signs may be placed on authorized outdoor seating furniture, umbrellas, and other objects subject to the following:

(1) Signs shall not project beyond the edges of fascia of objects.

(2) Copy shall be limited to the maximum of one (1) line and maximum height of one (1) foot.

(3) Separate permits for such signs shall not be required and shall not be counted towards sign allowances otherwise permitted by article VI (Signs) of this chapter.

(4) No detached signs shall be permitted.

(Ord. No. 1997, § 2(Exh. A), 6-17-97)

Sec. 26-737. Standards for outdoor retail display areas.

The following minimum standards shall apply to the design and operation of outdoor retail display areas. Additional standards may be imposed as conditions of an AUP for specific proposals as deemed necessary.

(a) Paved surfaces. Outdoor retail display areas shall be located only on paved surfaces.

(b) Pedestrian access. A clear and unobstructed path shall be provided between major walkways and building doors.

(c) Clearance. Outdoor retail display areas shall be located at reasonable distances from parking areas, streets and vehicular accessways.

(d) Orientation. To the extent possible, outdoor use areas should be located within pedestrian-oriented areas or otherwise oriented toward such areas.

(e) Noise. Outdoor retail displays shall comply with noise standards contained in chapter 15 of this Code.
(f) **Hours.** Outdoor retail display areas may only be operated during the following hours, unless further limited as a condition as an AUP:

1. Sunday through Thursday, not including days prior to legal holidays: 6:00 a.m. to 12:00 midnight.

2. Friday, Saturday, and days prior to legal holidays: 6:00 a.m. to 2:00 a.m.

(g) **Design.** Outdoor retail display areas may consist of carts, booths or similar type displays. Displays shall not consist of table and rack displays, except when part of a temporary promotional event otherwise allowed by this chapter.

(h) **Spacing.** Adequate distances shall be provided between outdoor retail display areas to buildings and other outdoor retail display areas and other outdoor uses.

(i) **Signs.** Notwithstanding provisions under article VI of this chapter, the following signs are permitted:

1. One sign, not to exceed three (3) square feet, may be attached to each side of the display.

2. Additionally, price labels and other signs used to identify prices or other incidental information, not to exceed six (6) square inches each, shall be allowed.

3. Separate permits for such signs shall not be required and shall not be counted towards sign allowances otherwise permitted by article VI (Signs) of this chapter.

4. No detached signs shall be allowed.

(j) **Items sold.** The sale of services or retail merchandise not available on-site, such as insurance policies, or real estate, shall be prohibited.

(k) **Operation of outdoor retail displays.** The operation of outdoor retail displays shall be subject to compliance with the following standards:

1. Outdoor retail displays shall not be left unattended at any time.

2. No sales or other transactions shall occur while the display is in transit to its location or otherwise in motion.

3. Displays shall be removed off-premises or secured and locked in a manner approved by the police chief or his/her designee.

4. Seating shall be limited to maximum one (1) "director's" type chairs or other decorative chairs at the discretion of the planning director.

(Ord. No. 1997, § 2(Exh. A), 6-17-97; Ord. No. 2142, § 3, 8-2-05)

Sec. 26-738. Standards for outdoor farmers markets.

The following minimum standards shall apply to the operation of outdoor farmers markets. Additional standards may be imposed as conditions of an AUP for specific proposals as deemed necessary.
(a) Operational plan. As part of an AUP application, an operational plan shall be submitted and approved. Said plan shall specify the following:

1. Location and layout of vendor spaces.
2. Days and times of operation.
3. Maximum number of vendors to be accommodated.
4. Plan for set-up, operation, and tear-down of vendor spaces, including parking of vendor vehicles.
5. Plan for other operational requirements, including trash storage and removal, and restroom availability for vendors.

(b) Paved surfaces. Outdoor farmers market may only be located on paved surfaces.

(c) Location. An outdoor farmers market may only be located in an area where it has been determined that it will not significantly interfere with normal vehicular and pedestrian circulation within the surrounding area, and will not significantly interfere with access to and the operation of other businesses within the surrounding area.

(d) Noise. Outdoor farmers markets shall comply with noise standards contained in Chapter 15 of this Code.

(e) Hours. Outdoor farmers markets may only be operated during the following hours, unless further limited as a condition of an AUP (with specific consideration given to the need to limit interference with the operation of other businesses within the surrounding area):

1. Monday through Friday, not including legal holidays: 5:00 p.m. to 9:00 p.m.
2. Saturday, Sunday, and legal holidays: 6:00 a.m. to 12:00 noon.

