

Planning Commission Study Session 3-10-26

Draft Chapter 17.24 Specific Use Regulations

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17.24.010 Adult-Oriented Business.

A. Purpose

It is the intent of this chapter to prevent community-wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods which can be brought about by the concentration of adult-oriented businesses in close proximity to each other or proximity to other incompatible uses such as schools for minors, churches, and residentially zoned districts or uses. The city council finds that it has been demonstrated in various communities that the concentration of adult-oriented businesses causes an increase in the number of transients in the area, and an increase in crime, and in addition to the effects described above can cause other businesses and residents to move elsewhere. It is, therefore, the purpose of this chapter to establish reasonable and uniform regulations to prevent the concentration of adult-oriented businesses or their close

proximity to incompatible uses, while permitting the location of adult-oriented businesses in certain areas.

B. Definitions.

1. Establishment of an Adult-Oriented Business. As used herein, to “establish” an adult-oriented business shall mean and include any of the following:
 - a. The opening or commencement of any adult-oriented business as a new business;
 - b. The conversion of an existing business, whether or not an adult-oriented business, to any adult-oriented business defined herein;
 - c. The addition of any of the adult-oriented businesses defined herein to any other existing adult-oriented business; or
 - d. The relocation of any such adult-oriented business.

2. “Specified anatomical areas,” as used herein, shall mean and include any of the following:
 - a. Less than completely and opaquely covered human (a) genitals or pubic region; (b) buttocks; and (c) female breast below a point immediately above the top of areola;
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered;
 - c. Any device, costume or covering that simulates any of the body parts included in subsections (B)(1) or (2) of this section.

3. “Specified sexual activities,” as used herein, shall mean and include any of the following, whether performed directly or indirectly through clothing or other covering:
 - a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;
 - b. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
 - c. Masturbation, actual or simulated;
 - d. Excretory functions as part of or in connection with any of the other activities described in subsections (C)(1) through (3) of this section.

4. “Adult-oriented businesses” means any one of the following:
 - a. “Adult arcade,” as used in this chapter, is an establishment where, for any form of consideration, one or more still or motion picture projectors, or similar machines, for viewing by five or fewer persons each, are used to show films, computer generated images, motion pictures, videocassettes, slides or other photographic reproductions 30 percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
 - b. “Adult bookstore,” as used in this chapter, is an establishment that has 30 percent or more of its stock in books, magazines, periodicals or other printed matter, or of photographs, films, motion pictures, videocassettes, slides, tapes, records or other form of visual or audio representations which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities and/or specified anatomical areas.

- c. "Adult cabaret," as used in this chapter, means a nightclub, restaurant, or similar business establishment which: (a) regularly features live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities; and/or (b) which regularly features persons who appear seminude; and/or (c) shows films, computer generated images, motion pictures, videocassettes, slides, or other photographic reproductions 30 percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
 - d. "Adult hotel/motel," as used in this chapter, means a hotel or motel or similar business establishment offering public accommodations for any form of consideration which: (a) provides patrons with closed-circuit television transmissions, films, computer generated images, motion pictures, videocassettes, slides, or other photographic reproductions 30 percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; and (b) rents, leases, or lets any room for less than a six-hour period, or rents, leases, or lets any single room more than twice in a 24- hour period.
 - e. "Adult motion picture theater," as used in this chapter, is a business establishment where, for any form of consideration, films, computer generated images, motion pictures, videocassettes, slides or similar photographic reproductions are shown, and 30 percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
 - f. "Adult theater," as used in this chapter, means a theater, concert hall, auditorium, or similar establishment which, for any form of consideration, regularly features live performances which are distinguished or characterized by an emphasis on the display of specified anatomical areas or specified sexual activities.
 - g. "Modeling studio," as used in this chapter, means a business which provides, for pecuniary compensation, monetary or other consideration, hire or reward, figure models who, for the purposes of sexual stimulation of patrons, display specified anatomical areas to be observed, sketched, photographed, painted, sculpted or otherwise depicted by persons paying such consideration. "Modeling studio" does not include schools maintained pursuant to standards set by the State Board of Education. "Modeling studio" further does not include a studio or similar facility owned, operated, or maintained by an individual artist or group of artists, and which does not provide, permit, or make available specified sexual activities.
 - h. "Adult enterprise," as used in this chapter, means a car wash, massage parlor, barber shop, lingerie show and/or any other economic organization and/or activity which includes any display of specified anatomical areas, but which is not an adult arcade, adult bookstore, adult cabaret, adult hotel/motel, adult motion picture theater, adult theater and/or modeling studio.
5. "Church," as used in this chapter, is a structure which is used primarily for religious worship and related religious activities.

6. “Distinguished or characterized by an emphasis upon,” as used in this chapter, shall mean and refer to the dominant or essential theme of the object described by such phrase. For instance, when the phrase refers to films “which are distinguished or characterized by an emphasis upon” the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character and theme are the depiction of the enumerated sexual activities or anatomical areas.
6. “Regularly features,” with respect to an adult theater or adult cabaret, means a regular and substantial course of conduct. The fact that live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities occur on two or more occasions within a 30-day period; three or more occasions within a 60-day period; or four or more occasions within a 90-day period, shall to the extent permitted by law be deemed to be a regular and substantial course of conduct.
7. “School,” as used in this chapter, is any child or day care facility, or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any other establishment, organization, firm, business and/or person offering specialized instruction.
8. “Seminude” means a state of dress in which clothing covers no more than the genitals, pubic region, buttocks, areola of the female breast, as well as portions of the body covered by supporting straps or devices.

C. Allowable Zones.

No adult-oriented business shall be established or located in any zone in the city other than Industrial (I), and in no case shall an adult-oriented business be established or located within certain distances of certain specified land uses or zones as set forth below:

1. No such business shall be established or located within 500 feet of any other adult-oriented business.
2. No such business shall be established or located within 500 feet of any existing residential zone or use, park, church, or school.
3. The distances set forth above shall be measured as a radius from the primary entrance of the Adult-Oriented Business to the property lines of the property so zoned or used without regard to intervening structures.

D. Permit Requirements.

It shall be unlawful to establish or operate, or cause or permit to be operated, any adult entertainment establishment without first obtaining a conditional use permit from the planning commission consistent with the requirements of CMC Chapter 17.04 (Land Use

Entitlements, Permits and Planning Applications) ,and CMC Chapter 17.02 (General Provision and Administrations).

E. Violations and Penalties.

Criminal violation. It shall be unlawful for any person, firm, partnership, or corporation to violate any provision or to fail to comply with any of the requirements of this section. Any persons, firm, partnership, or corporation violating any provision of this section or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine, or by imprisonment not to exceed six months, or by both such fine and imprisonment. Each such person, firm, partnership, or corporation shall be deemed guilty of a separate offense for each and every day or any portion thereof during which violation of any of the provisions of this section is committed, continued, or permitted by such a person, firm, partnership, or corporation, and shall be deemed punishable therefor as provided in this section.

17.24.020 Alcohol Sales – On and Off Site.

A. Applicability.

1. A Conditional Use Permit is required for the following establishments:
 - a. Propose to sell liquor.
 - b. Propose to change the type of on-sale liquor license or off-sale liquor license.
 - c. Change its operation and business by expanding the floor area for serving on sale liquor or increasing the retail space for off-site sales of liquor.
2. A conditional use permit is not required for on-sale liquor, in conjunction with a Bonafide eating establishment or hotel use with on-sale liquor as an ancillary use.

B. Findings.

In addition to the findings required pursuant to CMC 17.04.030-D, prior to approving a conditional use permit for any type of on-sale liquor use, the Planning Commission must find as follows:

1. On-sale liquor establishments:
 - a. The requested use does not fall within 700 feet, measured from property line of the proposed use to the property line of a use for religious worship, school, park, playground, residential or any similar sensitive use.
 - b. The requested use does not fall within 700 feet, measured from property line of the proposed use to the property line of an existing liquor, on-sale use.
 - c. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.
 - d. The exterior appearance of the structure of the proposed use will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood as to cause blight, deterioration, or substantially diminish or impair the property values within the neighborhood.

2. Off-sale liquor establishments:
 - a. The requested use does not fall within 700 feet, measured as a pedestrian travels, from a place used exclusively for religious worship, school, park, playground, residential or any similar sensitive use.
 - b. The requested use does not fall within 700 feet, measured as a pedestrian travels, from the proposed use to the property line of an existing liquor, off-sale use.
 - c. However, the Planning Commission may find that the public convenience or necessity for the proposed use outweigh the distance restrictions upon additional findings that:
 - i. The immediate neighborhood requires and needs such services.
 - ii. Not greater than five percent of the sales floor area or 1,000 square feet, whichever is less, shall be used for the display or sale of alcoholic beverages.
 - iii. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.
 - iv. The exterior appearance of the structure of the proposed use will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight or deterioration, or substantially diminish or impair the property values within the neighborhood.
 - d. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.
 - e. The exterior appearance of the structure of the proposed use will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight or deterioration, or substantially diminish or impair the property values within the neighborhood.

3. On-sale liquor in conjunction with lodges or meeting halls:
 - a. That the requested use does not fall within 700 feet, as a pedestrian travels, from a place used exclusively for religious worship, school, park, playground, residential or any similar sensitive use. However, the Planning Commission may find that the public convenience or necessity for the proposed use outweigh the distance restrictions, upon additional findings that the immediate neighborhood requires and needs such services:
 - i. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.
 - ii. The exterior appearance of the structure of the proposed use will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight or deterioration, or substantially diminish or impair the property values within the neighborhood.

17.24.030 Automobile Service Stations

A. Purpose.

These standards regulate the development, operation, and maintenance of automobile service stations, including those offering gasoline, diesel, electricity, hydrogen, compressed natural gas, propane, or other emerging fuels. The intent is to ensure safe operations, a clean and orderly appearance, and effective mitigation of impacts such as traffic, congestion, excessive pavement, lighting, litter, hazardous materials, and noise.

B. Applicability.

These standards apply to new construction and reconstruction or major renovations of automobile service stations. These standards shall not be so construed as to replace or reduce any minimum zoning, building, or other municipal code requirements of more general application; provided, however, that whenever the requirements of this section are more restrictive, or impose greater minimum requirements, the requirements of this section shall control.

C. Development and Design Standards.

1. Minimum site area, minimum street frontage, and building or structure size.
 - a. A minimum site area of 22,500 square feet is required for automobile service stations with ancillary uses such as minor auto repair, convenience stores, quick service restaurants, automated car washes, or similar uses. A minimum street frontage of 150 feet and a building size of at least 1,200 square feet, exclusive of canopies, are required. One accessory structure up to 150 square feet is permitted.
 - b. A minimum site area of 15,000 square feet is required for automobile service stations limited to fuel sales only. Ancillary uses are prohibited. A minimum street frontage of 125 feet is required. One building up to 600 square feet, exclusive of canopies, is permitted.

2. Building setbacks.

| Buildings/structures setback (ft) | Front (ft) | Rear (ft) | Interior side (ft) | Street side (ft) |
|---|------------|-----------|--------------------|------------------|
| Buildings for car wash, convenience store, quick service restaurants, or automobile repair services | 25 | 5 | 5 | 20 |
| Fuel/pump islands and canopies | 20 | 20 | 20 | 20 |
| Buildings/structure adjacent to single-family, multi-family or mixed-use zones | 25 | 25 | 25 | 25 |
| Accessory structures such as trash enclosure areas, public telephone booth | 25 | 5 | 5 | 25 |
| Ancillary equipment/devices such as air compressors | 25 | 5 | 5 | 25 |

3. Maximum lot coverage is 40 percent of the total lot size, including the canopy. The canopy may not cover more than 20 percent of the lot area.

4. Traffic and driveways.
 - a. Provide a maximum of two driveways or means of access for an automobile service station.
 - b. The minimum driveway opening is 25 feet and the maximum is 40 feet in width. No more than 35 percent of the street frontage may be used for curb cuts.
 - c. Driveways must be at least 20 feet from the end of a curb corner or a common property line. The director may approve deviations if site constraints are demonstrated and all other development standards are met.
 - d. Any driveway provided at the rear of the building shall be a minimum width of 15 feet.
 - e. Submit a traffic study that analyzes traffic flow and patterns during fuel tank deliveries and when all fueling stations are fully occupied. The study is subject to director review.
5. Pump islands.
 - a. A minimum distance of 20 feet is required between the centerlines of two pump islands, and between the centerline of a pump island and the building face.
 - b. Each pump island must provide stacking space for at least two vehicles behind the vehicle at the pump closest to any entrance or exit driveway.
 - c. Canopies over pump islands must have a minimum clearance of 16 feet to allow vehicle movement and accommodate oversize vehicles.

6. Canopy design.

7. All other site development standards such as but not limited to public improvements, parking and loading requirements, equipment and trash enclosure screening, walls, fences, and screening, lighting, performance standards, and property maintenance shall be in accordance with CMC Chapter 17.22 General Development Standards.
8. Landscaping. In addition to the landscaping standards in CMC 17.22.xxx, the following requirements apply:
 - a. Provide a raised planter with a minimum size of 650 square feet at the intersection of two or more streets.
 - b. Maintain a minimum 10-foot-wide landscaped area in the front and street side yard setbacks for planting trees, shrubs, and ground cover.
9. Signage shall comply with the CMC 17.26.040.

B. Operational Standards

1. Location of Activities. All services, activities and operations must be conducted entirely within the enclosed ancillary structure(s), except as follows:
 - a. The dispensing of fuel products from pump islands, vehicle charging, and air and water services, and display of propose tanks for sale.
 - b. Minor emergency repairs including, replacement of headlights, turn indicator bulbs or windshield wipers.

2. Automobile service stations shall be limited to the sale of motor fuels and lubricating oils, the sale of new and used tires, windshield wiper blades, fuel tank caps, radiator pressure caps, radiator hoses, hydraulic and cooling fluids, automobile lamp replacements, spark plugs, batteries, and other replacement parts.
3. Repairs or replacements that require removal of the transmission or differential, body and fender repair, painting, tire recapping, or upholstery are prohibited.
4. Product deliveries to an automobile service station may occur at any time, except at sites adjacent to residential zones, where deliveries are prohibited between 10:00 p.m. and 6:00 a.m.
5. All automobile service stations must provide public restrooms, air, and water facilities for customers.
6. Alcohol sales in conjunction with a convenience store must comply with CMC 17.24.xxx, subject to a conditional use permit and permits from the State Alcoholic Beverage Control Department.
7. Outdoor display or storage of products for sale is prohibited unless the city approves an administrative use permit in accordance with CMC 17.24.xxx.
8. Hazardous Materials. Obtain all necessary permits for the storage and use of hazardous materials. All automobile fluids shall be recycled or removed in accordance with applicable state and federal standards
9. Propane Tank Sales. Propane tank displays must be located outside required setback areas and stored securely. The city may require landscaping or other screening to conceal propane tanks from public view.
10. Mechanical Equipment. All hydraulic hoists and pits, all equipment for lubrication, greasing, automobile washing and permitted repairs shall be enclosed entirely within a building.
11. All ground-mounted gasoline vapor recovery units and venting pipes must be partially enclosed with a six-foot-high decorative solid-screen wall and landscaping. These units may not be located in any required setback area. The city may approve deviations if site constraints are demonstrated and all other development standards are met.
12. Automatic Car Wash.
 - a. Applicants shall provide a queuing study prepared by an independent traffic engineer licensed by the State of California. The applicant shall provide the study at its sole expense.

- b. Applicants shall provide a noise study prepared by an independent acoustical engineer licensed by the State of California. The applicant shall provide the study at its sole expense.
- 13. Trash Receptacles. Place trash receptacles at the building entrance and at each pump island. The premises must be kept free of litter or waste. Remove waste or litter from receptacles at least once each day the business is open.
- C. **Discontinuation of an Automobile Service Station Use or Structure.** An automobile service station use that has been legally established and conforms to all standards of title 17 shall not be re-established if such use has been discontinued for a continuous period of 12 months or more.
- D. **Legal Nonconforming.** Any automobile service station that is lawfully operating in the city and does not conform to the provisions of this chapter, but which were legally established prior to the date this section was adopted, shall be considered a legal nonconforming use. Except as provided below, legally established nonconforming automobile service stations and ancillary uses on said automobile service station site shall be subject to chapter 17.62 (Nonconforming Uses, Structures, and Lots).
 - 1. Modifications to existing automobile service stations or ancillary uses. Automobile service station uses and structures related thereto shall not be enlarged, extended, reconstructed, or moved to a different portion of the lot or parcel of land occupied by such use unless in compliance with the provisions of this chapter. If conformity with standards adopted pursuant to this chapter causes hardship due to existing configuration of on-site buildings or structures, a variance may be applied for, pursuant to section 17.20.030 (Variance).

17.24.040 Body Art Facilities

- A. **Purpose**

The regulation of the tattoo and/or body art facilities is necessary to ensure that their secondary effects do not pose a threat to residents of the city of Covina, or lead to blight and loss of property values of residential neighborhoods and businesses in close proximity to such uses, and to protect against harmful impacts on other sensitive land uses. This chapter contains content-neutral regulations to address such negative secondary impacts while providing sufficient avenues of communication for those wishing to open and operate tattoo and/or body art facilities, and provide a reasonable number of locations for such facilities to locate within the city
- B. **Definitions**

See Definitions in CMC Chapter 17.02
- C. **Zoning and Land Use Standards**

1. Body art facilities are allowed in zones where they are listed as permitted or conditionally permitted uses, as specified in the Use Tables within Chapters 17.04, 17.06, 17.08, and 17.10.
2. Standards for body art facilities shall be as follows:
 - a. Except as otherwise provided in this chapter, each body art facility shall comply with Chapter 5.38 CMC.
 - b. The body art facility shall be designed to screen body art performed on a client's "specified anatomical areas," as defined in **CMC 17.55.020(B)**, from persons outside the facility. Signage, advertising or images depicting "specific anatomical areas" shall not be placed in the windows or be visible to persons outside the facility.
 - c. Body art facility signage shall comply with standards in this title.
 - d. Design and/or modification to a site or building in which a body art facility proposes to locate shall remain subject to site plan review under CMC Chapter **17.04**.
3. Body art cannot be provided as accessory to other permitted uses such as a barber and/or beauty shop without first complying with the provisions of this chapter and cannot be operated as home occupations

17.24.050 Cannabis Regulations and Prohibitions

- A. Purpose**
- B. Definitions**
- C. Conditionally Permitted Uses and Prohibitions**
- D. Permits and Approvals Required**
- E. Compliance with State and Local Laws and Regulations**
- F. Procedures and Findings for Approval of Conditional Use Permit**
- G. Development Standards**
- H. Security**
- I. Additional Performance Standards**
- J. Promulgation of Regulations, Standards, and other Legal Duties**
- K. Limitations on City's Liability**
- L. Indoor Cultivation for Personal Use**
- M. Exceptions**
- N. Violations and Penalties**
- O. Public Nuisance Prohibited**

A. Purpose

It is the purpose and intent of this chapter to implement the provisions of the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA") to accommodate the needs of medically ill persons in need of cannabis for medicinal purposes as recommended by their health care provider(s), and to provide access to same. It is also the purpose and

intent of this chapter to provide access to adult-use cannabis for persons aged 21 and over as authorized by the MAUCRSA, while imposing sensible regulations on the use of land to protect the city's residents, neighborhoods, and businesses from disproportionately negative impacts. It is the purpose and intent of this chapter to regulate cannabis microbusinesses in a responsible manner to protect the health, safety, and welfare of the residents of the city and to enforce rules and regulations consistent with state law.

B. Definitions

For purposes of this chapter, the following definitions shall apply. All definitions pertaining to cannabis regulation that appear in Business and Professions Code Section 26001, as codified by the MAUCRSA, are hereby incorporated by reference. Any California code sections set forth below shall include any amendments that are made to those sections.

“Applicant” means a person or entity that submits an application for a conditional use permit under this chapter.

“Cannabis” has the same meaning as in Section 26001 of the Business and Professions Code. “Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code.

“Cannabis business” means a cannabis microbusiness.

“Cannabis business permit” means a permit issued by the city, pursuant to Chapter 5.80 CMC, to a cannabis business that must be obtained before any commercial cannabis activity may be conducted in the city.

“Cannabis microbusiness” has the same meaning as in Section 26001 of the Business and Professions Code. “Cannabis microbusiness” means a commercial cannabis business comprised of at least three out of the following four uses on the same premises: (1) a cannabis retailer, (2) a manufacturer, (3) a cultivation site with canopy space of less than 10,000 square feet, and (4) a cannabis distributor. To qualify as a cannabis microbusiness, the cannabis business must engage in a minimum of three out of the four above referenced uses.

“Cannabis products” has the same meaning as in Section 11018.1 of the Health and Safety Code. “Cannabis products” means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated

cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

“Cannabis retailer” has the same meaning as in Section 26001 of the California Business and Professions Code and shall mean any establishment which engages in the retail sale of cannabis for medical or adult-use purposes consistent with the Medicinal and Adult-Use Cannabis Regulation and Safety Act.

“Canopy space” means all areas occupied by any portion of a cannabis plant whether contiguous or noncontiguous on any one site. When cannabis plants occupy multiple horizontal planes (as when plants are placed on shelving above other plants) each plane shall be counted towards the total canopy space.

“Commercial cannabis activity” has the same meaning as in Section 26001 of the Business and Professions Code. “Commercial cannabis activity” includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis and cannabis products.

“Conditional use permit” or “permit” means a permit issued pursuant to Chapter 17.62 CMC.

“Cultivation” has the same meaning as in Section 26001 of the Business and Professions Code. “Cultivation” means any activity involving the planting, growing, harvesting, or trimming of cannabis.

“Cultivation site” means a location where commercial cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.

“Day care center” has the same meaning as in Section 26001 of the Business and Professions Code. “Day care center” means a child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school age child care centers, and child care centers licensed pursuant to Section 1596.951 of the Health and Safety Code.

“Delivery” has the same meaning as in Section 26001 of the Business and Professions Code. “Delivery” means the commercial transfer of cannabis or cannabis products to a customer.

“Director” means the director of community development.

“Distribution” has the same meaning as in Section 26001 of the Business and Professions Code. “Distribution” means the procurement, sale, and transport of cannabis and cannabis products between licensees.

“Distributor” has the same meaning as in Section 26001 of the Business and Professions Code. “Distributor” means a cannabis business that is authorized to engage in the distribution of cannabis and cannabis products.

“Fully enclosed and secure structure” means a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and inaccessible to minors. The fully enclosed and secure structure must have valid electrical, plumbing, and building permits, if required by other provisions of this code.

“Indoor commercial cultivation” means the commercial cultivation of cannabis by a cannabis business that occurs within a completely enclosed building that is not a greenhouse or other similar agricultural structure.

“Indoors” means within a fully enclosed and secure structure. The term “indoors” shall only apply to the cultivation of cannabis for personal use.

“Licensee” has the same meaning as in Section 26001 of the Business and Professions Code. “Licensee” also means any person holding a license to engage in commercial cannabis activity issued by the Department of Cannabis Control.

“Manufacture” has the same meaning as in Section 26001 of the Business and Professions Code. “Manufacture” means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

“Manufacture area” is the area of the cannabis business site where cannabis or cannabis products are manufactured.

“Manufacturer” has the same meaning as in Section 26001 of the Business and Professions Code. “Manufacturer” means a licensee that conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.

“Manufacturing site” means a cannabis business that produces, prepares, propagates, or compounds cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis.

“Outdoor commercial cultivation” means the cultivation of cannabis by a cannabis business that occurs outdoors or within a greenhouse or other similar agricultural structure, and includes “mixed-light cultivation” and “outdoor cultivation.”

“Outdoors” means any location that is not within a fully enclosed and secure structure.

“Owner” means any of the following: a person with an aggregate ownership interest of 20 percent or more in the cannabis business, unless the interest is solely a security, lien or encumbrance; or an individual who manages, directs, or controls the operations of the commercial cannabis business, including but not limited to:

1. A member of the board of directors of a nonprofit.
2. A general partner of a commercial cannabis business that is organized as a partnership.
3. A nonmember manager or manager of a commercial cannabis business that is organized as a limited liability company.
4. The trustee(s) and all persons who have control of the trust and/or the commercial cannabis business that is held in trust.
5. An individual with the authority to provide strategic direction and oversight for the overall operations of the commercial cannabis business, such as the chief executive officer, president or their equivalent, or an officer, director, vice president, general manager or their equivalent.
6. An individual with the authority to execute contracts on behalf of the commercial cannabis business.
7. When an entity is an owner in a commercial cannabis business, all entities and individuals with a financial interest in the entity shall be disclosed to the city and may be considered owners of the commercial cannabis business. For example, this includes all entities in a multi-layer business structure, as well as the chief executive officer, members of the board of directors, partners, trustees and all persons who have control of a trust and managing members or nonmember managers of the entity. Each entity disclosed as having a financial interest must disclose the identities of persons holding financial interests until only individuals remain.

“Person” shall mean any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

“Possession” means to have, own, control, or possess.

“Private residence” means a house, an apartment unit, a mobile home, or other similar dwelling that is lawfully permitted to be used as a residence.

“Secured area” is all cultivation areas, manufacture areas and storage areas, and includes areas where cannabis or cannabis products are loaded onto vehicles or other conveyances for delivery or transportation.

“State license” means any license required by the state of California for the operation of a cannabis business, including but not limited to licenses issued under Division 10 of the Business and Professions Code.

“Storage area” is any area where cannabis or cannabis products are stored.

“Youth center” means:

1. any public or private facility that is primarily used to host recreation or social activities for minors, including, but not limited to:
 - a. Private youth membership organizations or clubs;
 - b. Social service teenage club facilities;
 - c. Video arcades where 10 or more video games or game machines or devices are operated, and where minors are legally permitted to conduct business; or
 - d. Similar amusement park facilities; and
 - e. Must be used for youth activities at least 60 percent of the time in a calendar year.
2. It shall also include a park, playground or recreational area specifically designed to be used by children which has play equipment installed, including public grounds designed for athletic activities such as baseball, softball, soccer, or basketball or any similar facility located on a public or private school grounds, or on city, county, or state parks.
3. This definition shall not include any private martial arts, yoga, ballet, music, art studio or similar studio of this nature nor shall it include any private gym, athletic training facility, pizza parlor, dentist office, doctor’s office primarily serving children or a location which is primarily utilized as an administrative office or facility for youth programs or organizations. Notwithstanding the foregoing, any pizza parlor with a video arcade where 10 or more video games operated shall be considered a “youth center.”

C. Conditionally Permitted Uses and Prohibitions

1. Except as expressly authorized pursuant to this title, all commercial cannabis activity is prohibited in the city.
2. Cannabis businesses shall only be permitted in the following zones:
3. Cannabis retailers (delivery only and/or storefront sales) shall be permitted only in the CC community commercial zone (central business), and RC regional commercial zone (highway).
4. Cannabis microbusinesses shall be permitted only in the light manufacturing zone.
5. The outdoor cultivation of cannabis by any person is prohibited within the city limits.
6. Any indoor cultivation for personal use that does not meet the standards set forth in **this section** is prohibited.

D. Permits and Approvals Required

1. Conditional Use Permit. Every property for which a cannabis business is proposed to be established, maintained, operated, or conducted in the city shall obtain a conditional use permit, pursuant to **Chapter 17.04 CMC, as modified by this section.**

2. Cannabis Business Permit. Every person who proposes to establish, maintain, operate, or conduct a cannabis business in the city shall obtain a cannabis business permit pursuant to Chapter 5.80 CMC.
3. Business License. Every person who proposes to establish, maintain, operate, or conduct a cannabis business in the city shall obtain a business license.
4. State License. Every person who proposes to establish, maintain, operate, or conduct a cannabis business in the city and every property for which a cannabis business is proposed to be established, maintained, operated, or conducted shall obtain all state licenses for the activity to be conducted.
5. Development Agreement. Before commencing any commercial cannabis activity and as a condition of issuance of a conditional use permit, an applicant shall enter into a development agreement with the city setting forth the terms and conditions under which the cannabis business will operate that is in addition to the requirements of this chapter. These conditions shall include, but not be limited to, public outreach and education, payment of community benefit fees and other charges as mutually agreed upon, approval of architectural plans (including site plan, floor plan, and elevation), provisions for termination of the agreement or invalidation or revocation of the conditional use permit, indemnification of the city and all officials and employees thereof from actions by third parties, including but not limited to, enforcement of conflicts between state and federal law, or actions challenging the issuance of a permit to the cannabis business, and such other terms and conditions that will protect and promote the public health, safety, and welfare of all persons in the city.
6. Operation and Management Plan. Before commencing any commercial cannabis activity, the cannabis business shall submit an operation and management plan to the director for approval by the director and chief of police. The operation and management plan shall, at minimum, address the following: the security measures that will be implemented to protect the customers and employees as well as the general community; water preservation; financial record keeping; procedures for safely and securely storing and transporting cannabis and cannabis products; inventory control; accounting measures; identify any hazardous materials that may be used by the business and how they will be stored and disposed of; how currency will be stored and taken off site; any other information requested by the director and chief of police.
7. Duty to Maintain Copies of All Permits, Licenses, Permits and Conditions of Approval. A copy of all conditional use permits, cannabis business permits, business license, state license or other permit or license required by the city, county, or state for the establishment or operation of a cannabis business shall be maintained on site along with all conditions of approval associated thereof. Such permits may be inspected from time to time by city, county or state representatives or law enforcement personnel and shall be furnished immediately upon request. The on-site manager, in addition to the property owner, business owner, or representative, shall be responsible for ensuring compliance with all applicable codes, permits, licenses, and conditions of approval.

E. Compliance with State and Local Laws and Regulations

It is the responsibility of the owners and/or operators of any cannabis business within the city to ensure that they operate in a manner compliant with this chapter, all applicable state and local law, and any other regulations promulgated thereunder, including but not limited to the MAUCRSA.

F. Procedures and Findings for Approval of Conditional Use Permit

1. A conditional use permit shall be processed in accordance with the procedures set forth in **Chapter 17.04 CMC**, Conditional Use Permits, with the following exceptions:
 - a. Any provision that requires the approval by the planning commission with appeal to the city council shall be replaced with the requirement that the planning commission make a recommendation on the conditional use permit and that the approval of such permit shall be made by the city council.
 - b. Any procedures pertaining to noticing and the setting of a public hearing before the planning commission shall also apply to the city council.
2. An applicant for a conditional use permit shall comply with the California Environmental Quality Act (“CEQA”). No conditional use permit shall be granted to a cannabis business until the requisite CEQA review has been conducted.

G. Development Standards

All cannabis businesses shall comply with the following requirements, and the following applicable requirements of this section shall be deemed conditions of all conditional use permit approvals. Failure to comply with applicable requirements contained in this code shall be grounds for revocation of any permit issued in compliance with this code.

1. **Underlying Zone Standards.** The establishment of a cannabis business shall comply with all applicable city zoning site development standards of the zone in which the cannabis business is located, the building and construction codes, maximum occupancy loads, fire codes, and health and safety regulations in effect in the city, except as explicitly modified by this chapter. Nonconforming uses or properties must be brought into conformity with all applicable standards including, but not limited to, parking, landscaping, and signage.
2. **Maximum Number.** A maximum of one cannabis business shall operate in the city for every 15,000 residents, with any fraction of that ratio being rounded down to the nearest whole number.
3. **Proximity to Sensitive Uses.** No cannabis business shall be established or located within 600 feet of a school providing instruction in kindergarten or any grades one through 12, day care center, youth center, or park. The distance between any cannabis business and any school, day care center, youth center, or parks shall be measured in a straight line, without regard to the boundaries of the city and intervening structures, from the nearest property line of the site containing the cannabis business to the nearest property line of the school, day care center, youth center, and park.

4. Cannabis Microbusiness. A cannabis microbusiness shall comply with the development standards for each component of the business. For example, if a cannabis microbusiness is comprised of a cultivation site, distributor and cannabis retailer, then it shall comply with the development standards for each of those uses. In the event of any conflict between the standards, the director shall determine which standards apply.
5. Cultivation.
 - a. Outdoor commercial cultivation is prohibited.
 - b. Indoor commercial cultivation shall not exceed 10,000 square feet of cultivation area.
 - c. The cultivation area shall comply with licensing requirements established by the California Department of Cannabis Control.
 - d. Secure Area. The secure area shall be fully enclosed within a minimum six-foot-tall fence or wall. All loading, unloading and distribution areas shall be screened from view from the right-of-way by the building or solid masonry wall no less than six feet.
 - e. Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage or inadvertent damage.
 - f. The cultivation of cannabis shall at all times be operated with all applicable state and local laws and shall be operated in such a way as to ensure the health, safety, and welfare of the public, the employees working at the cultivation site, visitors to the area, neighboring properties, and the end users of the cannabis being cultivated; to protect the environment from harm; to ensure the security of the cannabis being cultivated; and to safeguard against the diversion of cannabis.
 - g. The operations and management plan identified in **CMC 17.84.040(F)** shall include a cultivation plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of the cultivation activities and schedule of activities during each month of growing and harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting. The operations and management plan shall also include a description of a legal water source, irrigation plan, and projected water use and identify the source of electrical power and plan for compliance with applicable building codes and related codes. The operations and management plan shall also address public nuisances that may derive from the cultivation site.
6. Manufacturing
 - a. The manufacture of cannabis products shall be undertaken in a manner that ensures the health, safety, and welfare of the public, the employees of the cannabis business, visitors, and neighboring properties, and must be in full compliance with state law.
 - b. It is unlawful for any person under the age of 21 to be present within the area where the manufacture of cannabis products is occurring.
 - c. It is unlawful for any person to employ another person under the age of 21 at a cannabis manufacturing facility.

- d. Entrances into any area where cannabis products are made, stored, or kept must be locked at all times with entry strictly controlled. The specifics of such entry system must be set forth in the operations plan.
 - e. It is unlawful for the manufacturing site to be open to the public.
7. Distribution
- a. Transportation safety standards, in addition to those imposed by the state of California, shall be approved by the chief of police including, without limitation, the type of vehicles in which cannabis or cannabis product may be distributed, and minimal qualification for persons eligible to operate such vehicles.
 - b. A list of the make, model and license plate of all vehicles used for distribution shall be registered with the police department before a vehicle may be used to transport cannabis and cannabis products.
 - c. A person conducting distribution shall comply with requirements of Business and Professions Code Section 26070(c) through (n).
8. Cannabis Retailers.
- a. Cannabis retailers may operate as a delivery only model, storefront sales only, or both storefront sales and delivery.
 - b. No cannabis retailer that sells cannabis or cannabis products for adult use shall be open to the public between the hours of 9:00 p.m. and 9:00 a.m. Consistent with state law, the city shall not restrict the hours of operation of a cannabis retailer that sells cannabis or cannabis products for medicinal use.
 - c. Cannabis retailers shall verify the age and all necessary documentation of each individual to ensure the customer is not under the age of 18 years. If the customer is 18 to 20 years old, a cannabis retailer shall confirm the customer's possession of a valid doctor's recommendation and/or Health and Safety Code Section 11362.71 identification card (medical marijuana card). For adult-use purchases, cannabis retailers shall verify that all customers are 21 years of age or older for the purchase of cannabis or cannabis products.
 - d. Individuals must show their government-issued identification in order to gain access into the cannabis retailer. The government-issued identification and, if applicable, doctor's recommendation or medical marijuana card must also be shown at the point-of-sale station at the time of purchase. Doctor recommendations shall not be obtained or provided at the retail location. A cannabis retailer shall only sell adult-use cannabis and adult-use cannabis products to individuals who are at least 21 years of age. A retailer shall only sell medicinal cannabis or medicinal cannabis products to individuals who are at least 18 years of age, but not yet 21, if those individuals are in possession of a valid physician's recommendation.
 - e. Cannabis retailers may have only that quantity of cannabis and cannabis products to meet the daily demand readily available for sale on site in the retail sales area of the retailer. Additional product may be stored in a secured, locked area to which customers, vendors, and visitors shall not have access.
 - f. All restroom facilities shall remain locked and under the control of management.
 - g. The cannabis retailer shall notify patrons of the following through posting of a sign in a conspicuous location:

- i. Secondary sale, barter or distribution of cannabis is a crime and can lead to arrest.
- ii. Loitering on and around the cannabis business is prohibited by California Penal Code Section 647(e) and that patrons must immediately leave the site and not consume cannabis in the vicinity of the cannabis retail site or on the property or in the parking lot.
- iii. A warning that patrons may be subject to prosecution under federal cannabis laws.
- iv. That the use of cannabis may impair a person's ability to drive a motor vehicle or operate machinery.
- h. Cannabis retailers shall only serve customers who are within the permitted premises, or at a delivery address that meets the following requirements:
 - i. The sale and delivery of cannabis goods shall not occur through a pass-through window or a slide-out tray to the exterior of the premises.
 - ii. Cannabis retailers shall not operate as or with a drive-in or drive-through at which cannabis goods are sold to persons within a motor vehicle.
 - iii. No cannabis goods shall be sold and/or delivered by any means or method to any person within a motor vehicle.
 - iv. All cannabis goods sold by a retail business shall be contained in child-resistant packaging.
- i. Cannabis retailers shall record point-of-sale areas and areas where cannabis goods are displayed for sale on the video surveillance system. At each point-of-sale location, camera placement must allow for the recording of the purchase and sale of cannabis goods, or any person in the retail area, with sufficient clarity to determine identity.
- j. Limited Access Areas. A cannabis retailer shall establish limited-access areas and permit only authorized individuals to enter the limited-access areas. Authorized individuals include individuals employed by the cannabis retailer as well as any outside vendors, contractors, or other individuals conducting business that requires access to the limited access area. All individuals granted access to the limited access area shall be at least 21 years of age, and if not employed by the cannabis retailer, shall be escorted at all times by an employee of the permittee. A cannabis retailer shall maintain a log of all individuals who are not employees who are granted access to the limited access area. These logs shall be made available to the city manager, police chief, or their designees upon request.
- k. Delivery. Prior to commencing delivery operations, a cannabis retailer shall provide the following information to the city:
 - i. Proof of ownership of the vehicle or a valid lease for any and all vehicles that will be used to deliver cannabis or cannabis products.
 - ii. The year, make, model, color, license plate number, and numerical vehicle identification number (VIN) for any and all vehicles that will be used to deliver cannabis goods.
 - iii. Proof of insurance for any and all vehicles being used to deliver cannabis goods.
 - iv. The cannabis business shall provide the city with the information required by this section in writing for any new vehicle that will be used to deliver cannabis or cannabis goods prior to using the vehicle to deliver cannabis or cannabis

goods. The cannabis business shall provide the city with any changes to the information required by this section in writing within 30 calendar days.