(f) Vendors. It shall be the responsibility of the grantee of an AUP for a farmers market (or his/her designee) to regulate and enforce the terms of this division and the AUP with respect to the selection of and operation of individual vendors, including limitations on the types of items to be sold.

(g) Items sold: Items sold by vendors at outdoor farmers markets shall be limited to only locally-grown or produced food items, other specialty food items, and specialty retail items. Only items available for direct purchase at the display may be sold. The sale of services or retail merchandise not available on site, such as cellular phone services, insurance policies, or real estate, shall be prohibited.

(Ord. No. 1997, § 2(Exh. A), 6-17-97; Ord. No. 2030, § 4, 4-20-99)

See 26-739. Standards for outdoor community events.
(a) **Operational plan.** As part of an AUP application for outdoor community events, an operational plan shall be submitted and approved. Said plan shall specify the following:

1. Location and lay-out of proposed event.
2. Days and times of operation.
3. Plan for set-up, operation, and tear down of event.
4. Plan for other operational requirements, including trash storage and removal, and restroom availability.
5. Specifications for the size, spacing, arrangement, and appearance of vendor spaces, entertainment stages, and other facilities.

(b) **Operational conditions.** Conditions shall be placed on an AUP for outdoor community events as determined necessary to properly regulate and control security, noise, traffic, circulation and parking, access for public safety personnel, and other requirements to provide for the protection of the public health, safety, and welfare.

(Ord. No. 1997, § 2(Exh. A), 6-17-97)

Sec. 26.740. Standards for outdoor entertainment areas:

The following minimum standards shall apply to the operation of outdoor entertainment areas. Additional standards may be imposed as conditions of an AUP for specific proposals as deemed necessary.

(a) **Paved surfaces.** Outdoor entertainment areas shall be located only on paved surfaces.

(b) **Pedestrian access.** A clear and unobstructed path shall be provided between major walkways and building doors.

(c) **Clearance.** Outdoor entertainment areas shall be located at reasonable distances from parking areas, streets and vehicular accessways.

(d) **Orientation.** To the extent possible, outdoor entertainment areas should be located within pedestrian-oriented areas or otherwise oriented towards such areas.

(e) **Noise.** Notwithstanding the provisions of this Code, outdoor entertainment areas may exceed noise standards contained in Chapter 15 of this Code provided that no outdoor entertainment activity creates noise levels that, in the opinion of the planning director, are at levels harmful to persons in the vicinity.

(f) **Hours.** Outdoor entertainment areas may be operated during the following hours, unless further limited as a condition of an AUP:

1. Sunday through Thursday, not-including days prior to legal holidays: 6:00 a.m. to 12:00 midnight.
2. Friday, Saturday, and days prior to legal holidays: 6:00 a.m. to 2:00 a.m.
(g) **Size.** Outdoor entertainment areas shall be large enough to accommodate space for performances and audiences without obstructing normal pedestrian or vehicular flow.

(h) **Spacing.** Adequate distances shall be provided between outdoor entertainment areas to buildings and other outdoor uses areas.

(i) **Outdoor entertainment permit.** Subsequent to the approval of an AUP for an outdoor entertainment area, individual outdoor entertainers may be permitted to perform within said area subject to the issuance of an outdoor entertainer permit (OEP). An OEP may be issued to the grantee of the AUP (or his/her authorized representative), or to other persons with the written consent of the grantee of the AUP.

(j) **Standards for outdoor entertainment.** Outdoor entertainment activities shall be subject to compliance with the following standards:

1. Outdoor entertainers shall not perform in any manner that blocks or obstructs the free movement of pedestrians.
2. Outdoor entertainers shall not involve fire, weapons, explosives, projectiles, or other equipment or substances that may be a health or safety hazard to the public during performances without the written authorization of the police department.
3. Outdoor entertainers shall not involve, display, or otherwise use animals, birds, fish, or reptiles in conjunction with the performances.
4. Outdoor entertainers involving minors under the age of 18 shall be governed by applicable labor laws.
5. Outdoor entertainer shall not erect, or bring with him/her any stage, platform, or other structure for use during any performance.
6. Outdoor entertainer shall not use any object that can cause serious bodily injury to any person, or engage in any activity, including but not limited to acrobatics, tumbling, or unicycling that can cause serious bodily injury to any person.
7. Outdoor entertainers shall keep the performance site litter-free and must remove litter caused by the performance prior to vacating the site.