H. Security

1. A cannabis business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products and to deter and prevent the theft of cannabis or cannabis products at the cannabis business. The specific security measures shall be identified in the operations plan. Except as may otherwise be determined by the city manager and/or chief of police, these security measures shall include, but shall not be limited to, all of the following:
 - a. Perimeter fencing and exterior lighting systems (including motion sensors) for after- hours security as approved by the police chief and/or the community development director where applicable.
 - b. Preventing individuals from remaining on the premises of the cannabis business if they are not engaging in an activity directly related to the permitted operations of the cannabis business. In cases in which the individual will not voluntarily leave the premises, the cannabis employee shall contact the police department.
 - c. Establishing limited access areas accessible only to authorized cannabis business personnel.
 - d. All finished cannabis goods at non-retail cannabis businesses shall be stored in a secured and locked vault or vault-equivalent during non-operating hours. All safes and vaults used to store cash and/or cannabis goods shall be burglary-resistant and fire- resistant. All cannabis and cannabis products, including live clone plants that are being sold, shall be kept in a manner as to prevent diversion, theft, and loss.
 - e. Sensors shall be installed to detect entry and exit from all secure areas and shall be monitored in real time by a security company licensed by the State of California Bureau of Security and Investigative Services.
 - f. Panic buttons shall be installed in all cannabis businesses with direct notification to the police department dispatch and shall be configured to immediately alert dispatch for the police department.
 - g. A professionally installed, maintained, and monitored real-time alarm system shall be installed by a security company licensed by the State of California Bureau of Security and Investigative Services. The cannabis business shall maintain up-to-date records and existing contracts on the premises that describe the location and operation of each security alarm system, a schematic of security zones, the name of the licensed alarm company, and the name of any vendor monitoring the premises.
 - h. A cannabis business shall only use commercial-grade, nonresidential door locks.
 - i. Any security measures, such as bars, installed on the windows or the doors of the cannabis business shall be installed only on the interior of the building.
 - j. Security personnel shall be on site during regular business hours and must have a verified response security patrol when closed. Security personnel must be licensed by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the police chief, with such approval not to be unreasonably withheld.

- k. Cannabis businesses shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.
 - l. Entrance areas are to be locked at all times and under the control of a designated responsible party that is either: (a) an employee of the cannabis business; or (b) a licensed security professional.
 - m. Each cannabis business shall have an accounting software system in place to provide point-of-sale data as well as audit trails of both product and cash, where applicable.
 - n. Each cannabis business shall demonstrate to the police chief, city manager or their designees compliance with the state's track and trace system for cannabis and cannabis products.
 - o. Exterior vegetation shall be planted, altered and maintained in a fashion that precludes its use as a hiding place for persons on the premises.
 - p. Emergency access and emergency evacuation plans that are in compliance with state and local fire safety standards.
 - q. Installation of "mosquitos" (high-pitch frequency devices) as a deterrent to vandalism/loitering.
2. Video Surveillance. The cannabis business shall install 24-hour security video surveillance cameras of at least high-definition (HD) quality with a night vision capability, and must record in color. The video surveillance system shall meet the following requirements and shall be included in the operations plan:
- a. All entrances and exits to and from the cannabis business must be monitored by the video surveillance system. All entrances and exits to the cannabis business shall be recorded from both indoor and outdoor vantage points.
 - b. All interior spaces within the cannabis business which are open and accessible to the public, all interior spaces where cannabis, cash, or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur must also be monitored by the video surveillance system.
 - c. All exterior cameras shall be in weather-proof enclosures, shall be located so as to minimize the possibility of vandalism, and shall have the capability to automatically switch to black and white in low light conditions.
 - d. Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the cannabis business and shall be capable of enlargement via projection or other means.
 - e. The video security system must be compatible with software and hardware utilized by the city as determined by the police chief and set forth in the operations and management plan.
 - f. Surveillance video must be recorded to a device that is securely located on the premises and all footage must be maintained for a minimum of 90 days. The video surveillance system specifications must be set forth in the operations plan before the city issues a certificate of occupancy for the facility.

- g. All video surveillance systems must be equipped with a failure notification system that provides prompt notification to the cannabis business of any prolonged surveillance interruption and/or the complete failure of the surveillance system.
 - h. A cannabis business is responsible for ensuring that all surveillance equipment is properly functioning and maintained so that the playback quality is suitable for viewing and the surveillance equipment is capable of capturing the identity of all individuals and activities in the monitored area. All video surveillance equipment shall have sufficient battery backup to support a minimum of four hours of recording in the event of a power outage.
 - i. Camera placement shall be capable of identifying activity occurring within 20 feet of all points of ingress and egress and shall allow for the clear and certain identification of any individual and activities at the cannabis business.
 - j. The video surveillance system shall be capable of recording all predetermined surveillance areas in any lighting conditions. If the cannabis business has a cannabis cultivation area, a rotating schedule of lighted conditions and zero-illumination can occur as long as ingress and egress points to those areas remain constantly illuminated for recording purposes.
 - k. Areas in which cannabis is grown, cured, manufactured, or stored shall have camera placement in the room at a height that provides a clear, unobstructed view of activity without sight blockage from lighting hoods, fixtures, or other equipment.
 - l. Cameras shall also be placed at each location where weighing, packaging, transport, preparation, or tagging activities occur.
 - m. At least one camera must be dedicated to record the access points to the secured surveillance recording area.
3. Each cannabis business shall identify a designated security representative/liason who shall be reasonably available to meet with the city manager and/or chief of police regarding any security related measures and/or operational issues. The designated security representative/liason shall, on behalf of the cannabis business, annually maintain a copy of the current operations and management plan, that shall include a security plan, on the premises of the business, to present to the city manager and/or chief of police upon request that meets the following requirements:
- a. Confirms that a designated manager will be on duty during business hours and will be responsible for monitoring the behavior of employees.
 - b. Identifies all managers of the cannabis business and their contact phone numbers.
 - c. Confirms that first aid supplies and operational fire extinguishers are located in the service areas and the manager's office.
 - d. Confirms that burglar, fire, and panic alarms are operational and monitored by a licensed security company 24 hours a day, seven days a week, and provides contact information for each licensed security company.
 - e. Identifies a sufficient number of licensed, interior, and exterior security personnel who will monitor individuals inside and outside the cannabis business, the parking lot, any adjacent property under the cannabis business's control, and ensure that the parking lot is cleared of employees and their vehicles one-half hour after closing.

4. The cannabis business shall cooperate with the city whenever the city manager and/or chief of police makes a request, with or without prior notice, to inspect or audit the effectiveness of any security plan or of any other requirement of this chapter.
5. A cannabis business shall notify the city manager within 24 hours after discovering any of the following:
 - a. Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the city manager.
 - b. Diversion, theft, loss, or any criminal activity involving the cannabis business or any agent or employee of the cannabis business.
 - c. The loss or unauthorized alteration of records related to cannabis, customers or employees or agents of the cannabis business.
 - d. Any other breach of security.
6. Compliance with the foregoing requirements shall be verified by the city manager and/or chief of police prior to commencing business operations. The city manager and/or chief of police may supplement these security requirements once operations begin.

I. Additional Performance Standards

1. **Restriction on Alcohol and Tobacco Sales or Consumption.** A cannabis business shall not allow the sale, dispensing, or consumption of alcoholic beverages, tobacco, or hookah on the premises of the cannabis business.
2. **Restriction on Cannabis Consumption.** A cannabis business shall not allow the consumption of cannabis, cannabis products, or hookah on the premises of the cannabis business.
3. **Graphics.** No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of the cannabis business, or on any of the vehicles owned or used as part of the cannabis business. No outdoor storage of cannabis or cannabis products is permitted at any time.
4. **Reporting and Tracking of Product and of Gross Sales.** Each cannabis business shall have in place a point-of-sale or management inventory tracking system to track and report on all aspects of the cannabis business including, but not limited to, such matters as cannabis tracking, inventory data, gross sales (by weight and by sale) and other information which may be deemed necessary by the city. The cannabis business shall ensure that such information is compatible with the city's recordkeeping systems. In addition, the system must have the capability to produce historical transactional data for review. Furthermore, any system selected must be approved and authorized by the city manager prior to being used by the permittee.
5. All cannabis and cannabis products sold, distributed, or manufactured shall be cultivated, manufactured, and transported by state licensed facilities that maintain operations in full conformance with the state and local regulations.

6. Emergency Contact. Each cannabis business shall provide the city manager with the name, telephone number (both land line and mobile, if available) of an on-site employee or owner to whom emergency notice can be provided at any hour of the day.
7. Signage and Notices.
 - a. In addition to the requirements otherwise set forth in this section, business identification signage for a cannabis business shall conform to the requirements of this title, sign regulations of the city, including, but not limited to, seeking the issuance of a city sign permit.
 - b. No signs placed on the premises of a cannabis business shall obstruct any entrance or exit to the building or any window.
 - c. Each entrance to a cannabis business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the cannabis business is prohibited.
 - d. Business identification signage shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No cannabis business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the cannabis business or elsewhere including, but not limited to, the public right-of-way.
 - e. Signage shall not depict any image of cannabis or cannabis products. No banners, flags, snipe signs, billboards, or other prohibited signs may be used at any time.
8. Manufacturing, Storage and Distribution Areas. All manufacturing, storage and distribution shall be within a fully enclosed building or accessory structure, except that outdoor loading docks may be used for loading for distribution provided the loading docks are fully screened from public view by a building or solid masonry wall as provided above.
9. Cleanliness. All exterior areas of any cannabis business, including the building, landscaping, and parking areas, shall be maintained in a clean and orderly manner free of trash, weeds, and debris. The cannabis business shall comply with Chapter 9.65 CMC regarding graffiti removal and prevention.
10. Lighting. A cannabis business shall comply with the city's lighting standards including, without limitation, fixture type, wattage, illumination levels, and shielding, and secure the necessary approvals and permits as needed. For a standalone cannabis business, the cannabis business shall ensure that minimum lighting levels in exterior building and parking lot areas are adequate for the safe operation of vehicles and other modes of travel. The cannabis business shall submit an exterior lighting plan that includes a photometric survey of proposed light standards, heights, fixtures, light sources, spacing and shielding.
11. Noise. A cannabis business shall comply with all applicable standards of Chapter 9.40 CMC.

12. **Odor Control.** A cannabis business shall comply with the applicable standards of CMC 9.42.020. Odor control devices and techniques shall be incorporated in all cannabis businesses to ensure that odors from cannabis are not detectable off site. Cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the cannabis business that is distinctive to its operation is not detected outside of the cannabis business, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the cannabis business. Failure to control odors from being detectable from outside the cannabis business shall constitute a public nuisance and shall be grounds for suspension or revocation of the conditional use permit. As such, cannabis businesses must install and maintain the following equipment, or any other equipment which the director or his/her designee(s) determine is a more effective method or technology:
 - a. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; and
 - b. An air system that creates negative air pressure between the cannabis business's interior and exterior, so that the odors generated inside the cannabis business are not detectable on the outside of the cannabis business.
13. **Minors.**
 - a. Persons under the age of 21 years shall not be allowed on the premises of a cannabis business and shall not be allowed to serve as a driver for a mobile delivery service. It shall be unlawful and a violation of this chapter for any person to employ any person at a cannabis business who is not at least 21 years of age.
 - b. The entrance to the cannabis business shall be clearly and legibly posted with a notice that no person under the age of 21 years of age is permitted to enter upon the premises of the cannabis business.
 - c. Notwithstanding the above, persons aged 18 to 20 years shall be allowed on the premises of a cannabis business if they can produce a physician's recommendation. In that event, such persons can lawfully purchase cannabis for the sole purpose of addressing the medical need that is the subject of the physician's recommendation.
14. **Signage.** From a public right-of-way, there should be no exterior evidence of the manufacturing or cultivation of cannabis or cannabis products except for any signage authorized by this code.
15. **Management.** A manager with operational authority shall be on the premises during all times the use is operating and must be included on the associated cannabis business permit.
16. **Cannabis Waste.** All waste and disposal containers shall be stored in a secure area, and under the control of the cannabis business's staff.
17. **Windows.** All windows of the cannabis business shall be secured and all cannabis securely stored.

18. Compliance With Other Laws. A cannabis business, and all operations conducted therein, and all equipment used must be in compliance with all applicable state and local laws, including all building, electrical, and fire codes.
19. Copies of State Permits. The applicant shall provide the city with copies of all applications, plans and security plans submitted to the state for a state license.
20. Parking. On-site parking shall be provided as follows:
 - a. Cannabis Retailers. One parking spot for each 200 square feet of gross floor area plus one parking spot for each employee, unless otherwise determined by the director pursuant to a traffic and parking study.
 - b. Cannabis Microbusiness. One parking spot for each employee on the maximum working shift, or not less than one parking spot for each 500 square feet of gross floor area, whichever amount is greater, unless otherwise determined by the director pursuant to a traffic and parking study.
 - c. If the director determines that a traffic and parking study is warranted, such study shall be at the applicant's expense and review may be made by filing a separate application and making payment of established fees. A determination of the number of parking spaces that must be provided by the cannabis business may include, but shall not be limited to the following considerations: A traffic/parking study supports the finding that the number of parking spaces actually needed for the development is less or greater than that required by the code; traffic and pedestrian safety will not be affected by the modification of parking requirements; and that any reduced parking will not impact the health, safety and welfare of the public. The determination may also be conditioned to ensure compliance with the findings and the intent of this chapter and to ensure that additional parking spaces will be provided per code requirements should demand for parking increase on site.

J. Promulgation of Regulations, Standards, and other Legal Duties

1. In addition to any regulations adopted by the city council, the city manager is authorized to establish any additional rules, regulations and standards governing the issuance, denial or renewal of cannabis business permits, the ongoing operation of cannabis businesses and the city's oversight, or concerning any other subject determined to be necessary to carry out the purposes of this chapter.
2. Regulations shall be published on the city's website.
3. Regulations promulgated by the city manager shall become effective upon date of publication. Cannabis businesses shall be required to comply with all state and local laws and regulations, including but not limited to any rules, regulations or standards adopted by the city manager.

K. Limitations on City's Liability

1. To the fullest extent permitted by law, the city does not assume any liability whatsoever, with respect to approving any permit pursuant to this chapter or the operation of any cannabis business approved under to this chapter.
2. As a condition of approval of a permit as provided in this chapter, the applicant or its legal representative shall do the following:
 - a. Execute an agreement indemnifying the city from any claims, damages, injuries, or liabilities of any kind associated with the operation of the cannabis business, issuance of a permit to a cannabis business, or the prosecution of the cannabis business or its owners, managers, directors, officers, employees, or its qualified patients or primary caregivers for violation of federal or state laws;
 - b. Maintain insurance in the amounts and of the types that are acceptable to the city council or designee; and
 - c. Reimburse the city for all costs and expenses, including but not limited to legal fees and costs and court costs, which the city may be required to pay as a result of any legal challenge related to the city's approval of the conditional use permit or cannabis business permit or related to the city's approval of a cannabis activity. The city, at its sole discretion, may participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of any of the obligations imposed hereunder.

L. Indoor Cultivation for Personal Use

1. The indoor cultivation of seven or more cannabis plants in a private residence is prohibited.
2. The indoor cultivation of six or fewer cannabis plants in a private residence shall be permitted to the extent permitted by state law, and subject to the following standards:
 - a. The maximum number of cannabis plants that may be cultivated per private residence is limited to six, regardless of the number of persons that reside in the private residence. Only one person may register for each private residence, and a person may not register at more than one private residence in the city.
 - b. The cultivation shall only occur either inside of a private residence, or inside of a fully enclosed and secure structure located upon the grounds of a private residence.
 - c. Cultivation lighting shall not exceed 600 watts. The cultivation shall not draw more power than the structure and electrical service is designed to handle and shall not constitute a fire hazard.
 - d. The use of compressed gases, including but not limited to carbon dioxide and butane, for cultivation or processing is prohibited.
 - e. The property shall remain at all times a private residence with a legal and functioning kitchen, bathrooms and bedrooms for their intended use and such cultivation shall not prevent the property's primary use as a residential use. The cultivation activities shall be conducted in a manner that maintains a clear and unobstructed path to outdoor window(s) and interior door(s) at all times.
 - f. If cultivation occurs in a garage, it shall be conducted in a manner that does not reduce required off-street parking.
 - g. The cultivation area shall include an adequate ventilation and filtration system to ensure that odors from cultivation are not detectable beyond the subject property,

and shall be designed to prevent mold and moisture in order to protect the health and safety of persons inhabiting the residence.

- h. Any chemicals used for cultivation shall be properly and safely stored outside the habitable area of the residence.
- i. The cultivation shall not use more water than is reasonably required to cultivate the maximum number of permitted cannabis plants.
- j. The cultivation area shall comply with all applicable provisions of the building and fire codes.
- k. The cultivation area shall not adversely affect the health or safety of nearby residents by creating dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration or other impacts and shall not be hazardous due to the use or storage of materials, processes, products or wastes, or from other actions related to the cultivation.
- l. The maximum plant height of any indoor cultivated cannabis plant shall not exceed six feet, as measured from the base of the floor to the highest point of the cannabis plant(s).
- m. The fully enclosed structure where the cannabis cultivation is occurring must have valid building, electrical, and plumbing permits, if applicable.
- n. Any cannabis cultivation that does not meet the requirements set forth in this section is prohibited, is unlawful and constitutes a public nuisance.

M. Exceptions

1. To the extent that the following activities are permitted by state law, nothing in this chapter shall prohibit a person 21 years of age or older from:
 - a. Possessing, processing, purchasing, transporting, obtaining or giving away to persons 21 years of age or older, without compensation whatsoever, not more than 28.5 grams of cannabis not in the form of concentrated cannabis;
 - b. Possessing, processing, purchasing, transporting, obtaining or giving away to persons 21 years of age or older, without compensation whatsoever, up to eight grams of cannabis in the form of concentrated cannabis;
 - c. Smoking or ingesting cannabis or cannabis products in a manner consistent with California Health and Safety Code Section 11362.3;
 - d. Possessing, transporting, purchasing, obtaining, using, manufacturing, or giving away cannabis accessories to persons 21 years of age or older without compensation whatsoever; or
 - e. Engaging in the indoor cultivation of six or less live cannabis plants within a single private residence or inside an accessory structure located upon the grounds of a private residence that is fully enclosed and secured, to the extent such cultivation is authorized by California Health and Safety Code Sections 11362.1 and 11362.2, and to the extent that such cultivation complies with **CMC 17.84.120**.
2. This chapter shall not prohibit any person from transporting cannabis through the jurisdictional limits of the city for delivery or distribution to a person located outside the city, where such transport does not involve delivery or distribution within the jurisdictional limits of the city.

3. This chapter shall also not prohibit any commercial cannabis activity that the city is required by state law to permit within its jurisdiction pursuant to the MAUCRSA.

N. Violations and Penalties

In addition to any other enforcement permitted by Chapter 17.85 CMC, the city attorney may bring a civil action for injunctive relief and civil penalties against any person or entity that violates this chapter. In any civil action brought pursuant to this chapter, a court of competent jurisdiction may award reasonable attorneys' fees and costs to the prevailing party. Notwithstanding the penalties set forth in Chapter 17.85 CMC, this chapter does not authorize a criminal prosecution, arrest or penalty inconsistent with or prohibited by Health and Safety Code Section 11362.71 et seq. or 11362.1 et seq., as the same may be amended from time to time. In the event of any conflict between the penalties enumerated under Chapter 17.85 CMC and any penalties set forth in state law, the maximum penalties allowable under state law shall govern.

O. Public Nuisance Prohibited

It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge of any parcel within the city to create a public nuisance in the course of cultivating, manufacturing, selling, or distributing cannabis or any part thereof in any location, indoor or outdoor. A public nuisance may be deemed to exist, if such activity produces:

1. Odors which are disturbing to people of reasonable sensitivity or present on adjacent or nearby property or areas open to the public.
2. Repeated responses to the cannabis business by law enforcement personnel.
3. A repeated disruption to the free passage of persons or vehicles in the neighborhood, or excessive noise, exceeding the noise levels set by Chapter 9.40 CMC, which is disturbing to people of normal sensitivity on adjacent or nearby property or areas open to the public.
4. Any other impacts on the neighborhood that are disruptive of normal activity in the area including, but not limited to, grow lighting visible outside the building, excessive vehicular traffic or parking occurring at or near the cannabis business, and excessive noise emanating from the cannabis business.
5. Outdoor growing and cultivation of cannabis.

17.24.060 Drive Through Facilities.

A. Types of Drive-through facilities.

The following shall be in conjunction with the below-listed uses:

1. Pharmacies and Drug Stores

2. Banks and Credit Unions
3. Eating places such as restaurants, fast food restaurants, and cafes
4. Dry cleaning and laundry services
5. Other land use deemed appropriate by the director, as determined by pursuant to the procedures established in **Chapter 17.04 CMC**

B. Development Standards.

The following standards shall govern the establishment and operation of drive-through facilities:

1. Development Standards. Uses incorporating drive-through facilities shall comply with each of the following development standards:
 - a. Minimum lot area shall be one-half acre and may be reduced when the establishment is within an integrated commercial center or as modified by the planning commission.
 - b. Maximum lot coverage shall not exceed 40 percent of the lot area.
 - c. The minimum gross floor area incorporating a drive-through facility shall be 2,000 square feet, excluding associated outdoor seating areas.
 - d. Setbacks. Building setbacks shall follow the requirements of the underlying commercial zoning districts.
 - e. Additional setback required when the lot is adjacent to residentially zoned properties or residential land use. The building, including the drive-through lane and windows, shall maintain a minimum 25-foot landscaped setback from street property lines
 - f. Maximum building height shall not exceed 35 feet.
2. Parking. The parking requirements shall comply with **Chapter 17.62 CMC**. The gross floor area for outdoor seating shall be subject to the same parking requirements.
3. Site Design.
 - a. Buildings shall be oriented toward the street with drive-through lanes, pick-up windows, and off-street parking spaces oriented toward the rear or side yards.
 - b. Decorative low garden walls shall be provided to screen the parking lot and the drive-through lane from the view of the public street.
 - c. All service and loading areas shall be screened from public view to the extent possible.
 - d. Pedestrian routes shall not cross driveways or stacking lanes to reach the building's entrance.
 - e. Site design shall minimize pedestrian and vehicle conflicts by creating opportunities for courtyards, plazas, outdoor seating areas, and landscaped pathways that promote safe and convenient pedestrian movement.
 - f. Pedestrian access and coordinated site furnishings to enhance the bus stops, if near or adjacent to the project site, shall be required as feasible.
 - g. Outdoor seating areas shall be oriented close to the main building entries, and design the area as an integral part of the project and not simply left-over areas of a site.

- h. Reciprocal access between adjacent parking areas shall be provided, where feasible, so that vehicles are not required to enter the street in order to move from one area to another on the same or adjacent sites.
 - i. The number of curb cuts shall be minimized to reduce pedestrian conflicts along the street and encourage walkability and accessibility.
 - j. All utility mechanical equipment such as electric and gas meters, electrical panels, cable boxes, and junction boxes must be located in a utility room within the building.
 - k. Any outdoor mechanical equipment on a roof, side of a structure, or on the ground shall be screened from public view. The screening method must be architecturally integrated with the building design in terms of materials, color, shape, and size.
4. Drive-Through Lane Design. The following requirements apply to any use with drive-through facilities:
- a. Each drive-through lane shall be separated from the circulation routes necessary for ingress and egress from the property or access to any parking spaces.
 - b. Drive-through lane shall have a minimum width of 12 feet.
 - c. Each drive-through lane shall provide clear pavement markings for the entrance and direction of traffic flows.
 - d. Discourage stacked drive aisles that create conflict.
 - e. Drive-through restaurants must submit a traffic study to determine the vehicle stacking capacity and the design and location of the ordering and pick-up windows. The traffic study shall address the following issues:
 - i. Nature of the product or service being offered.
 - ii. Method by which the order is processed.
 - iii. Time required to serve a typical customer.
 - iv. Arrival rate of customers and peak demand hours.
 - v. Anticipated vehicular stacking required.
5. Architecture.
- a. Building entries shall be located toward the street where a pedestrian can access directly off the public sidewalk to define the street frontage and denote pedestrian areas.
 - b. Prototypical, corporate architecture and color schemes shall be avoided. The use of fluorescent paints and bright colors is prohibited.
 - c. Building elevations shall have articulation. Avoid blank walls by:
 - i. Varying the planes of the exterior walls in depth and/or direction, and adding window openings and/or entrances and other relief;
 - ii. Adding vertical pilasters, which may reflect the internal building structure;
 - iii. Adding vertical trellis, green screens, or other landscape features;
 - iv. Changing color and texture along the wall surface;
 - v. Adding trims, projections, and reveals along different wall surfaces; and
 - vi. Articulating the building facade by varying juxtaposition of building elements.
 - d. Covered walkways at building street frontages and decorative overhead trellis shall be provided for outdoor seating areas. Use the same materials and colors for the covered walkways as with the building.

- e. Ladders for roof access shall be from the inside of the building.
- f. Storefront windows shall be kept clear and visible to the public right-of-way, free of any frosting or window treatments that obstruct visibility into the business.
- g. A decorative covered structure over the pick-up windows shall be provided to add depth and variation to the facade.

6. Landscaping and Lighting

- a. The minimum on-site landscaping shall equal 10 percent of the lot area, excluding the required front, side, and rear yards.
- b. The required front, side, and rear setbacks must be landscaped with tree planting, accent planting, or appropriate screening.
- c. Street trees along the public right-of-way shall be provided.
- d. Trees shall be planted within parking lots to provide heat-reducing shade. Select evergreen and canopy shade tree species for a parking lot.
- e. Any play structures shall be placed indoors. The indoor play structure shall be ancillary to the restaurant's use and shall not dominate the main building.
- f. Lighting shall be provided within parking lots. The lights must be directed and shielded to prevent light and glare from intruding onto adjacent sites.

7. Signs. A sign program is required prior to the issuance of building permits and installation of any signs. Corporate signage shall not dominate the building facade.

C. Maintenance.

- 1. The premises shall be kept clean, and the operator shall make all reasonable efforts to see that no trash or litter originating from the use is deposited on adjacent properties.
- 2. Adequate trash containers shall be provided. The employees shall pick up trash originating from the site, both on site and within 50 feet of the site's perimeter, daily.
- 3. No undesirable odor shall be generated on site.
- 4. All merchandise, wares, crates in the form of temporary and permanent storage, displays, and goods offered for sale shall be maintained wholly within the building. Storage of any kind is contained completely within an enclosed structure.

D. Noise.

Noise emanating from sound systems, including intercom and public address systems, shall not be audible beyond the property line.

17.24.070 Drive-up Kiosks

Drive-Up Kiosks per CMC 17.04.202 (Definitions and Standards). The following requirements apply to any use for a drive-up kiosk:

A. Development Standards.

1. Drive up kiosks shall be set back a minimum of 50 feet from all alleys, streets, highways, and on-site collector roads.
2. Kiosks shall be located at least 50 feet away from any other building.
3. Kiosks shall not be located where they conflict with pedestrian walkways or vehicular drive aisles.
4. Maximum building size shall be 100 square feet and affixed to a permanent foundation.
5. Kiosk shall have one-way drive-up lanes at least 12 feet wide.
6. Entrances and exits shall be clearly marked and not conflict with traffic movement in and around the commercial center.
7. The building and roof materials shall be of natural color, requiring no painting, and be designed in the same architectural style as the primary buildings in the center. If there is no established architectural style, the building design shall complement the center.
8. Lighting shall be indirect and not reflect on adjoining property.

B. Landscape Requirements.

1. A kiosk shall be surrounded by a minimum six-foot-wide landscape strip except at the entrance, drive-up window, or walk-up window.
2. Planters shall be enclosed by a six-inch-wide reinforced, continuous curb at a height to be determined by the planning director.
3. A detailed landscaping plan, including common and botanical plant names with quantity, size, height, and spacing of each, shall be submitted.

C. Signs.

Signs shall conform to the sign regulations, except that only wall signs shall be permitted, and no roof signs or signs above the ceiling of the building shall be allowed, and not more than five percent of each wall may be devoted to signs.

D. Parking

One parking place shall be required for each employee on duty. If parking places have been deleted from the center property, they shall be replaced unless a surplus of spaces exists, in which case a parking plan shall be submitted to the planning department showing how the overall property complies with city parking requirements.

E. Maintenance.

All facilities and landscape areas shall be continuously maintained and kept free of trash and other debris.

F. Abandonment.

Removal of Abandoned Uses. Any drive-up kiosk that is abandoned from use for 15 or more consecutive days shall be removed from the site at the request of the director. Failure to remove the structure from the site within 30 days after receiving written notice may result in prosecution as a violation.

G. Violations.

Violations of any of the prescribed criteria for kiosks shall be cause for revocation and voiding of the permit and/or license, subject to the same public hearing procedures in **CMC 17.02.**

17.24.080 Drop Off Bins (move from section 17.62.020B)

A. Location.

1. Shall be located in parking areas so as to avoid conflict with vehicular and pedestrian traffic.
2. Bins shall be set back at least 50 feet from all alleys, streets, highways and on-site collector roads.
3. Bins shall be located at least 50 feet from any buildings.
4. Bins shall be located on raised concrete pads at least six inches higher than the adjacent finished grade.

B. Landscaping.

There shall be at least two feet of raised planter around each drop-off bin or facility.

17.24.090 Gated Community Design Regulations

A. Design Features of Entry and Exit Gates.

1. Gate Material. The moving portion of the gate shall be constructed of material that is at least 80 percent open. Typically, wrought iron or other decorative material is used.
2. Lighting. Lighting fixtures shall be established and maintained at the access points to provide vehicle and pedestrian safety. The required lighting shall be automatically controlled to turn on during the hours of darkness.

3. Pedestrian Access. Each access point shall have a pedestrian access and walkway that is separate from the driving lanes and links directly to the public sidewalk. Pedestrian walkways shall meet all standards for accessibility required by the Americans with Disability Act.
4. Emergency vehicle access required. Each project must receive approval from Los Angeles County Fire Department.
5. Turnaround feature. Each gate access point shall have an area that allows traffic to safely maneuver a turnaround when the gate is in closed position, in compliance with Public Works Standard Drawing of Residential Project Gate Entrance.
6. Stacking area. Each access point shall show an area of sufficient length and width to safely stack traffic coming onto the property from the adjacent roadway, Public Works Standard Drawing of Residential Project Gate Entrance.

B. Access and Circulation Details.

1. The entry and exit gates shall comply with the Public Works Standard Drawing of Residential Project Gate Entrance.
2. No encroachment into publicly owned right-of-way. The gates, operating equipment and fencing shall be located wholly within the private portion of the property. The property line shall be clearly indicated on the site plan. Swing gates are not allowed to encroach into the public right-of-way. The drives, streets and lanes inside a gated community are to remain private.

17.24.100 Hotels and Motels.

A. Purpose.

This section establishes development standards and operational requirements for hotels to ensure high-quality development and to mitigate impacts such as crime, urban blight, and excessive use of public resources.

B. Occupancy standards.

1. Each hotel shall have at least 25 rooms, and no room shall be less than 280 square feet.
2. No hotel guest room shall be rented to any person for continuous occupancy for more than 30 consecutive calendar days, counting portions of calendar days as full days. Hotel guest rooms may not be rented for less than one day.

C. Development Standards.

These standards shall not be so construed as to replace or reduce any minimum zoning, building, or other municipal code requirements of more general application; provided, however, that whenever the requirements of this section are more restrictive, or impose greater minimum requirements, the requirements of this section shall control.

1. Lobby size. The lobby must be at least 300 square feet, plus 25 square feet for every five rooms. It must be conveniently accessible to all entrances and corridors, and the front desk must be located to support employee and guest activities.

2. Setbacks. Comply with the following setbacks requirements:

| Table 17.24-A Setbacks for Hotels and Motels | | |
|---|--|--|
| Setbacks (feet) | Abutting or Adjacent to Residentially-Zoned Property | Abutting or Adjacent to Non residentially-Zoned Property |
| Front | 35 | 25 |
| Interior Side | 25 | 15 |
| Street Side | 25 | 20 |
| Rear | 25 feet for a two-story hotel or 35 feet in building height measured from the peak or the parapet of the roof; for each foot of building height above 35 feet add 1.5 feet of building setback up to a maximum of 60 feet. | |

3. Site layout, Parking, and Circulation.

- a. Hotel projects shall be designed with the hotel building(s) plotted at the street/front building setback line, with the overnight parking area located at the rear or side of the building(s).
- b. Hotel projects must align the primary (long) axis of the building parallel to the street. Alternatives may be considered for sites with narrow street frontages.
- c. Provide a separate guest drop-off area at the main entrance that does not interfere with the principal driveway network. The Planning Commission may approve deviations if the project offers additional amenities.
- d. Parking spaces shall be located in areas that are readily accessible to all rooms and any ancillary uses.
- e. Parking standards shall comply with CMC 17.22.xxx. Provide electric vehicle charging stations in accordance with Cal Green Standards.
- f. All buildings separated by a parking lot must be connected by pedestrian pathways at least ten feet wide, with shade structures and seating provided at intervals.

4. Equipment screening. All mechanical equipment and utility connection, including HVAC units, electrical meters, and gas meters must be screened from public view (Rooftop equipment must not exceed the height of the roof parapet that conceals it.

5. Comply with CMC 17.22.xxx wall fences and screening.

C. Design Standards.

1. Hotel design must include varied design elements and colors to minimize monotony and repetition along all wall planes. Articulation is required on all elevations.
2. Hotel design must use materials that convey permanence and beauty, such as brick, stone, tile, marble, granite, concrete, steel, and glass, on all sides of the building.
3. Break up large wall expanses with varied heights, setbacks, color arrangements, facade elements, or landscaping.
4. Enhance pedestrian walkways with landscaped setbacks, planters, trees, stamped concrete, and other decorative features.
5. The main entrance shall be clearly visible from the abutting street and/or principal driveway area.
6. Incorporate a prominent feature at the main hotel entry, such as a water feature, public art, or landscaping.
7. Use light-scaping, such as up-lights and down-lights, to accentuate the hotel's architectural design.

E. Landscaping Standards.

1. Comply with all applicable landscape standards of CMC 17.22.xxx.
2. At least 10 percent of the total site area must be landscaped, not including required setback areas.
3. Larger trees and shrubs must be placed at vehicular and pedestrian entrances and site focal points.
4. Provide a minimum 6 feet landscaped strip around buildings. exclusive of walkways, driveways, and parking stalls.
5. Provide a landscaped buffer at least five feet wide along all sides of parking lots not adjacent to a residential zone.