(Ord. No. 1997, § 2(Exh. A), 6-17-97; Ord. No. 2030, § 4, 4-20-99)

**ARTICLE XIII. – Overlay Zones**

**DIVISION 5. Freeway Corridor Overlay Zone**

**Sec. 26-746. – Purpose.**

The purpose of the freeway corridor overlay zone is to regulate development of certain property along the San Bernardino Freeway, while at the same time ensuring that
the goals of the environmental-quality element of the general plan, which has designated the freeway as an urban scenic highway are being met.

(Code 1960, § 11204.01; Ord. No. 1412, § 1, 11-27-78)

Sec.26-747.—Location.

The freeway corridor overlay zone shall consist of all property lying contiguous to any freeway right-of-way which is zoned O-S (open space) as of the effective date of this section.

(Code 1960, § 11204.02; Ord. No. 1412, § 1, 11-27-78)

Sec. 26-748.—Development standards.

The following development standards shall apply to all development within the freeway corridor overlay zone. Where these standards conflict with those of the underlying zone, the stricter standard will control:

(a) A precise plan of design will be required as specified in divisions 1 and 2 of article VI of this chapter.

(b) The planning commission shall consider exterior architectural features and signage as well as off-street parking, circulation, landscaping and other development standards required by a precise plan of design.

(c) The following development standards shall apply:

(1) Elevations of all exterior walls, and all ground- and roof-mounted equipment shall be submitted as part of the precise plan of design.

(2) A minimum of thirty (30) percent of the total area of the site shall be landscaped.

(3) Structures should convey a feeling of harmony with the environment, and not call attention to themselves.

(4) All exterior sources of light shall be screened from view by landscaping or architectural treatment. Glare should be minimized wherever possible by the use of diffused or indirect lighting. No source of light shall be directed toward on-coming traffic or residential development.

(5) All screen walls, raised planters, trash enclosure or other appurtenant structures shall be constructed of materials identical or similar to or compatible with the materials in the main building.

(6) In commercial and office professional zones, no building wall in excess of six (6) feet in height from floor of building shall be constructed within ten (10) feet of any side or rear property line or within ten (10) feet of the top or bottom of any slope. (Front setbacks of underlying zone control.)

(7) No parking lot shall be constructed within ten (10) feet of any property line or within five (5) feet of the top or bottom of any slope. (Standards of underlying zone control.)
(8) The height limit for all buildings shall be twenty-five (25) feet.

(9) No roof-mounted equipment shall project above the lowest parapet wall or mansard roof of the building. No equipment shall be mounted on any pitched roof. In any case, all vents, ducts and other roof-mounted equipment shall be painted to blend with the roof of the building.

(10) No residential building shall be constructed within fifty (50) feet of any freeway right-of-way.

(Code 1960, § 11204.03; Ord. No. 1412, § 1, 11-27-78)

Sec. 26-749. — Permitted uses.

(a) Permitted uses in the freeway corridor overlay zone are those uses permitted in residential and office-professional zones, except as follows:

(1) Banks;

(2) Business and professional schools;

(3) Commercial vehicle storage.

(b) In addition, the following uses shall also be permitted:

(1) Plant nurseries;

(2) New motor vehicles sales and display only;

(3) Used car sales when ancillary to new car dealerships.

(Code 1960, § 11204.04; Ord. No. 1412, § 1, 11-27-78; Ord. No. 2030, § 4, 4-20-99)

ARTICLE XIII. — Overlay Zones

DIVISION 5. Mixed Use Overlay Zone

Sec. 26-749.200. — Purpose.

The mixed-use overlay zone is intended to allow for a mixture of residential and commercial land uses located close to one another, either within a single building, on the same parcel, or an adjacent parcel. The allowable density within the mixed-use overlay will also facilitate the development of affordable housing consistent with the requirements of State Government Code Article 10.6 (65580) and the West Covina General Plan Housing Element. The mixed-use overlay zone is intended to encourage a diversity of housing types within a mixed-use context while taking into account the central business district's regional commercial vitality, the character of the area involved, and the suitability of the site for the particular type of housing.