F. Amenities.

1. Provide the following minimum amenities on site.
 - a. A pool and spa with an adjacent seating area. The pool and seating area must be buffered from any driveway, parking stall, or pedestrian walkway by a minimum seven and one-half foot wide landscaped strip. Also, pool areas shall be entirely

enclosed by a five-foot to six-foot-high security fence composed of wrought iron and/or brick, or other ornamental materials.

- b. A minimum of 10 square feet of conference meeting area for each guest room shall be provided. Such room(s) shall be conveniently accessible to kitchen and service areas.
 - c. Each development may include the following ancillary uses: cafes, grab and go markets, gift shops, on-sale liquor, business services, and fitness centers.
 - d. The development shall contain an adequate amount of storage, janitorial, and related space to accommodate all maintenance and procurement operations.
2. Additionally, provide two of the following amenities on site
 - a. Valet parking
 - b. Spa services (if not provided as amenity to meet one of the above requirements)
 - c. An indoor pool;
 - d. Fire pits and an outdoor patio (if not provided as amenity to meet one of the above requirements);
 - e. Indoor or outdoor recreation court (basketball, volleyball, etc.);
 - f. A water play area;
 - g. Penthouse suites with full balconies;
 - h. Concierge services;
 - i. Participation in a regional airport shuttle service;
 - j. Overnight laundry and dry-cleaning services;
 - k. Office space/workspace rental program;
 - l. Pet amenities, including, but not limited to, acceptance of cats and dogs in rooms, complimentary pet treats, availability of pet bedding, crates, food and water bowls, and a listing of local pet services, such as pet walkers, pet sitters, veterinarians, pet shops and groomers. Pet play/exercise areas are strongly encouraged; or
 3. Other amenities may be considered in lieu of one of the required amenities subject to planning director approval

G. A Market Feasibility Study is required. The city may prepare the study or require the applicant to do so, subject to independent peer review. The applicant is responsible for all associated costs. The study must address at least the following:

1. A complete listing of proposed facilities, amenities, and services (e.g., number and type of rooms, meeting space square footage, recreational amenities, business services such as data ports, work-stations, etc., in-room amenities such as refrigerators and microwaves, laundry service, food service such as restaurants or coffee shops, etc.
2. Provide details on the hotel's business model, ownership, and franchise.
3. Provide a business and financial history of the proposed developer and any potential operators, including principals, experience, years in business, capitalization, project list, number of units owned, average rates, and occupancy rates.

4. Assess whether the proposed hotel is financially feasible by meeting an unmet need for hotel rooms in the city. Include an analysis of the economic environment and projected future conditions affecting hotel operations and accessory uses.
5. Analysis of the proposed hotel's projected market base.
6. Three-and five-year projected occupancy rates, projected average daily rate for the proposed hotel, and revenue per available room trends for hotels within the city.
7. Estimate the hotel's market share for the first five years and indicate whether it will primarily draw guests from existing hotels in the city.
8. Analyze the economic impact on existing hotels, including estimated market dilution and any potential adverse effects on the financial viability of current hotels.

H. Public Safety Standards.

No hotel shall create an unreasonable or excessive demand for police services. To demonstrate compliance with this standard, an application for a hotel conditional use permit shall include the following information:

1. A management plan that describes how the hotel will address potential criminal activities at the site.
2. A lighting plan that demonstrates how the hotel's proposed lighting will illuminate the site to the extent necessary for a peace officer to adequately observe the property from a patrol car.
3. A site plan designed to allow for visibility from the public right-of-way for peace officers in patrol vehicles.
4. Hotel operators must always maintain a current point of contact with the Covina police department and fire district for law enforcement, public health, and safety issues. A police and fire inspection is required when a hotel changes ownership or operator.
5. Hotel owners and employees must be trained to identify criminal activity.
6. Install a security camera system with access for the Covina police department. Recordings must be retained for at least 30 days.
7. Hotels that provide entertainment shall obtain an entertainment permit

17.24.110 In-Home Businesses and Cottage Food Operations

A. In-Home Businesses and Cottage Food Operations.

In-Home Businesses and Cottage Food Operations may be conducted from a residence subject to the following conditions:

1. No customers, clients, prospective customers, or clients shall visit the site to conduct or consider business.
2. No sales, delivery, or storage of merchandise shall be permitted at the residence except for limited storage of arts and crafts products made at the house.
3. The business shall not interfere with the use of the garage for parking purposes.
4. No commercial or identifying signs shall be used. The residential address shall not be used for advertising purposes or on any business stationery, fliers, cards, or handouts.
5. In no way shall the appearance of the structure or the activity therein be altered or conducted to be reasonably recognized as serving a nonresidential purpose.
6. The business shall not cause disturbances such as noise, odors, glare, smoke, temperature changes, electrical interference, or groundwater pollution.
7. No mechanical equipment shall be used, except that which is normal and customary for residential use. Equipment used shall be limited to 1.0-horsepower motors and shall be operated on normal household electrical current.
8. No person other than residents of the immediate household may be employed or engaged in the conduct of the business.
9. The following uses are expressly prohibited for consideration as a home occupation business: vehicular repair, firearms or weapon sales, and the manufacturing of substances or products.
10. Arts and crafts and similar hobby work are exempt from the prohibition against manufacturing if the businesses meets the following criteria:
 - a. Limit gross sales to a maximum of \$20,000 per year.
 - b. Prohibit activities which can be heard on adjacent properties between 6:00 p.m. and 10:00 a.m., and on Sundays. Activities must comply with standard noise regulations between 10:00 a.m. and 6:00 p.m.
 - c. Prohibit activities and storage which are visible from adjacent properties or public rights-of-way.
11. Only in-home businesses that are found by the director or the designee to meet these standards and to be compatible with residential uses shall be permitted.
12. The in-home business license, once approved, shall be valid until December 31st of that year. Thereafter, the applicant shall apply for a renewal; if approved, it shall be valid until December 31st of the following year. Only one in-home license shall be permitted per household.

13. Cottage food operations are allowed to operate as in-home businesses, subject to compliance with the California Department of Public Health and the following requirements:
 - a. All cottage food businesses shall be limited to producing and selling the low-risk baked and shelf-stable foods as defined in Health and Safety Code Section 113758.
 - b. Any foods not covered under Health and Safety Code Section 114365.5(a), including pre-packaged foods as well as hot beverages (cocoa, coffee, cider, and tea), are prohibited from being sold by cottage food operations.
 - c. The sale of food by cottage food operations from residential properties shall be limited to between the hours of 8:00 a.m. and 6:00 p.m.
 - d. Cottage food operations shall obtain all necessary health permits from the County of Los Angeles Department of Public Health (Environmental Health), prior to issuance of an in-home business license.

17.24.120 Massage Facilities

A. Purpose and Intent.

The purpose of this section is to provide standards for massage establishments, where allowed in compliance with the Covina Municipal Code (CMC), Title 17 Zoning, and Title 5, Chapter 5.36 Massage Establishments. The City recognizes the potential for unlawful activities associated with massage therapy, which can threaten the quality of life in the community if not properly regulated. Prostitution and other businesses engaged in illegal activities may use the guise of a massage establishment to shroud their activities. They can pose significant risks to massage patrons and massage technicians from improperly or insufficiently trained or managed massage technicians and practitioners. The regulations established in this section are to protect the health, safety, and welfare of the residents and visitors of the City. They are consistent with all applicable laws of the State of California. This section provides a clear direction and purpose for the establishment and operation of massage businesses in Covina.

B. Applicability.

This section applies to all businesses proposing to conduct massage, including accessory massage services or businesses as defined in CMC Chapter 5.36.

C. Massage Establishments.

Massage establishments as defined in CMC Chapter 5.36 shall be permitted in Community Commercial (CC) and Regional Commercial (RC) zones, provided that the massage establishment obtain a Conditional Use Permit pursuant to CMC Chapter 17.04, complies with the requirements in Chapter 5.36, and all other local and state requirements for such a use.

D. Accessory Massage Services.

Accessory massage services as defined in CMC Chapter 5.36 shall not be subject to the application of this Section or the requirements of Chapter 5.36. However, the primary business must obtain an Administrative Conditional Use Permit to include the accessory massage service as part of its business operation. The primary business must occupy at least 70% of the gross floor area of the business location.

E. Application-Massage Establishment.

Applications for massage establishments pursuant to Chapter 5.36 shall be filed with the community development department together with a filing fee as established by resolution of the city council. The application shall be accompanied by information and materials determined necessary by the community development department and reasonably related to areas of lawful city concern and authority, including but not limited to a site plan, a floor plan, and documentation showing that all requirements for licensing have been met.

F. Approval-Massage Establishments.

In conjunction with the approval of a Conditional Use Permit or Administrative Conditional use Permit (as applicable) pursuant to **Chapter 17.04 CMC**, a massage establishment may be approved unless the Planning Commission makes the following findings:

1. The applicant or any of the applicant's proposed employees, after a full hearing by administrative proceeding or state court, has aided and abetted any of the offenses listed in this section;
2. The applicant has made a false, misleading, or fraudulent statement or omission of fact to the city in the permit application;
3. The application does not contain all of the information required by this section;
4. The massage establishment, as proposed by the applicant, does not comply with all applicable laws, including, without limitation, health, zoning, fire and safety requirements, regulations, and standards;
5. The applicant has not satisfied the requirements of this chapter in the time specified; or
6. The location of the proposed massage establishment has within a twelve (12) month period prior to the submittal of the application:
 - a. Been the site of a violation of this chapter, or any similar criminal or civil ordinance, law, rule, or regulation of the State of California or any other public agency related to the operation of massage establishments and where an action for nuisance abatement has been sustained.
 - b. Been the site of a massage establishment that was closed due to criminal activity and where an action for nuisance abatement has been sustained. For purposes of this subsection, closure due to criminal activity includes voluntary closure of a

massage establishment after there have been arrests at the location or other notices relating to criminal activity,

- c. Been the site of a massage establishment where violations have not been addressed in the time specified in the notice of violation or administrative citation and where an action for nuisance abatement has been sustained.

G. Denial.

If the application is denied for failure to comply with this chapter, the applicant, owner, and operator of the massage establishment may not reapply for a period of five (5) years from the date the application was denied.

H. Noncompliance-Massage Establishments.

The planning commission may revoke approval of the massage establishment upon a determination at a public hearing that the above conditions or the conditions set forth in Chapter 5.36 are not being met. Notification of the hearing shall be in accordance with standard notice procedures. The applicant or any interested person may appeal the decision of the planning commission to the city council within 10 calendar days of the planning commission hearing. The applicant shall be responsible for all city enforcement costs associated with the revocation of a permit as a result of the violation of applicable conditions.

17.24.130 Mobile Food Truck Facilities

A. Permits and Approvals

1. The mobile food facility operator must have the express written permission of the site owner and the on-site business owner, if different, where it intends to operate.
2. The mobile food facility operator must possess a valid permit, certificate or other required approval from the Los Angeles County department of public health to sell food and/or beverages to the public.
3. The mobile food facility operator must possess a valid administrative conditional use permit for a mobile food facility and pay all applicable fees.
4. The mobile food facility operator must possess a valid city of Covina business license.
5. All food products sold or provided from the mobile food facility shall comply with all labeling requirements established by the state of California and the operator must obtain all required permits, including without limitation health permits, to sell or provide such items.

B. Operations and Sales

1. No alcoholic beverages, general merchandise or commercial sales other than food are permitted from a mobile food facility.
2. No amplified music or other sound may be emitted from a mobile food facility.
3. A mobile food facility may only sell food to the public between the hours of 2:00 p.m. and 9:00 p.m. on any day; provided, however, that a mobile food facility may occupy the site for up to one hour prior to opening and up to one hour after closing in order to setup and take down operations for that day.
4. No mobile food facility shall discharge any liquid (e.g. water, grease, oil, etc.) onto the site or into any public streets, storm drains, catch basins, or sewer facilities. All discharges shall be contained and properly disposed of by the operator;
5. An operator shall maintain a clearly designated litter receptacle in the immediate vicinity of the mobile food facility, marked with a sign requesting use by patrons. Prior to leaving the site, the operator shall remove of all trash generated by the operation and within a 25-foot radius of the mobile food facility;

C. Parking, Access, and Safety

1. While the mobile food facility is occupying the site, there must be sufficient remaining off-street parking to meet minimum requirements under the Covina Municipal Code and the mobile food facility may not obstruct access to the remaining off-street parking.
2. The mobile food facility may not sell or distribute any item in a manner than causes any person to stand in a public highway, alley or street.
3. No portion of a mobile food facility may encroach onto a public sidewalk, including any signage, equipment or furniture related to its operations.
4. Such other conditions as the city manager, or his/her designee may require to protect the health, safety and welfare of the community.

17.24.140. Model Home Sales Office

A. Intent.

Model homes may be used as offices solely for the sale of homes within a new subdivision or recorded tract, subject to the following conditions:

- 1 Approval of a model home sales office shall be for a two-year period. Upon the expiration of the two-year period, the model home sales office use shall be terminated and the structure restored back to its original condition. Extensions may be granted by the director of community development in one-year increments up to a maximum of two additional years or until 90 percent of the development is sold, whichever is less.

- 2 The subdivider shall submit to the city a cash deposit, letter of credit, or other security determined satisfactory by the city to ensure the restoration of the residential dwelling unit and removal of the model home sales office use.
- 3 The model home sales office is to be used only for transactions involving the sale, rental, or lease of lots or structures within the subdivision or tract in which the model home sales office is located.
- 4 The subdivider's failure to remove a model home sales office and restore residential dwelling unit, or failure to apply for an extension of the administrative conditional use permit before the expiration of the permit, will result in the subdivider's forfeiture of the security provided and a halt in further construction or inspection activity on the project site, and may result in an enforcement action to ensure restoration of the residential dwelling unit.
- 5 The subdivider shall complete street improvements and provide temporary parking at a rate of two spaces per model home sales office to the satisfaction of the director of community development prior to commencement of sales activities and prior to the display of any model homes. The parking spaces shall be located within an off-street facility, subject to the following conditions:

The model home sales office, model homes, and on-street parking spaces shall be coordinated with the construction phasing such that there are no resident homeowners living in the homes located adjacent to the gated and secured areas of the street;

B. Parking and Fences.

1. The model homes, model home sales office, and on-street parking shall be secured with a decorative fence and gate across the street that is kept locked during nonoperating hours.
2. All fences proposed in conjunction with model homes and model home sales offices shall be constructed and installed outside of the public right-of-way.
3. The subdivider shall provide an area for off-street overflow parking to the satisfaction of the director of community development. The overflow parking area shall be located adjacent to the model home sales office, in an outside secured area, appropriately signed, and provided with a drive approach constructed to applicable city standards.
4. Parking shall be permitted only within and on the project site. Parking along adjacent or perimeter streets shall not be used to satisfy the model home sales office parking requirements.
5. The parking spaces shall be striped and shall conform to the city's applicable standards.

C. Landscaping.

The subdivider shall provide temporary landscaping, including a minimum of 36-inch box trees, within the on-street parking area and a planter area surrounding the overflow parking area.

D. Flags and Signs.

Flags, pennants, or other on-site advertising shall be regulated in accordance with the city's sign regulations. The use of signs shall require submittal of a separate sign permit application for review and approval by the planning division prior to installation.

17.24.150 Outdoor Advertising Structure

A. Allowable Zones.

Outdoor advertising structure zones shall be created in the same manner as property is reclassified from one zone to another within the city, as set forth in **CMC 17.04** (Land Use Entitlements, Permits and Planning Applications). When such a zone has been created, it shall be designated upon the city's official zoning map as an overlay zone, by adding the parenthetically enclosed letter "S" (S) after the zoning symbol which indicates the zone in which the property is included. Outdoor advertising structure zones shall be referred to as "S zones."

B. Permitted Zones.

In addition to all other permitted uses on properties which are included within an S zone, there shall be permitted the erection and maintenance of outdoor advertising structures, subject to the regulations set forth in this code.

C. Restricted to certain zones.

"S" zones shall be overlaid only upon the following zones as the same are defined in this title: M-1 zones and C-P zones directly adjacent to freeway right-of-way.

D. Use limitations.

No person shall use, locate, construct or maintain an outdoor advertising structure on any property except in an S zone. The location and maintenance of outdoor advertising structures on such properties shall comply with the following regulations:

1. The total area of an outdoor advertising structure shall not exceed 800 square feet, nor be less than 300 square feet.
2. No advertising structure shall exceed an overall height of 35 feet, measured from the finished grade of the lot upon which the sign is located; nor shall the bottom of the structure be less than 12 feet above the grade.
3. Structures shall be supported by not more than two columns, which columns shall be metal, or material equal to or stronger than metal.

4. The standards for material used as a border around the sign area, as well as the screening on the back of single-faced structures, shall be as set forth by resolution of the city council, which resolution and standards therein may be amended from time to time, as necessary, to ensure the protection and preservation of the public health, safety and general welfare.
5. All outdoor advertising structures shall be maintained so as not to be unsightly to a person of normal sensibility, nor in such a manner as to constitute a nuisance at law. The planning director shall be charged with the enforcement of this subsection.
6. Outdoor advertising structures shall be located in compliance with the following:
 - a. No outdoor advertising structure shall be located other than in compliance with all setback requirements of the zone underlying the S zone upon which the same is located, and
 - b. No outdoor advertising structure shall be located within 400 feet, as measured along the street on one side thereof, of any property zoned for or used for residential, agriculture, church, school, park, hospital or civic center purposes, and
 - c. No outdoor advertising structure, except for bidirectional signs, shall be located within 450 feet, as measured along the street on one side thereof, of any other outdoor advertising structure whether or not on the same lot, and
 - d. No outdoor advertising structure shall be located within two feet of any other building or structure, except that bidirectional outdoor advertising structures may be located adjacent to one another if the distance between the same does not exceed 18 inches.
7. Advertising displays adjacent to landscaped freeways shall be subject to **CMC 17.24.XXX-E.**

E. Advertising displays adjacent to landscaped freeways.

Notwithstanding any other provisions to this code regarding outdoor advertising structures adjacent to a landscaped freeway, the following provisions apply:

1. Outdoor advertising structures adjacent to a landscaped freeway shall comply with the following provisions:
 - a. Any outdoor advertising structure adjacent to a landscaped freeway shall comply with Caltrans requirements.
 - b. In addition to required Caltrans provisions, any outdoor advertising structure adjacent to a landscaped freeway shall be required to have an accompanying development agreement approved by the Covina city council.
 - c. Any outdoor advertising structure adjacent to a landscaped freeway shall be required to obtain a conditional use permit that complies with CMC **Chapter 17.02.**
 - d. Development Standards. In addition to the provisions of this chapter, any outdoor advertising structure adjacent to a landscaped freeway shall conform to the following development standards:

- i. Height: Not to exceed 85 feet as measured from the finished grade of the outdoor advertising structure to the highest element of the outdoor advertising structure.
 - ii. Size of advertising panel shall be no larger than 700 square feet in area.
 - iii. Outdoor Advertising Structure Display Panel(s). An outdoor advertising structure may be single-sided or double-sided so the face of the advertising panel is designed to be primarily visible to freeway vehicular traffic. A maximum of two advertising panels per outdoor advertising structure is allowed.
2. Outdoor Advertising Structure Display Panel Disposition. An outdoor advertising structure display panel may be either digital or static.
3. A lighting study will be required, reviewed and approved by the planning department.

F. Exempt advertising displays.

The provisions of **CMC 17.24.XXX-E** shall not apply to any of the following listed advertising structures or signs used exclusively to:

1. Advertise the sale or lease of the property on which the advertising display is placed.
2. Designate the name of the owner or occupant of the premises upon which the advertising display is placed, or to identify the premises.
3. Advertise the business conducted or goods manufactured or produced, or services rendered upon the property upon which the advertising display is placed.

G. Removal of prohibited structures.

Notwithstanding any other contrary provisions of this code dealing with the removal of nonconforming uses, any advertising structure which is now, or hereafter may be, in violation of any of the provisions of **CMC 17.24.XXX-A through 17.24.XXX-G** shall be removed within three years from the effective date of the ordinance codified in this title except:

1. Outdoor advertising structures having supporting columns of wood shall be removed within one year of the effective date of the ordinance codified herein.
2. Outdoor advertising structures which comply as to location and zone, but not construction, shall be made to comply or be removed within one year of the effective date of the ordinance codified herein.
3. Outdoor advertising structures which may become nonconforming due to the future landscaping of a section or section of a freeway shall be removed within three years of the time the freeway landscaping has been completed or accepted, and the character of the section or sections has been changed from a freeway to a landscaped freeway.

17.24.160 Outdoor Dining and Display within Public Right-of-Way

A. Purpose and intent.

This chapter establishes regulations permitting limited outdoor dining and commercial display in the public right-of-way as an ancillary use to adjacent primary businesses on private property. Outdoor dining and display must not restrict public access or detract from the area's image and appearance.

B. Definitions.

1. "Outdoor dining" is defined as the use of an adjacent, outside area by a food or beverage establishment for the same eating and drinking activities that occur within the establishment. The outdoor dining area may be located in a public right-of-way pursuant to this chapter.
2. "Outdoor display area" is defined as the area in which goods are placed outside a building for display or sale purposes, and in conjunction with permanent commercial uses located inside adjacent buildings. The display area may be on private or public property, pursuant to this chapter.
3. "Chair" shall mean either a distinct piece of furniture designed to allow one person to sit upon the same, or when seating is provided on a bench or other similar structure, then every 20 inches of seating space shall be considered as the equivalent of one chair for determining seating capacity.

C. Encroachment.

Outdoor dining and display shall be permitted to encroach into the public right-of-way pursuant to this chapter in the following areas:

1. Within the Covina Town Center Specific Plan, the encroachment is on Citrus Avenue, Badillo Street, College Street, School Street, Italia Street, Orange Street, Cottage Street and San Bernardino Road.
2. The encroachment is on or abutting Shoppers Lane.

D. Location.

1. Outdoor dining and display in the public right-of-way shall not extend beyond the boundaries of the primary business property to which such activity is subordinate.
2. Outdoor display may not encroach more than two feet into the public right-of-way.
3. Outdoor dining may extend into the public right-of-way; however, it must maintain a clear pedestrian pathway the full width of the property. The pathway shall maintain a

minimum unobstructed passageway of five feet as measured from the dining area to any obstruction, including but not limited to light standards, benches, street trees, and news racks.

E. Insurance.

The permittee shall maintain general liability insurance for the benefit of the city of a type and amount as determined appropriate by the city manager.

F. General Standards for Outdoor Dining.

1. Development Standards.

- a. Facilities and equipment must meet the quality and style standards set by the Covina Town Center Specific Plan and design guidelines, as well as any other applicable standards or policies. The design, materials, and colors of chairs, tables, lighting, and fixtures must complement the architecture and colors of adjacent buildings.
- b. Outdoor dining areas with more than four tables or eight chairs must separate the dining area from the walkway using fencing, decorative plants, planters, or similar barriers to prevent encroachment into the required five-foot pedestrian pathway. Areas with more than eight tables or sixteen chairs must install permanent fencing between the dining area and the walkway. The director may relax this requirement if there is no reasonable possibility that tables or chairs will encroach on the pedestrian pathway
- c. Outdoor dining areas serving food must provide lighting during evening hours. Fixtures must be decorative and complement the building and area's architectural character. Building-mounted lights must not cause glare or visual obstruction for pedestrians or drivers, and should illuminate only the sidewalk area.
- d. Portable umbrellas are permitted if they do not obstruct the public right-of-way or walkway and do not display advertising.

2. Operational Standards.

- a. The primary business owner is responsible for the proper operation of the outdoor dining area. Management or employees must supervise outdoor dining at all times. Food establishments serving alcohol must have an on-site supervisor at least 21 years old during all operating hours. Any behavior disturbing customers or passersby may result in permit revocation.
- b. Establishments must keep all areas in and around the sidewalk dining area clean and free of litter and debris.
- c. Outdoor dining hours of operation shall be limited to those of the associated food or beverage establishment.
- d. All city-approved plans and permits for the outdoor dining area must be kept on the premises and available for public inspection whenever the establishment is open.
- e. Outdoor dining areas shall operate in a manner that meets all requirements of the Los Angeles County Department of Health and all other applicable regulations, laws, ordinances, and standards. Food establishments serving alcoholic beverages shall also obtain all necessary permits required by the State Alcoholic Beverage Control Department.

G. General Standards for Outdoor Display.

1. Locational Standards.
 - a. Outdoor displays must not obstruct business entrances, pedestrian pathways, or driveways.
 - b. Outdoor displays may encroach up to 2 feet into the public right-of-way and must maintain at least 6 feet of clear sidewalk space on non-arterial streets and 8 feet on arterial streets.
 - c. Outdoor displays must not interfere with adjacent businesses' reasonable use of storefront windows for display.
 - d. Outdoor displays must not unreasonably obstruct the visibility of other businesses.
 - e. Outdoor displays must not create hazards for vehicles or pedestrians.
2. General Standards.
 - a. All outdoor displays shall be limited to artwork and pottery, flowers and plants, general merchandise related to the adjoining business, or other items determined by the director to be consistent with the intent of this code and the downtown redevelopment plan.
 - b. All outdoor displays must be portable and removed from public view at the end of each business day.
 - c. Outdoor displays must be kept clean, neat, attractive, and in good repair at all times.
 - d. Outdoor displays shall not include signs or contain advertising materials. However, restaurant menu signs will be allowed, provided they do not exceed 6 square feet (limit one per business).
 - e. Outdoor displays shall be limited to the hours of operation of the originating business.
 - f. Outdoor displays shall be limited to a maximum area of one-half square foot of display area for every foot of store frontage on the street.
 - g. The design and configuration of exterior displays shall be attractive, compatible with the building's architecture, and incorporate themes, colors, and materials consistent with the downtown redevelopment plan.

H. Application, Fees and Permits.

1. Outdoor dining and display requires approval through a site plan review as described in CMC Chapter 17.04.
2. An encroachment permit must be obtained from the city before any outdoor display or dining is permitted.
3. Applications and fees shall be filed with the Planning Division in the format or checklists prescribed or issued by the director.

I. Review Process, Approval Authority, and Appeal.

1. The director has the authority to approve a minor site plan review for outdoor display areas that conform with Section 17.XX.XXX-G, and outdoor dining areas that have up to a maximum of eight tables or 16 chairs.

2. The planning commission has the authority to review and approve a site plan review as described in CMC Chapter 17.04 for outdoor dining areas with more than eight tables or more than 16 chairs.
3. Conditions of Approval. The director or planning commission, as applicable, may impose reasonable conditions of approval to ensure that outdoor dining and display areas operate in a manner that is not detrimental to the public health, safety, and welfare, is consistent with all applicable codes, policies and guidelines, and enhances the image, appearance and vitality of the area in which the use is located. This includes, but is not limited to, authority to regulate the design, layout, materials, colors, quality, and appearance of outdoor dining and display areas; to require security deposits, insurance, and other reasonable financial guarantees; and to prescribe operating terms that the permittee must follow.
4. The appeal procedures shall comply with the requirements described in CMC Chapter 17.02.
5. Terms and Renewal.
 - a. The director may approve an outdoor dining or display area for a maximum of one year. Renewal permits may be granted for one-year periods.
 - b. The planning commission may approve an outdoor dining or display area for periods of up to five years.
 - c. The city reserves the right to temporarily suspend the permit upon seven days' notice because of anticipated or actual conflicts in the use of sidewalk areas due to street repairs, parades, festivals, and other similar events.

J. Enforcement.

1. Penalties. Any violation of this chapter shall be punishable as a misdemeanor pursuant to Chapter 1.28 CMC. In addition, the city may seek civil remedies for any violation, including, but not limited to, the recovery of reasonable costs for enforcement and correction of the violation.
2. Revocation. Violation of any of the standards in this code or any of the conditions imposed under CMC 17.57.080 shall be grounds for revocation of the permit to operate an outdoor dining or display area. Such revocation shall require a majority vote of the planning commission at a regular meeting to which the permittee has been given at least 10 calendar days' notice. The planning commission's decision may be appealed to the city council.

17.24.170 Public Convenience or Necessity.

A. Applicability.

The Planning Commission shall make the determinations of public convenience or necessity relating to the sale of alcoholic beverages (including beer and wine) required by Cal. Business and Professions Code § 23958.4.

B. Finding of Public Convenience or Necessity.

When required by the ABC regulations, the decision-making authority shall also consider adoption of a finding of public convenience or necessity (PCN). Applications for a finding of PCN shall be made, reviewed and considered in accordance with this Section 17.24.150. Findings. A determination of public convenience shall be based upon the following findings:

1. The public convenience would be served by the establishment of the proposed use.
2. The proposed use is not anticipated to be the source of nuisance behavior associated with excessive consumption of alcoholic beverages.
3. The proposed use would not be detrimental to the public health, safety, or welfare.
4. The proposed use would not increase the severity of existing law enforcement or public nuisance problems in the surrounding area.
5. The proposed use is consistent with the objectives, policies, general land uses, and programs of the general plan, and any applicable specific plan.

17.24.180 Public Storage Facilities (move from section 17.62.020C)

A. Submittal Requirements.

1. A report shall be submitted by applicant to the director showing the economic feasibility of the proposal in relation to other similar facilities in a five-mile radius.
2. All leases submitted by the public storage facility to the tenants shall include the requirement for periodic safety inspections by the city of Covina.

B. Development Standards

1. No building or structure shall be located within 25 feet of any property line abutting a street unless noted otherwise in this section. All such required yards shall be landscaped and sprinklered in accordance with a plan approved by the planning commission.
2. All primary building materials shall be of masonry such as stucco, split-face block, concrete panels, bricks, natural stones, or a combination of the stated materials.
3. The roof element on all buildings fronting on all public streets shall be approved by the director.
4. Each public storage facility shall have an office area and adequate public restroom facilities.

C. Permitted Signs.

1. One monument sign. Maximum sign area is 50 square feet per face, and maximum sign height is 10 feet, measured from the finished ground to the top of the monument sign. Minimum monument sign setback is 10 feet from the property line;
or,
One wall sign. Maximum sign area is 100 square feet and mounted flat against the building.
2. The architectural character of the proposed sign shall be based upon the appropriate use of sound materials and upon the principles of harmony and proportion in the element of the structures. The buildings shall always be maintained in the original condition.

D. Limitations

1. No uses permitted or conditionally permitted listed in the Industrial (I) zone will be allowed in the public storage facility other than that of the storage of goods by private parties or storing of files or inventory by businesses. No storage facility will be used as a warehouse.
2. All limitations described above are to be written in the tenant lease. Failure by any tenant to adhere to the restrictions listed above can result in cancellation of leases.
3. All utilities available on site are not for use by tenants except for electric lighting. Method of control of these utilities to be approved by the city of Covina.
4. All other police and fire department requirements not listed herein shall be complied with.

E. Parking.

A total of six parking spaces including one ADA parking space shall be located at the main entrance of the project area. Provide one loading space with the dimensions of 12 feet by 40 feet. All applicable provisions of CMC Chapter 17.22.XXX shall apply.

17.22.190 Recycling Collection Facilities

A. Definitions.

1. "Recyclable material" is reusable material including but not limited to metals, glass, plastic and paper, which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials. Recyclable material may include used motor oil collected and transported in accordance with Sections 25250.11 and 25143.2(b)(4) of the California Health and Safety Code.

2. "Recycling facility" is a center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor means a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. Recycling facilities may include the following:
 - a. Collection Facility. A "collection facility" is a center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public. Such a facility does not use power-driven processing equipment except as indicated in subsection (C) of this section, Criteria and Standards. Collection facilities may include the following:
 - i. Reverse vending machine(s);
 - ii. Small collection facilities which occupy an area of not more than 500 square feet, and may include:
 - (A) A mobile unit,
 - (B) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet,
 - (C) Kiosk-type units which may include permanent structures,
 - (D) Unattended containers placed for the donation of recyclable materials;
 - iii. Large collection facilities which may occupy an area of more than 500 square feet and may include permanent structures.
 - b. Processing Facility. A "processing facility" is a building or enclosed space used for the collection and processing of recyclable materials. "Processing" means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Processing facilities include the following:
 - i. A "light processing facility" occupies an area of under 45,000 square feet of gross collection, processing and storage area and has up to an average of two outbound truck shipments per day. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers.
 - ii. A "heavy processing facility" is any processing facility other than a light processing facility.
3. "Reverse vending machine" is an automated mechanical device which accepts at least one or more types of empty beverage containers including but not limited to aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the state. A reverse vending machine may sort and process containers mechanically; provided, that the entire process is enclosed within the machine. In order to accept and temporarily

store all three container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

A "bulk reverse vending machine" is a reverse vending machine that is larger than 50 square feet, is designed to accept more than one container at a time, and will pay by weight instead of by container.

4. "Mobile recycling unit" means an automobile, truck, trailer or van, licensed by the Department of Motor Vehicles, which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers transported by trucks, vans, or trailers, and used for the collection of recyclable materials.

B. Permits Required.

| A = Administrative Use Permit C = Conditional Use permit | Type of Required Permits | |
|---|--------------------------|--|
| Reverse vending machines | A | |
| Small and large collection facilities | C | |
| Processing facilities | C | |

C. Criteria and Standards.

Recycling facilities permitted with an administrative use permit shall meet all of the applicable criteria and standards. Facilities permitted with a conditional use permit or site plan review shall meet the applicable criteria and standards; however the review authority (city planner, planning commission, or city council) may relax such standards or impose stricter standards, at their discretion finding modifications are reasonably necessary to implement the intent of this section.

1. Reverse Vending Machine(s). Reverse vending machine(s) located inside a commercial structure do not require a discretionary permit or additional parking spaces. They may be permitted in all commercial and industrial zones with an administrative use permit; provided, that they comply with the following standards:
 - a. Shall be established in conjunction with a compliant commercial use or community service facility and located within 30 feet of the entrance and shall not obstruct pedestrian or vehicular circulation;
 - b. Shall not occupy parking spaces required by the primary use;
 - c. Shall occupy no more than 50 square feet of floor space per installation, including any protective enclosure, and shall be no more than eight feet in height;
 - d. Shall be constructed and maintained with durable waterproof and rustproof material;
 - e. Shall be clearly marked to identify the type of material to be deposited, operating instructions, and the contact information or responsible person to call if the machine is inoperative;
 - f. Shall have a maximum of four square feet per machine, exclusive of operating instructions;
 - g. Shall be maintained in a clean, litter-free condition on a daily basis;

- h. Operating hours shall be at least the operating hours of the host use;
 - i. Shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn; and
 - j. All outdoor storage shall be screened from view utilizing a screening fence or wall.
2. Small Collection Facilities. Small collection facilities may be sited in Industrial (I) zone with a conditional use permit and a site plan review, provided they comply with the following development and operational conditions:
- a. Shall be established and operated entirely within the premises of an existing compliant industrial building;
 - b. Shall be no larger than 500 square feet;
 - c. Shall accept only glass, metals, plastic containers, papers and reusable items. Used motor oil may be accepted with permission of the local public health official;
 - d. Shall use no power-driven processing equipment except for reverse vending machines;
 - e. Shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and collection schedule;
 - f. All recyclable material shall be stored in containers, and shall not leave materials or containers outside the premises;
 - g. Shall be maintained free of litter, and any other undesirable materials; must be removed at the end of each collection day; and shall be swept at the end of each collection day inside and outside the premises;
 - h. Shall not exceed noise levels of 60 dBA as measured at the property line of residentially zoned or occupied property; otherwise shall not exceed 70 dBA;
 - i. Attended or unattended facilities shall operate only during the hours of 9:00 a.m. and 7:00 p.m. Monday through Saturday;
 - j. The small recycling facility doors must be closed at the end of each operation day;
 - k. Containers shall be clearly marked to identify the type of material which may be deposited;
 - l. the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and shall display a notice stating that no material shall be left outside the recycling enclosure or containers;
 - m. Signs may be provided as follows:
 - i. Signs shall be subject to the provisions of Chapter 17.74 CMC;
 - ii. Directional signs, bearing no advertising message, may be allowed with the approval of the director if necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way;
 - iii. The director may require a sign program to be submitted for review and approval prior to permit process and installation;
 - n. Shall install a video surveillance system for the business facility and shall meet with the police department prior to installation of the video surveillance system to ensure the system could deter and prevent public nuisances, and prior to release of occupancy or approval of business license;
 - o. Two additional parking spaces will be required for a small collection facility;