Standards in the mixed-use overlay are intended to reduce reliance on the automobile, create pedestrian-oriented environments, and support social interaction by allowing residents to work or shop within walking distance to where they live. Permitted commercial uses include general retail, personal services, restaurants, profession offices, and other similar uses and all other uses permitted within the underlying zone.
The mixed-use overlay zone is intended to encourage a diversity of housing types within a mixed-use context while taking into account the central business district's regional-commercial-vitality, the character of the area involved, and the suitability of the site for the particular type of housing. Standards in the mixed-use overlay zone are intended to favor residential development that allows for a lifestyle that requires limited use of an automobile, creates pedestrian-oriented environments, and supports social interaction by allowing residents to work or shop within walking distance to where they live.

(Ord. No. 2239, § 2(Exh. A), 12-4-12)


The regulations and general rules set forth in Chapter 26, Article III (Zones Established; Map) shall apply to the mixed-use overlay zone. The regulations provide for a review of the proposed uses and the comprehensive development plans on existing lots.

Where a conflict occurs between the requirements of this chapter and other city requirements, this chapter shall apply. Any proposed project including, but not limited to, the division of land, site plan or any grading wholly or partially within the mixed-use overlay zone shall be subject to the provisions of this chapter.

(Ord. No. 2239, § 2(Exh. A), 12-4-12)

Sec. 26-749.220. — Uses, permitted density, and maximum number of residential units permitted.

The following category of uses may be permitted.

(a) Residential/non-residential uses allowed:

(1) Residential development may include the development of multi-family homes, condominiums, townhomes, and other similar forms of housing and shall be developed at a minimum density of thirty (30) dwelling units per acre and a maximum density of seventy-five (75) dwelling units per acre. Residential development and mixed-use development are not allowed within the public buildings (P-B) zone.

(2) At least fifty (50) percent of the city's lower income Regional Housing Needs Allocation (RHNA) must be accommodated on land designated exclusively for residential uses in the city. To meet this state requirement, at least fifty (50) percent of the acreage identified as "opportunity sites" in the housing element of the general plan must be used for exclusively residential uses at a minimum density of thirty (30) dwelling units per acre, unless accommodated at other sites within the city.

(3) Uses permitted shall include those uses permitted within the underlying zone, subject to the development standards in the underlying zone.

(b) Maximum density permitted.
(1) When the mixed use overlay zone is applied to a property, mixed use development is permitted and residential development at a minimum thirty (30) dwelling units per acre and at a maximum of seventy-five (75) dwelling units per acre is allowed as specified in the precise plan. City staff will review all mixed use (with a residential component) development projects for compatibility with surrounding commercial development as part of the site plan review process. If a project is proposed to be developed in phases, the required residential development must be developed prior to proposed mixed use and/or non-residential development, except when the mixed uses are in the same building and the residential use is located on a floor above the other use.

(c) Number of residential units permitted:

(1) The mixed use overlay zone allows a maximum of one thousand seven hundred (1,700) residential dwelling units.

(Ord. No. 2239, § 2(Exh. A), 12-4-12)


(a) Commercial development. Exclusively commercial development shall comply with the development standards of the underlying zone.

(b) Mixed use development standards/residential and residential development. Mixed use development that includes a residential component and exclusive residential development shall comply with the following development standards.

<table>
<thead>
<tr>
<th>REQUIREMENT</th>
<th>STANDARD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot area</td>
<td>1.5 acres</td>
</tr>
<tr>
<td>Maximum building coverage</td>
<td>70 percent of the site</td>
</tr>
</tbody>
</table>

Minimum unit area:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Studies</td>
<td>600 sq. ft.</td>
</tr>
<tr>
<td>1 (one) Bedroom</td>
<td>675 sq. ft.</td>
</tr>
<tr>
<td>2 (two) Bedrooms</td>
<td>950 sq. ft.</td>
</tr>
<tr>
<td>3 (three) Bedrooms</td>
<td>1,100 sq. ft.</td>
</tr>
</tbody>
</table>

Building setbacks:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>5 ft.</td>
</tr>
<tr>
<td>Side (when adjacent to a street)</td>
<td>5 ft.</td>
</tr>
<tr>
<td>Side (adjacent to a residential zoning)</td>
<td>10 ft.</td>
</tr>
</tbody>
</table>

Landscaped setbacks:
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Front</strong></td>
<td>5 ft.</td>
</tr>
<tr>
<td><strong>Side</strong></td>
<td>5 ft.</td>
</tr>
<tr>
<td><strong>Rear</strong></td>
<td>5 ft.</td>
</tr>
<tr>
<td><strong>Adjacent to a street</strong></td>
<td>5 ft.</td>
</tr>
<tr>
<td><strong>Adjacent to residential zoning or residential use</strong></td>
<td>10 ft.</td>
</tr>
<tr>
<td><strong>Maximum building height</strong></td>
<td>75 feet (five (5) stories)</td>
</tr>
<tr>
<td><strong>Adjacent to a single-family of a single-family zone or single-family use</strong></td>
<td>Minimum 25 feet separation (setback) for single-story development</td>
</tr>
<tr>
<td><strong>Minimum-building separation</strong></td>
<td>10 feet or per California Building Code, whichever is greater</td>
</tr>
<tr>
<td><strong>Common open space</strong></td>
<td>140 square feet per unit with a minimum dimension of 10 feet by 10 feet</td>
</tr>
<tr>
<td><strong>Private open space</strong></td>
<td>75 percent of the area must be open to the sky</td>
</tr>
<tr>
<td><strong>Landscaping</strong></td>
<td>20 percent of the project site</td>
</tr>
<tr>
<td><strong>Parking</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Bicyclex-parking</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Off-street parking</strong></td>
<td>One per fifty vehicle parking spaces in bicycle racks</td>
</tr>
<tr>
<td><strong>Studio and one (1) bedroom</strong></td>
<td>One and one-half (1.5) spaces per unit (one (1) within a garage)</td>
</tr>
<tr>
<td><strong>Units with two (2) or more bedrooms</strong></td>
<td>Two (2.0) spaces per unit (one (1) within a garage)</td>
</tr>
<tr>
<td><strong>Guest Parking</strong></td>
<td>One (1) space for every four (4) dwelling units. The spaces need not be enclosed. The guest parking shall be located within one hundred fifty (150) feet of the units and dispersed throughout the development as required per Section 26-518 of the Municipal Code</td>
</tr>
<tr>
<td><strong>Loading facilities</strong></td>
<td>A loading space shall be provided and permanently</td>
</tr>
</tbody>
</table>
### Loading Facility Standards

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintained for any commercial, medical or institutional use that exceeds four thousand (4,000) square feet in floor area</td>
<td></td>
</tr>
<tr>
<td>No loading space may encroach into any public right-of-way or obstruct any on-site drive aisle or parking space</td>
<td></td>
</tr>
<tr>
<td>The loading space shall be in addition to any parking space required by this section</td>
<td></td>
</tr>
<tr>
<td>The loading area shall be within proximity of the use</td>
<td></td>
</tr>
<tr>
<td>A loading area shall be located and arranged so that delivery vehicles may easily enter and exit the loading space</td>
<td></td>
</tr>
<tr>
<td>The loading space shall have a minimum dimensions of ten (10) feet by twenty (20) feet and a minimum height clearance of fourteen (14) feet</td>
<td></td>
</tr>
<tr>
<td>The loading space(s) should be arranged so that service entrances for all commercial buildings shall have reasonable access to the loading space(s)</td>
<td></td>
</tr>
<tr>
<td>The loading area shall be screened from any public view by building orientation, screen wall or other means acceptable to the planning director</td>
<td></td>
</tr>
</tbody>
</table>

### Storage

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum of 160 cubic feet of lockable storage area shall be provided for each dwelling outside of the unit. No inside dimension of such cabinet shall be less than two (2) feet</td>
<td></td>
</tr>
<tr>
<td>The storage of furniture, appliances, and other similar equipment shall be within permanent buildings and completely screened from public view</td>
<td></td>
</tr>
<tr>
<td>No required parking space, garage or carport shall be used for such storage as required by the West Covina Municipal Code Section 26-518</td>
<td></td>
</tr>
</tbody>
</table>

(Ord. No. 2239, § 2(Exh. A), 12-4-12)

See 26-749.240. Design guidelines/requirements.

This section provides standards for the design of mixed-use projects within the mixed-used overlay zone. A mixed-use project combines residential and nonresidential uses on the same site, with residential units typically located above the nonresidential uses (vertical mixed-use).

(a) Design consideration.

1. A mixed-use project shall be signed to provide for internal compatibility between the residential and non-residential uses on the site.
(2) Potential glare, noise, odors, traffic, and other potentially significant impacts on residents shall be limited to the maximum extent feasible, to allow a compatible mix of residential and nonresidential uses on the same site.

(3) Buildings should be oriented toward streets, pedestrian pathways and/or active spaces.