- p. Shall comply with Chapter 8.50 CMC, Storm Water Quality and Urban Runoff Control;
 - q. Occupation of parking spaces by the facility and by the attendant may not reduce the available parking spaces below the minimum number required for the primary industrial use;
 - r. Noncompliance with any conditions set forth in granting the conditional use permit shall be cause for revocation and voiding of the permit, subject to **CMC 17.62.170**.
3. Large Collection Facilities. A large collection facility is one that is larger than 500 square feet, or is on a separate property not appurtenant to a primary use, and which may have a permanent building. A large collection facility is permitted in the Industrial (I) zone with a conditional use permit and a site plan review, provided the facility meets the following standards:
- a. Facility does not abut a property zoned or planned for residential use;
 - b. Facility will be screened from the public right-of-way by operating in an enclosed building or:
 - i. Within an area enclosed by an opaque fence at least six feet in height with landscaping,
 - ii. At least 150 feet from property zoned or planned for residential use, and
 - iii. Meets all applicable noise standards in this section;
 - c. Setbacks and landscape requirements shall be those provided for the zoning district in which the facility is located;
 - d. All exterior storage of material shall be in sturdy containers which are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable material. Oil storage must be in containers approved by the San Gabriel Valley fire authority. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing;
 - e. Site shall be maintained free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis;
 - f. Space will be provided on-site for six vehicles or the anticipated peak customer load, whichever is higher, to circulate and to deposit recyclable materials, except where the city planner determines that allowing overflow traffic above six vehicles is compatible with surrounding businesses and public safety;
 - g. One parking space will be provided for each commercial vehicle operated by the recycling facility. Parking requirements will be provided for in the zone, except that parking requirements for employees may be reduced when it can be shown that parking spaces are not necessary such as when employees are transported in a company vehicle to a work facility;
 - h. Noise levels shall not exceed 60 dBA as measured at the property line of residentially zoned property, or otherwise shall not exceed 70 dBA;
 - i. If the facility is located within 500 feet of property zoned, planned or occupied for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m.;
 - j. Any containers provided for after-hours donation of recyclable materials will be at least 50 feet from any property zoned or occupied for residential use, shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate

- materials collected, and shall be secure from unauthorized entry or removal of materials;
- k. Donation areas will be kept free of litter and any other undesirable material, and the containers will be clearly marked to identify the type of material that may be deposited; facility shall display a notice stating that no material shall be left outside the recycling containers;
 - l. Facility will be clearly marked with the name and phone number of the facility operator and the hours of operation; identification and informational signs will
 - m. meet the standards of the zone; and directional signs, bearing no advertising message, may be installed with the approval of the city planner, if necessary, to facilitate traffic circulation or if the facility is not visible from the public right-of-way;
 - n. Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material, may be approved through a use permit process or at the discretion of the city planner if noise and other conditions are met.
4. Processing Facilities. A processing facility is permitted in the Industrial (I) zone with a conditional use permit and site plan review. A processing facility must meet the following conditions:
- a. Facility does not abut a property zoned or planned for residential use or a noise sensitive use, such as hospital, school, etc.;
 - b. Processors will operate in a wholly enclosed building except for incidental storage, or:
 - i. Within an area enclosed on all sides by an opaque fence or wall not less than eight feet in height and landscaped on all street frontages,
 - ii. Located at least 150 feet from property zoned or planned for residential use;
 - c. Power-driven processing shall be permitted, provided all noise level requirements are met. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials;
 - d. A processing facility may accept used motor oil for recycling from the generator in accordance with Section 25250.11 of the California Health and Safety Code;
 - e. Setbacks and landscaping requirements shall be those provided for the zoning district in which the facility is located;
 - f. All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable material. Oil storage must be in containers approved by the San Gabriel Valley fire authority. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing;
 - g. Site shall be maintained free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis and will be secured from unauthorized entry and removal of materials when attendants are not present;
 - h. Space shall be provided on-site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public,

space will be provided for a minimum of 10 customers or the peak load, whichever is higher, except where the city planner determines that allowing overflow traffic is compatible with surrounding businesses and public safety;

- i. One parking space will be provided for each commercial vehicle operated by the processing center. Parking requirements will otherwise be as mandated by the zone in which the facility is located;
- j. Noise levels shall not exceed 60 dBA as measured at the property line of residentially zoned or occupied property, or otherwise shall not exceed 70 dBA;
- k. If the facility is located within 500 feet of property zoned or planned for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m. The facility will be administered by on-site personnel during the hours the facility is open;
- l. Any containers provided for after-hours donation of recyclable materials will be at least 50 feet from any property zoned or occupied for residential use; shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected; and shall be secure from unauthorized entry or removal of materials;
- m. Donation areas shall be kept free of litter and any undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited. Facility shall display a notice stating that no material shall be left outside the recycling containers;
- n. Sign requirements shall be those provided for the zoning district in which the facility is located. In addition, facility will be clearly marked with the name and phone number of the facility operator and the hours of operation;
- o. No dust, fumes, smoke, vibration or odor above ambient level may be detectable on neighboring properties.

17.24.200 R-TP Residential Zone (Trailer and Mobile Home Parks)

A. Intent.

This section provide regulations for the orderly development of new trailer park, and maintenance of existing trailer parks, ensuring a safe and attractive residential environment, while assuring compatibility with adjacent uses through the application of specific design standards.

B. Permitted Uses

Uses not explicitly listed are considered prohibited. In cases where specific land use or activity is neither defined in the glossary nor listed in the land use tables, the director shall assign the land use or activity to a classification substantially similar to the business's operation and characteristics, in compliance with Chapter 17.xx. All land use activities must be conducted wholly inside the building premises unless otherwise permitted under this section or Chapter 17.xx (Conditional Use Permits). All uses shall be subject to the property development standards Sections 17.10.xxx and all provisions of CMC Title 17.

1. Residential trailers.

2. Incidental uses directly related to the needs of trailer park residents, including only the following:
 - a. Office.
 - b. Laundry and rest room facilities.
 - c. Recreation facilities.
 - d. Not more than two dwelling units per trailer park, for the owner, operator and/or one employee of the trailer park.
 - e. Sales of items related to maintenance and operation of trailers within the park provided, there shall be no sign visible from a street advertising such sales.

C. Development Standards.

| | Development Standards | R-TP | Additional requirements |
|----|--|-------------------------------------|---|
| 1. | Trailer park Minimum size (acres) | 2.5 | |
| 2. | Density | 2,400 square feet per trailer space | Ratio shall include access, trailer parking, automobile parking, outbuilding space, and recreational areas. |
| 3. | Trailer spaces | | |
| | -each trailer space size (square feet) | 1,500 | |
| | -each trailer space width (feet) | 30 | |
| 4. | Yards (feet) | | |
| | Front | 25 | Must be landscaped |
| | Side | 5 from each side of trailer | |
| | Street side | 15 | Must be landscaped |
| | Rear | 25 | May be used for access or parking |
| 5. | Height (feet) | Maximum 35 | |
| 6. | Distance Requirements (feet) | | |
| | Between trailers and accessory structures | 10 | |
| | Between trailers | 10 | |
| | | | |
| | Between trailers and buildings | 20 | |
| | Between trailers and vehicular access ways | 10 | |

| | | |
|----|-------------------------------------|---|
| 7. | Walls, fences, hedges and screening | Comply with CMC Chapter 17.22.XXX Walls, fences, Hedges and Screening |
| 8. | Parking | Comply with CMC Chapter 17.22.XXX Parking and Loading |

D. Vehicular and Pedestrian Access.

1. Trailer park entry driveway with shall be 30 feet wide, and shall include a turning area.
2. Access driveway width to trailers shall be 25 feet wide.
3. The five-foot pedestrian walkways shall be provided on either side of the vehicular way.
4. No parking shall be permitted in the required accessway.

E. Sewer Connections

All trailer park shall be connected to an available sanitary sewer as determined by the public works director; trailers without such connection are prohibited.

F. Accessory Structures.

1. No accessory building shall be constructed as a permanent part of a trailer. Only cloth awning or similar temporary device may be attached to a trailer.
2. Accessory structures such as but not limited to cabanas, patio covers, and other similar structures may be erected in conjunction with a trailer space; provided, that in no case may any accessory structures closer than 10 feet to any trailer other than the one it is designed to serve, or to any other cabana or ramada.

G. Site Plan Review.

The provisions of CMC Chapter 17.04.XXX Site Plan Review shall apply

17.24.210 Short Term Rentals

Reserved.

17.24.220 Smoke Shop and Tobacco Stores

A. Purpose.

The regulation of smoke shops and tobacco stores is necessary and in the interests of public health, safety, and general welfare because there is a substantial likelihood of the establishment and operation of smoke shops and tobacco stores in the city of Covina. The expansion of smoke shops and tobacco stores in the city would have undesirable impacts on the community. Among these impacts are increased potential for tobacco sales to

minors, greater opportunity for the sale of illegal drug paraphernalia that is marketed as tobacco paraphernalia, and heightened risk of negative aesthetic impacts, blight, and loss of property values of residential neighborhoods and businesses in proximity to such uses. This chapter contains amendments consistent with good zoning and planning practices to address the negative impacts of smoke shops and tobacco stores while providing a reasonable number of locations and zones within the city of Covina for such shops/stores to locate.

B. Zoning and Land Use Standards.

1. Smoke shops and tobacco stores are conditionally permitted only in the Regional Commercial (RC) Zone.
2. Location Standards.
 - a. Smoke shops and tobacco stores shall not be located within 300 feet, measured property line to property line, from a school (public or private), family day care home, child care facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other similar uses where children regularly gather.
 - b. Smoke shops and tobacco stores shall not be located within 500 feet, measured property line to property line, from another smoke shop and tobacco store.
 - c. It is unlawful for a smoke shop and tobacco store to knowingly allow or permit a minor, not accompanied by his or her parent or legal guardian, to enter or remain within any smoke shop and tobacco store.
 - d. Smoke shops and tobacco stores shall post clear signage stating that minors may not enter the premises unless accompanied by a parent or legal guardian. At least one such sign shall be placed in a conspicuous location near each public entrance to the smoke shop and tobacco store. It shall be unlawful for a smoke shop and tobacco store to fail to display and maintain, or fail to cause to be displayed or maintained, such signage.
3. Standard conditions of approval for any CUP shall, at minimum, include the following:
 - a. No smoking shall be permitted on the premises at any time.
 - b. No sales may be solicited or conducted on the premises by minors.
 - c. No self-service tobacco, tobacco product, or tobacco paraphernalia displays shall be permitted.
 - d. No distribution of free or low-cost tobacco, tobacco products or tobacco paraphernalia, as well as coupons for said items, shall be permitted.

17.22.230 Temporary Uses

A. Purpose.

This section sets regulations and standards for temporary activities and land uses to protect the community's health, safety, and general welfare.

B. Permit Requirements.

All temporary uses and activities require an Administrative Use Permit under Section 17.04.010. Applicants must obtain this permit and meet all requirements before starting any temporary use or activity.

C. Temporary Uses Require Permits.

1. Promotional Sales Activities. The activities include, but are not limited to, parking lot, sidewalk, or other outdoor promotional sales of merchandise. The activities are sponsored by businesses or organizations for a temporary extension of the normal retail sales in a neighborhood, community, or regional commercial centers, and upon the same premises, subject to the following requirements:
 - a. Each sale is limited to a maximum of 10 days per calendar year.
 - b. No sale for any single business or any other businesses located on the same lot or parcel, or within a commercial center, shall be permitted within 30 days of another sale.
 - c. The activity shall not present a hazard to pedestrians or encroach on a required building exit or emergency vehicle/fire access lanes.
 - d. Ensure safe vehicle entry and exit at all times.
 - e. Maintain adequate parking for the applicant's business and all other businesses on the same lot, parcel, or within the same commercial center during the activity.
2. Seasonal Sales Activities.
 - a. Seasonal sales activities used as advertising for retail commercial businesses are limited to three days of operation within any three-month period.
 - b. Holiday-themed product sales, such as Halloween, Christmas, or Easter, may operate for up to 30 consecutive days within any 12-month period on nonresidential properties.
3. Special Events. This category includes temporary commercial entertainment events, such as carnivals, circuses, fairs, car shows, and festivals, subject to the following regulations:
 - a. All such uses shall be limited to not more than 15 days, or more than three consecutive weekends, of operation in any 180 days. Exceeding this time limitation shall require the review and approval of a conditional use permit.
 - b. All such activities shall have a minimum setback of 100 feet from any residential use as measured from the property line. The planning director may waive this requirement if no adverse impacts, including, but not limited to, noise, traffic, odor, glare, and/or trash, would result.
 - c. Restroom and trash facilities shall be made available during the operational hours of the event.
 - d. Submit a security plan to ensure the event does not pose a hazard to attendees or nearby residents for the director and Police department for review and approval.
 - e. Submit a transportation management plan and a traffic control plan to ensure public safety for the director and traffic engineer review and approval.
 - f. Noise attenuation shall be provided to the satisfaction of the director.

4. Other Temporary Activities. Other temporary activities that the director deems to be similar in nature and intensity to those identified in this section may be approved with an **Administrative Use Permits**.

D. Temporary Uses Exempt from Permits Requirements.

1. Bingo games conducted by an eligible organization as described in and subject to all regulations in CMC Chapter 5.50 (Bingo).
2. Car washes of a temporary nature (e.g., school fundraisers).
3. Construction yards, storage sheds, and construction offices (on site) in conjunction with an approved construction project where the yard and/or shed are located on the same site as the approved project.
4. Emergency public health and safety facilities established by a public agency.
5. Entertainment and assembly events held within auditoriums, stadiums, or other public assembly facilities, provided the proposed use is consistent with the intended use of the facility.
6. Entertainment and assembly events as part of an allowed permanent use (e.g., gathering at an assembly use).
7. Events held exclusively on city property (city hall, city facilities, parks, etc.), not including events held exclusively in the public right-of-way (street, sidewalk, parkway, etc.), e.g., marathons.
8. Events held exclusively on school grounds, and which are in conjunction with a public school use.
9. Garage and yard sales held on private property and when occurring no more than four days per calendar year.

17.24.240 Vehicle Impound Yards

- A. Screening.** All vehicle storage areas shall be screened from view on adjacent property or public right-of-way with decorative block walls, landscaping, buildings or other structures.
1. The Planning Commission may permit or require that the height of any screen walls be greater than otherwise permitted by this code provided no such wall shall exceed eight feet in height.
 2. Vehicles shall not be stored above one another unless they are screened by approved enclosures having a height in excess of any vehicle stored above another vehicle.

B. Prevention of Contamination.

Prior to or concurrent with the issuance of any conditional use permit for an automobile impound yard, the applicant shall prepare a plan and take appropriate action for prevention of soil and ground water contamination.

17.24.250 Wireless Communication Facilities

- A. Intent and Purpose**
- B. Definitions**
- C. Applicability**
- D. Approval Requirements**
- E. Application Contents**
- F. Notices of Hearing/Determination**
- G. Location and Development Standards**
- H. Design Criteria**
- I. Waiver Request**
- J. Findings for Denial**
- K. Standard Conditions of Approval**
- L. Revocations**
- M. Maintenance Requirements**
- N. “Cells on Wheels” prohibited—exceptions**
- O. Abandonment and Removal**
- P. Violation—Penalty**

A. Intent and Purpose

The purpose of these requirements is to provide placement, design, and screening criteria to regulate the establishment of wireless communication facilities to protect the public health, safety, general welfare, and quality of life in the city, while providing needed flexibility to wireless communication providers. Additionally, these regulations protect the visual aesthetics of the community through the promotion of stealthing techniques that architecturally integrate or camouflage wireless communication facilities with their surroundings. This chapter shall be applied on a competitively neutral and nondiscriminatory basis to all applicants for wireless communication facilities.

B. Definitions

See Chapter 17.02 for Definitions.

C. Applicability

1. Except as set forth in subsection (B) of this section, the procedures and rules set forth in this chapter are applicable to all wireless communication facilities built, installed or modified within all zones of the city of Covina after the date the ordinance codified in this chapter is effective, including all wireless communication facilities within all city public rights-of-way.

2. This section shall not apply to the following:
 - a. Sites where the construction, installation or modification of a wireless communication facility is subject to a lease, license or other agreement with the city; or
 - b. Public safety communications facilities owned or operated by the city or any other public agency (e.g., sheriff, fire, federal or state safety authorities).

D. Approval Requirements

1. No wireless communication facility shall be built, installed or modified, in the public right-of-way or on any public property in any zone, without first applying for and obtaining an encroachment permit from the director of public works. The director of public works shall review all encroachment permit applications in accordance with Chapter 11.08 CMC.
2. Except as set forth in subsection (C) of this section, no new wireless communication facility shall be built, on any private property within the city in any zone (including the city's right-of-way), without first applying for and obtaining a conditional use permit from the planning commission. The planning commission shall hear all conditional use permit applications at a public hearing in accordance with Chapter 17.62 CMC.
3. Notwithstanding subsection (B) of this section, applicants requesting approval for a new co-location to an existing wireless communication facility located on private property ("base facility") shall only be required to obtain site plan review from the chief planning official, pursuant to Chapter 17.64 CMC, if all of the following apply:
 - a. The base facility has already received a conditional use permit;
 - b. The base facility has already been reviewed and approved by the city pursuant to CEQA, resulting in the preparation of a negative declaration, mitigated negative declaration, or environmental impact report (statutory and categorical exemptions for the base facility are insufficient);
 - c. The new co-location does not require a subsequent or supplemental environmental impact report due to substantial changes to the base facility, its site, its circumstances, or new information; and
 - d. The new co-location incorporates all mitigation measures that were required by CEQA for the base facility.
4. Any decision shall be subject to appeal pursuant 17.06.060.