(4) Site planning and building design shall provide for convenient pedestrian access from the public street into the nonresidential portion of the project, through such means as courtyards, plazas, walkways, and street furniture.

(5) Open areas (residential, commercial or mixed-use) shall be designed large enough to be usable.

(b) Mixed-use/residential-design-guidelines:

(1) The area where the first floor meets the second floor shall clearly define a change in materials, colors, and style between the first and second floors.

(2) All visible frontages shall be detailed with architectural elements.

(3) Primary building entries shall be accented with strong architectural definition.

(4) Facades without openings or changes in wall planes shall be avoided.

(5) Articulations shall add three-dimensional interest to the façade and not rely on "false" detailing.

(6) Detailing of the building façades shall be integral to the architectural design and a permanent feature of the surface.

(7) Building façades shall have elements that relate to the scale of a person.

(8) Entrances to residential, office or other upper-story uses shall be clearly distinguishable in form and location from retail entrances.

(e) Building-elevations/architecture. To ensure that buildings, particularly large structures, are designed with elements that relate to a human scale, the following should be incorporated into the design:

(1) Commercial buildings shall be articulated to reflect a small-scale street frontage rhythm, with building bay widths of approximately twenty-five (25) feet.

(2) A ground-floor retail use should have a minimum floor-to-ceiling height of twelve (12) feet.

(3) Where multiple-tenant spaces are incorporated into a building, individual tenant spaces shall be located within the building bays. This can be achieved by any of the following:
   a. Placing a column, pier or pilaster between façade elements.
   b. Applying vertical slot or recess between façade elements.
   c. Providing variation in plane along the building wall.
d.—Varying the building wall by recessing the storefront entrance or creating an
opportunity for landscaping or pedestrian area.

(d) — **Materials:**

(1) Within a design theme, a variety of durable material and textures is strongly
encouraged. Materials such as granite, marble, polished stones, and other panels
should be used as accent materials on the building’s base.

(2) In concert with the primary building material(s), a variety of materials is
encouraged to articulate different building elements, such as the ground-floor
façade, the building base, horizontal break bands, pier or column bases, roof
terminations, sills, awnings and similar building components.

(e) — **Roofs:** Roof design shall contribute to the overall building design.

(1) The form, color and texture of the roofs shall be [an] integral component of the
building design.

(2) Roofs should be compatible with the architectural style of the building.

(3) The roof shape should reflect the configuration of the building’s mass and
volume, and should be consistent in its character from all vantage points.

(4) False fronts, applied mansard forms and other artificial rooflines that are not an
integral component of the architectural design should be avoided.

(5) The roof should be flat. However, well designed sloping roof forms that are
typical of a local context may be appropriate. Special corner elements, entrance
area massing, and similar conditions may require the roof to vary from the
suggested flat roof form.

(6) All buildings shall provide cornice or parapet detailing in order to delineate a
strong roofline along the primary facades.

(7) Cornices and horizontal bands of genuine materials, such as wood trim rather
than foam are strongly encouraged.

(8) Reflective roofing materials shall not be used on roof surfaces that are visible
from either ground level or elevated viewpoints, such as freeways.

(f) — **Windows:**

(1) All windows on a building shall be related in design.

(2) Windows on the upper floors shall be smaller in size than storefront windows on
the first floor and shall encompass a smaller proportion of façade surface area.

(3) Upper story windows shall be detailed with architectural elements, such as
projecting sills, molded surrounds and/or lintels.

(4) Deeply tinted glass or applied films should be avoided.

(5) Buildings should include vertically proportioned façade openings with windows
that have greater height than width.
(6) Windows should maintain consistency in shape and location across the façade. Unifying patterns should include common windows and doors. The overall effect should create a harmonious pattern along the streetscape.

(g) Gutters and downspouts. Gutters and downspouts shall comply with section 26-568(a)(3), as required by the underlying zone.

(h) Awnings/canopies.

(1) Awnings/canopies over building entries shall be incorporated into the design of the building, including colors and material detailing.

(2) Backlighting of transparent or translucent awnings are discouraged.

(3) Awnings on multi-tenant buildings should be the same color and style.

(4) Awning design should be consistent with the character and design of the building.

(5) The awning material should be compatible with the overall design of the building. The use of vinyl and plastic awnings are discouraged.

(i) Exterior lighting. All exterior lighting shall comply with the Parking Lot Design & Lighting Standards (Planning Commission Resolution No. 2513).