E. Application Contents

Applications for the approval of wireless communication facilities shall include that information required by this code for the applicable land use approval (conditional use permit, site plan review or encroachment permit), plus the following information:

1. Contact Information. The applicant shall provide and keep current all contact information and notify the city of any changes within 15 calendar days. This information shall include but is not limited to the following:

- a. The name, address and telephone number, of the owner of the wireless communication facility including official identification numbers and FCC certifications and, if different the person or entity responsible for operating the wireless communication facility;
 - b. Name, address and telephone number of a local contact person for emergencies and type of service provided.
2. Location and Zoning Information. Location of the project site, including the address and the names of the two nearest cross streets, as well as the zoning designation of the project site.
3. Description of the Proposed Project. A description of the proposed wireless communication facility, including if the project is a new facility, a co-located facility, or a modification to an existing facility. If a new facility, the applicant shall include an explanation of whether the new facility will be designed to accommodate future co-locations. The applicant shall provide a written description of the stealthing measures the applicant proposes to aesthetically blend the facility to the immediate surroundings (including techniques, materials, textures and colors) and proposed height of the facility.
4. Noise. A description of the facilities and/or equipment within the applicant's project that are expected to induce or generate noise, as well as anticipated noise levels of said facilities and/or equipment.
5. Wireless Communication Facility Site Plan. The facility site plan, shall be drawn at a scale of one inch equals 20 feet or larger and including the following:
 - a. The proposed facility, including floor plans if within or located on an existing building, or involves construction of a building for equipment,;
 - b. Location of lot lines, adjacent streets, easements, and all structures and improvements, including accessory equipment, underground utilities and support structures, existing and proposed;
 - c. Slopes, contours, trees and other physical features of the site, existing and proposed;
 - d. All exterior lighting, existing and proposed;
 - e. Location, use and approximate distance from property lines of the nearest structures on all properties abutting the site; and
 - f. Parking for maintenance personnel.
6. Landscape Plan.
7. Site Photographs. Current color photographs of the site and its surroundings.
8. Proximity Map and Information. For applications for a conditional use permit, provide a map with all properties within 500 feet of the project site, a list of the names and addresses of all current owners from the assessor's roll, and an affidavit confirming accuracy. The proximity map and information set forth above shall not be required for an application for site plan review.

9. Visual Impact Analysis. An applicant shall include visual impact analysis which shall include photomontage, photo simulation or similar technique; and a building elevation plan which demonstrate, from all four primary directions, the potential visual impacts of the proposed wireless communication facility including views from public and private property. The analysis shall assess the cumulative impacts of the proposed wireless communication facility and other existing wireless communication facilities, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed wireless communication service. All costs, shall be borne by the applicant and shall include a signed certification that the proposed facility, when built, will appear as indicated in the visual impact analysis.
10. Justification for Location/Co-Location. The applicant must provide justification for the chosen site, including an assessment of at least two alternative locations and reasons why the locations were rejected. In compliance with **CMC 17.65.070(D)**, the applicant shall provide written evidence that it has made a good faith effort to co-locate the proposed facility with an existing facility and explain if co-location is not possible.
11. FCC/Signal Standards. A report certified by a licensed radio frequency engineer stating that electromagnetic (EM) emissions from the proposed facility will not exceed standards set by the Federal Communications Commission (FCC).
12. Map of Applicant's Existing Wireless Communication Facilities. A map and description of all existing wireless communication facility sites used by the applicant located within the city, and any facility sites outside of the city but provide coverage within the city.
13. Coverage Assessment. A written report setting forth how the proposed wireless facility will improve the applicant's coverage. It must identify areas of improvement, and indicate areas that have no coverage, a significant degradation in coverage or "dead zones" and shall include a capacity analysis, a propagation analysis and/or a decibel level report to indicate the quality of service provided by the applicant both at present and after installation. Where an applicant is seeking a waiver pursuant to **CMC 17.65.090**, the report shall also include a percentage of dropped calls at present.
14. Licenses. Documentation certifying the applicant has obtained all applicable licenses or other approvals to provide the services proposed in connection with the application, whether required by the Federal Communications Commission, California Public Utilities Commission, or any other agency with authority over the proposed wireless communication facility.
15. Waiver. Any application to develop a wireless communication facility that does not meet the general requirements and restrictions of this chapter shall include a request for a waiver, as set forth in **CMC 17.65.090**. A request for waiver may be submitted at a later time if it is determined that the proposed facility, as originally submitted, will not meet the requirements and restrictions of this chapter.

F. Notices of Hearing/Determination

Whenever this chapter requires a public hearing to be held before the planning commission, notices of hearing and determination shall be given as prescribed in CMC 17.02, except that the notice shall be mailed to all persons owning property within a distance of 500 feet from the exterior boundaries of the site.

G. Location and Development Standards

1. New rooftop or side-mounted facilities, as well as co-locations on existing rooftop, side-mounted, or standalone facilities, are permitted in all zones. New standalone facilities are permitted only in the zones identified in the use tables in Chapters 17.06, 17.08, 17.10, and 17.12 and subject to the restrictions and requirements of this chapter.
2. Setbacks /Noninterference. Except for wireless communication facilities to be located within public rights-of-way, no facility shall be located within or extend into the required setbacks established in the applicable zone. Notwithstanding the above, all new standalone facilities proposed to be located adjacent to a residential zone shall be set back from the nearest residential zone line by a minimum distance of 150 feet; provided, however, the minimum distance may be shorter than 150 feet if the antennas on the new facility are not visible from any adjacent residential zone from the shorter distance. The setback shall be measured from that part of the standalone facility that is closest to the nearest residential zone line (i.e., the setback for a monopole would be measured from the end of the branch closest to the residential zone line).
3. Lot Coverage. All facilities shall comply with all applicable lot coverage and building separation standards in the applicable zone.
4. Lights, Signals and Signs. Wireless communication facility signals, lights or signs shall be designed so as to meet but not exceed minimum requirements for Federal Aviation Administration (FAA) or other applicable federal or state regulations. Beacon lights shall not be included in the design of a facility unless required by the FAA. Any required lighting shall be shielded to eliminate, to the maximum extent possible, impacts on surrounding areas. Any other lighting of the facility that is not otherwise required is prohibited. No facility or its supporting equipment shall bear any sign, graphic or advertising device other than warning/safety signage or those required by this code or other applicable law.
5. Dish Antennas. Dish or parabolic antennas serving a wireless communication facility shall be situated so as to minimize visual impact without compromising their function.
6. Equipment Structures. Ground level equipment, buildings, structures, and bases shall be concealed from public view.
 - a. Accessory Equipment. All accessory equipment for wireless communication facilities shall be located within an existing building, a building addition, or an underground vault. If not technically feasible (cost alone is not a factor), equipment

may be placed in a separate above-ground enclosure. On private property, such enclosures may not exceed six feet in height unless greater height is needed for stealth or architectural integration. All equipment and enclosures must comply with the development standards of the applicable zone.

- b. Security. Accessory equipment shall be equipped with tamper-proof cabinets and/or locks to mitigate safety siting issues and shall be designed to minimize opportunities for unauthorized access, climbing, vandalism, graffiti, visual blight and other hazardous conditions. Barbed wire or razor wire fencing is prohibited.
7. Building Codes. Wireless communication facilities shall comply with all applicable building codes.
 8. Height. Notwithstanding any other height limitations contained in this title, wireless communication facilities may not exceed the height limitations set forth below:
 - a. Roof-mounted facilities (new or co-located) that are placed on an existing building, or top-mounted facilities (new or co-located) that are placed on an existing utility pole, water tank, or other similar structure may not exceed, a height of eight feet above the roof or top of the building or structure;
 - b. Side-mounted facilities (new or co-located) that are placed on an existing building, or on an existing utility pole, water tank, or other similar structure may not extend beyond the height of the existing building or structure;
 - c. Facilities co-located on an existing standalone facility may not extend beyond the height of the existing standalone facility; and
 - d. New standalone facilities may not exceed 55 feet in height.

Any applicant that proposes to construct or co-locate a wireless communication facility that would exceed the applicable height limitations set forth above must request a waiver pursuant to **CMC 17.65.090**.

9. Signal/Power Cables. All wireless communication facility cables, wires or similar electrical transmission devices must be placed underground, be placed within the existing building or structure or in cableways and must be properly stealthed to the maximum extent possible.
10. Co-Location Requirements.
 - a. Co-Location. Where feasible, owners or operators shall share sites where wireless communication facilities are already located, thereby reducing the number of new facilities.
 - b. Good Faith Effort. All applicants shall demonstrate a good faith effort to co-locate with existing facilities. The city may deny an approval to an applicant who has not demonstrated a good faith effort to co-locate with an existing facility. Such good faith effort includes written evidence by the applicant of:
 - i. Contact with all other licensed carriers for facilities within the area of proposed coverage.

- ii. Sharing nonproprietary technical information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location.

If the applicant determines that co-location is not feasible, a written statement of the reasons why co-location is not feasible shall be submitted.

In the event the applicant determines that co-location is feasible, the applicant shall include provisions for co-location of its facility.

All co-located facilities upon a site shall be architecturally coordinated and stealthed consistently with each other.

11. Parking. Any wireless communication facility and associated accessory equipment shall not reduce the number of parking spaces below the amount required, nor shall it obstruct any drive aisle or corner cutback (i.e., line-of-sight) area.
12. FCC Requirements. All existing and future wireless communication facilities shall meet all applicable FCC emissions and exposure standards for electromagnetic (EM) radiation, and all required notices and signs shall be posted on the site as required by the FCC and PUC.
13. Noise. All wireless communication facilities must comply with all existing noise ordinances of the city, but in no case shall any facility generate sound in excess of 50 dB CNEL at the property line of the nearest residential use, or 65 dB CNEL at the property line of the nearest nonresidential use.

H. Design Criteria

1. Preexisting Character. Wireless communication facility location and development shall preserve the preexisting character of the site as much as feasible.
2. Landscaping and Vegetation. Existing landscaping and vegetation, including trees, foliage and shrubs, whether or not utilized for stealthing, shall be preserved or improved, and disturbance of the existing topography of the site shall be minimized, unless removing, altering or disturbing the vegetation would result in less visual impact of the wireless communication facility on the surrounding area.

Additional landscaping shall be planted where such vegetation is necessary to provide stealthing or to block the line of sight between a facility and adjacent residentially zoned properties. If landscaping is removed to install the facility, it shall be replaced on the site at a one and one-half to one ratio.

3. Stealthing. All wireless communication facilities shall be hidden from view to the greatest extent feasible, considering technological requirements, using placement, camouflage, color, architectural compatibility to match the surroundings. The applicant shall use the smallest and least visible antennas and supporting equipment to

accomplish the coverage objectives. The applicant shall also integrate the wireless communication facility so that it is most compatible with the site and nearby buildings.

4. Blending/Stealth Methods.

- a. All standalone facilities, plus supporting equipment, shall use nonreflective materials and colors that minimizes their visibility, unless the FCC, FAA, or other government agency requires a different color. If a facility cannot be camouflaged in any other way, it shall be camouflaged as a tree (i.e., monopalm, monopine), flagpole, light pole or similar structure. Lattice towers and guyed towers are prohibited, except by waiver granted pursuant to **CMC 17.65.090**. Visible ground level equipment, structures and buildings shall be screened from view by landscape plantings, fencing or other appropriate stealthing means, and treated with graffiti-resistant paint or coating.
- b. Roof-mounted, top-mounted or side-mounted facilities shall be constructed, painted, finished and fully stealthed to match the building or structure. Facade-mounted equipment shall be camouflaged by incorporating the antenna into the design elements of the building and shall be painted and textured to match the existing structure. If possible, antennas should be located entirely within an existing or newly created architectural feature and not extend more than 24 inches out from the building face. Equipment buildings or enclosures mounted on a roof shall be architecturally consistent with the building, or located within the building on which the antenna is mounted.
- c. The city council may adopt additional regulations that further define and clarify the stealthing requirements.

I. Waiver Request

1. Waiver. A waiver of any of the location, design or other requirements and restrictions set forth in this chapter may be granted by the planning commission, chief planning official or director of public works, whichever is applicable, upon the request of the applicant, where the applicant demonstrates that such restriction or requirement either:
 - a. Prohibits or has the effect of prohibiting the provision of wireless communication services pursuant to the United States Telecommunications Act of 1996 (47 USC 332(c)(7) (B)(i)(II)); or
 - b. Unreasonably discriminates against the applicant when compared to other providers within the city who are providing functionally equivalent wireless communication services pursuant to the United States Telecommunications Act of 1996 (47 USC 332(c)(7) (B)(i)(I)).
2. Independent Consultant. Any application for a waiver shall include the applicant's authorization for the city to retain the services of an independent, qualified consultant, at the applicant's expense, to evaluate the issues raised by the waiver request. The application shall include a monetary deposit, as set by resolution of the city council, and an agreement by the applicant to reimburse the city for all reasonable costs associated with the consultation.

J. Findings for Denial

Any decision to deny, in whole or in part, a conditional use permit, site plan review or encroachment permit to construct or modify a wireless communication facility shall be in writing and supported by substantial evidence contained in the written record.

1. A permit shall be approved unless it is determined that:
 - a. The applicant fails to provide information required in CMC 17.65.050;
 - b. The proposed facility fails to comply with the standards of CMC 17.65.070 and 17.65.080;
 - c. Required findings cannot be made for the applicable permit (CMC 17.62.120, CMC 17.64.070, or CMC 11.08.120); or
 - d. In the case of a new wireless communication facility, co-location at a site with an existing wireless communication facility is feasible.

K. Standard Conditions of Approval

In addition to conditions of approval which may be included to ensure compliance with this code, the following standard conditions shall include in any conditional use permit, site plan review or encroachment permit issued pursuant to this chapter:

1. The applicant shall defend, indemnify and hold harmless the city and its officers, agents and employees from any claim, action or proceeding against the city or its officers, agents or employees to attack, set aside, void or annul any approval under this chapter. The applicant shall further defend, indemnify and hold harmless the city, its officers, agents and employees from any damages, liabilities, claims, suits, or causes of action of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance of the applicant, its agents, employees, licensees, contractors, subcontractors or independent contractors, pursuant to the approval issued by the city.
2. For all wireless communication facilities within the public right-of-way, the applicant shall remove or relocate, at applicant's expense and without expense to the city, when required for public improvements.
3. Existing sites where a wireless communication facility site is capable of accommodating a co-location must allow another carrier to co-locate its facilities on reasonable terms.
4. Within 90 days after commencing wireless communication facility operations, a qualified engineer shall submit compliance report and certifying that the facility continues to comply with all applicable federal, state and local regulations.
5. The applicant shall submit a written report to the city within 30 days after termination of any FCC, PUC or other federal or state operating license for the wireless communication facility.
6. Prior to commencing operations of a wireless communication facility, the owner or operator shall file and maintain a bond or other sufficient security in an amount covering the cost of removing the wireless communication facility and all related equipment on the site, as determined by the chief planning official or director of public

works, whichever is applicable. In setting the amount of the bond or security, the official shall take into consideration the applicant's estimate of removal costs.

L. Revocations

1. At any time, the city may initiate proceedings to revoke an approval issued pursuant to this chapter.
2. In addition to those provisions applicable to conditional use permits, site plan review and encroachment permits, the following shall also constitute grounds for revocation of an approval issued pursuant to this chapter:
 - a. The owner or operator has abandoned the wireless communication facility; or
 - b. The wireless communication facility is no longer in compliance with its respective conditions of approval, with the requirements of this chapter, or with any other applicable law; or
 - c. The wireless communication facility is no longer in compliance with applicable FCC or FAA regulations.
 - d. Any decision of the planning commission or chief planning official may be appealed pursuant to CMC 17.65.040(D). Any decision of the director of public works may be appealed pursuant to CMC 11.54.010.

M. Maintenance Requirements

All wireless communication facilities shall comply at all times with the following operation and maintenance standards:

1. **Equipment.** All facilities, including antennas, mounts, wires, conduit, lighting, fences, shields, cabinets, poles and stealthing materials (including artificial foliage), shall be kept in good repair, free from trash, debris, litter and graffiti and other forms of vandalism, and any damage shall be repaired as soon as practicable to maintain the facility's original appearance and to minimize occurrences of visual blight. All trash, debris, litter and graffiti shall be removed by the owner/operator within 48 hours following notification from the city.
2. **Landscaping.** Each facility and site which contains landscaping elements, whether or not used as stealthing, must be maintained at all times, and the owner or operator of the facility is responsible for replacing any damaged, dead or decayed landscaping as soon as practicable, and in accordance with the approved landscape plan.
3. **Inspections.** Each owner or operator of a facility shall regularly inspect each site to ensure compliance with the standards set forth in this chapter. The city may, upon advance notice to the owner or operator, conduct an inspection of a facility to verify compliance.
4. Facility shall display in a prominent location that identifies the facility and provides contact information to report any damage, destruction, graffiti or vandalism to the facility.

5. Backup Generators. Backup generators shall only be operated during outages, tested is prohibited on weekends, holidays, and between 10:00 p.m. and 7:00 a.m.

N. “Cells on Wheels” prohibited—exceptions

“Cells on wheels” or other mobile wireless communication facilities are prohibited in all zones, except for the following:

1. Telecommunications Emergency. Throughout the duration of a telecommunications emergency declared by the city; or
2. Special Events. During a special event within the city requiring enhanced telecommunications coverage, provided said event does not exceed three total days of operation within any three-month period and provided further that the applicant first obtains an **administrative use permit** pursuant to **CMC 17.04**.

O. Abandonment and Removal

1. Notice of Abandonment. The owner or operator shall notify the city by certified mail of the proposed date of abandonment or discontinuation of operations and the date the facility shall be removed, not less than 60 days prior to abandonment. Failure to give notice shall not remove the owner’s or operator’s obligation to remove an abandoned facility.
2. Removal Due to Utility Undergrounding. Any facilities located on a utility pole or structure shall be removed at the owner’s or operator’s expense if a utility is scheduled to be undergrounded.
3. Removal. Upon abandonment, revocation, or other lawful order of any federal, state or local agency to terminate facility operations, the owner or operator shall remove within 30 days shall including, but not be limited to:
 - a. Removal of antennas, mounts, equipment cabinets and security barriers;
 - b. Transportation of the antennas, mounts, equipment cabinets and security barriers to an appropriate repository;
 - c. Restoring the site to its prior condition, retaining the landscaping improvements and any improvements as determined by the planning director.
4. Stay. Removal may be delayed if upon written request and evidence submitted by the owner or operator that another wireless provider is in reasonable negotiations to acquire and use the wireless communication facility.
5. If an owner or operator fails to physically remove the facility and all related equipment within the time frames set forth, the city may do so at the owner/operator’s expense and recover cost from all or a part of any bond or other security posted by the owner/operator pursuant to **CMC 17.65.110(E)**.

P. Violation—Penalty

1. Any owner or operator of a wireless communication facility that violates the terms of this chapter shall be guilty of a misdemeanor, punishable in accordance with Chapter 1.16 CMC.
2. Civil Action/Nuisance Abatement. In addition to the above, if an owner or operator of a wireless communication facility violates the terms of this chapter, the city may pursue any and all civil remedies available, including but not limited to injunctive relief or initiation of a nuisance abatement action pursuant to Chapter 8.40 CMC.
3. Costs of Action. All costs of taking action to enforce the terms of this chapter shall be the responsibility of the owner or operator of the wireless communication facility.