(j) Mechanical equipment. Rooftops should be designed in a way that acknowledges their visibility from other buildings and the street. Equipment shall be screened on all four (4) sides from both the street and neighboring buildings using parapets or similar architectural features as required by section 26-520.

(k) Walls. In addition to the standards below, all walls and fences shall meet the requirements of section 26-575.

(1) A six-foot high masonry wall shall be constructed along the property line of any lot where construction of any mixed-use development is adjacent to property zoned and used for residential purposes.

(2) Walls shall have a decorative texture that matches the walls of the development.

(3) All walls shall be painted with anti-graffiti coating.

(l) Service areas, refuse areas and backflow preventers.

(1) Service areas, garbage receptacles, utility meters and mechanical and electrical equipment shall be located in unobtrusive locations, screened from public view and located for convenient access by service vehicles.

(2) Screening of these areas shall be integrated into the overall building and landscape design.

(3) Trash enclosures shall be constructed to match the color, texture and architectural detailing that shall be consistent with the overall site and building design.
(4) Rooftop enclosures should be designed to complement the project buildings, roof style and colors.

(5) Where trash compactors are visible, they shall be screened from public view within a trash enclosure or within a building volume.

(6) Backflow prevention devices shall be fully screened from public view through the use of landscaping, berms, low walls or other screening techniques. They should be located inside the building where possible.

(m) **Joint use.** A reduction in the number of parking spaces may be allowed with approval of the planning commission, for the commercial area for uses that have different peak usage periods per the West Covina Municipal Code section 26-581(f).

(n) Landscape shall meet design criteria as required by section 26-572, section 26-708, and 26-709. All landscape areas shall be maintained as required by the section 26-572.5.

(o) **Maintenance of buildings, structures and parking lots.** All buildings, structures and parking lots shall be maintained as required by section 26-584 to protect the appearance, character and integrity of nonresidential zoned properties and promote a safe and decent environment by establishing minimum standards as they relate to the maintenance of nonresidential buildings and structures.

(p) **Underground utilities.** All utilities shall be underground in accordance with section 26-579 and approved by the city engineer.

(Ord. No. 2239, § 2(Exh. A), 12-4-12)

See. 26-749.250. Precise plan requirements.

Any development in the mixed-use overlay zone shall be subject to approval of a precise plan per Chapter 26, Article VI, Division 2 (Precise Plan). To assure that the requirements of this chapter are properly met and mixed use overlay zoned properties are comprehensively planned and affordable housing encouraged, a precise plan must be in effect prior to the approval of any subdivision of land, any grading of property that would require a grading permit, and any construction that would require a building permit, excepting therefore any work done by the city or other public agency for the protection of public health, safety, or general welfare.

Precise plan of design submittals shall comply with section 26-227.

(Ord. No. 2239, § 2(Exh. A), 12-4-12)
EXHIBIT B

ARTICLE XV. – Downtown Code (Under Separate Cover)
West Covina
Downtown Plan & Code

Adopted by City Council, December 2016
Downtown Plan & Code

Ordinances 2308 Zone Change 16-01
2309 Code Amendment 16-01

Resolution 2016-87 (EIR)

was created by:

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Mayor Pro Tem
Mike Spence
Lloyd Johnson
James Toma
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City Manager
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In association with:
Moyle & Polyzoides
HR&A
Nelson Nygaard
Rincon
DIPG

...and thousands of West Covina residents

Introduction
Setting & context, downtown profile, & planning process
Vision
A shared future for preservation & growth

Goals, Policies, & Actions
Physical, economic, & social goals; policies for decision-makers; & specific actions by the City & partners to implement the policies

Code
Vision-based standards with an increased focus on the design of the public realm

Implementation
Partners, timeframes, funding sources & growth

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Plan Purpose

The Interstate 10 has been a key ingredient in West Covina’s development boom. The frontage parcels along the interstate were developed with civic, entertainment, retail, and office uses. The Downtown plan brings these assets together within a walkable environment.

Informed by the collective vision of the community the plan advocates for a new urban form that is compact and walkable. Parks, plazas, and civic destinations frame key gathering spaces for the community. The Downtown plan and code articulates a compelling vision and clear and precise standards to ensure a prosperous, accessible, resilient, healthy, and inclusive future for West Covina Downtown.

Specifically the plan and code:
- Responds to extensive community input and incorporates specific ideas, recommendations and strategies which reflect that input;
- Protects and enhances key physical and cultural assets in Downtown;
- Addresses issues and opportunities related to land use, urban design, parks and open space, economic development, transportation, health, safety and community investments;
- Provides goals, policies, and actions to guide decision-makers in achieving the community’s desires;
- Catalytic projects to spur economic investment and residential and commercial development in Downtown;
- New form-based code to provide clear direction and predictable process and outcomes; and
- Streetscape improvements to activate the public realm, providing an inviting and engaging urban core.

Setting and Context

West Covina downtown area is strategically located in the eastern portion of the San Gabriel Valley between the major metropolitan areas of Los Angeles and the Inland Empire. The downtown area is highly accessible and visible from Interstate 10, which carries over half million vehicles daily.

From 1950 to 1962, West Covina grew 1500% from a population of 4,499 to 54,688. The City’s promoted itself as the “City of Beautiful Homes.” After the residential growth boom in the 1950s, the City sought to expand its commercial offerings as the “Headquarters City”. Previous planning efforts recognized the downtown area as the Central Business District (CBD) — the largest concentration of commercial uses in the city. The CBD area was developed under the guidance of the West Covina Redevelopment Agency. The current standards require a minimum of 30 units per acre and allow up to maximum of 75 units per acre. However, the area has developed largely as a commercial center in lieu of a more distributed land-use pattern. This has led to congestion during the workday and desolate areas during the evening hours and weekends. The City’s current slogan is “a great place to work, live, and play.” More than CBD, the term “downtown” evokes a more enduring, walkable, and integrated open-air, multi-use development organized around identifiable and energized public realm where citizens can gather and strengthen their community bonds.

The downtown includes the civic center, the largest regional mall in San Gabriel Valley, professional office buildings, and mixed-use corridor comprising of entertainment, retail, dining, and urban apartment uses.
**Downtown District**

The study area of the Downtown West Covina master plan is loosely framed by San Bernardino Freeway to the north, Cameron Avenue to the west, South Glendora Avenue to the east, and West Covina Parkway to the south. The study area consists of 3 distinct centers:

1. The Civic Center Area including City Hall, library, courthouse, and surrounding areas;
2. The Plaza West Covina Area and adjacent parking structure, parking lot and surrounding buildings; and
3. The Lakes Entertainment Area, including the movie theater, and the adjacent retail and mixed-use buildings.

The 3 centers though functioning independently are experientially disconnected. There is neither an obvious pedestrian-friendly linkage between them, nor any form of integrated transit that could encourage people to go from one place to the other. Additionally, the streets and avenues that connect and separate these centers prioritize vehicular circulation over walkability.

In short, Downtown West Covina is in need of a planning strategy that can create a bigger unifying vision for the Downtown as a place, integrate these 3 centers, and create a 24-7 environment for its residents.

**Market Context**

The downtown district benefits from easy connections to Downtown Los Angeles and the metropolitan area and is both highly accessible and highly visible by way of Interstate 10.

The city is wealthier than LA County as a whole, with 45% of households earning more than $75,000 a year. Owning a home is the preferred option in West Covina and the ratio of owners to renters remains largely stable, even after the Great Recession. West Covina has seen significant growth in populations of Chinese and Filipino ethnicity, as well as growth in residents of Hispanic origin.

Although known as a bedroom community, the city has a large job base, dominated by retail trade (23%). Like many Southern California cities, West Covina felt serious effects from the recession which started in 2008, but its location, relatively strong residential base, and its significant retail inventory has it well positioned to take advantage of recent economic growth.

West Covina Downtown is a regional retail destination, drawing shoppers from across the LA metro area to Plaza West Covina. However, much of the retail space in the City and the Downtown area is aging, sales tax revenues per square foot are lower than comparable cities with super-regional shopping centers, and residents are spending as much as $45 million on food and beverage in other communities. To remain competitive, underutilized retail space may need to be renovated or repositioned into more productive retail or other uses. The regional serving retail sales play a key role in generating sales taxes for the City and it is critical for West Covina to remain competitive in the regional market.

West Covina's general office market has a large number of older, smaller Class B and C buildings. However, West Covina could capture as many as 2,000 new jobs by 2035 from San Gabriel Valley employment growth, roughly half of which is expected to be healthcare related.

West Covina's housing market is dominated by resident-owned single-family homes. That said, the City's multifamily apartment market is performing well, with extremely low vacancies. New, urban-style developments in the Downtown District are well-poised to capture pent-up demand from both younger and

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Table 1-1: Summary Profile