

## ARTICLE 9. ZONING REGULATIONS

### CHAPTER 9.1. TITLE AND PURPOSE

#### 9.1.010. Title.

This Article of the Westlake Village Municipal Code shall be known as the Westlake Village Zoning Ordinance (Article 9). (Article 9, Zoning Ordinance, was renumbered with Ordinance No. 132, September 22, 1993, previously named Article IX, Chapter 1.)

#### 9.1.020. Purpose.

The purpose of the zoning ordinance is to guide the growth and development of the City in an orderly manner consistent with the goals and policies of the Westlake Village General Plan, to protect and enhance the quality of the natural and improved environment, and to promote the public health, peace, safety and general welfare by regulating the location and use of buildings, structures and land for residential, commercial, industrial and other specified uses contained within this Article.

#### 9.1.030. Findings regarding antenna regulations.

- A. The antenna regulations contained in this Article are intended to promote the public health, safety and welfare and to preserve the aesthetic quality of the City by maintaining architectural integrity and protecting views. In adopting and implementing the antenna regulations of this Article, the City Council intends to further these objectives without unnecessarily burdening the federal interests in ensuring access to satellite service, in promoting fair and effective competition among communication service providers, and in eliminating local restrictions that preclude reception of an acceptable signal quality or that unreasonably delay, prevent or increase the cost of antenna installation, maintenance or use.
- B. The City Council finds that the antenna regulations imposing a building permit requirement are necessary, desirable and in the best interests of the community in order to protect public safety. The City Council further finds that such regulations are applicable only to antennae that are not permitted accessory uses and that, because of legitimate safety related concerns, do not meet the criteria for exemption from local regulation established by the Federal Communications Commission pursuant to the Telecommunications Act of 1996."

(Ord. No. 185-03, Enacted, 07-23-03)

### CHAPTER 9.2. DEFINITIONS

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### 9.2.010. Purpose.

The following words and phrases, when used in this Article, shall, for the purpose of this Title, have the meanings respectively ascribed to them in this Section.

(Ord. No. 8, Amended, 03/14/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Amended, 08/14/85; Ord. No. 65, Amended, 11/08/86; Ord. No. 74-U, Amended, 10/14/87; Ord. No. 116, Amended, 07/10/91; Ord. No. 199, Amended, 12/11/91; Ord. No. 123, Amended, 04/08/92; Ord. No. 129, Amended, 12/09/92; Ord. No. 131, Amended, 04/13/93; Ord. No. 133, Amended, 11/10/93)

### 9.2.020. Definitions.

#### ACCESSORY DWELLING UNIT OR ADU

"Accessory Dwelling Unit" or "ADU" means a residential dwelling unit that satisfies all of the following criteria: (1) is located on a lot with a proposed or existing primary residence; (2) is attached to such primary residence ("attached ADU") or is detached from such primary residence ("detached ADU"); and (3) provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. The term ADU also includes an "efficiency unit" as defined in Health and Safety Code Section 17958.1 and a "manufactured home" as defined in Health and Safety Code Section 18007.

#### ACCESSORY STRUCTURE

"Accessory structure" means a structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

#### ACCESSORY USE

"Accessory use" means a use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

#### ADULT ENTERTAINMENT BUSINESS OR ADULT BUSINESS

"Adult entertainment business" or "adult business" means any of the following:

1. Adult Arcade. An "adult arcade" is an establishment where, for any form of consideration, as a regular and substantial course of conduct one or more still or motion picture projectors, or similar machines, for viewing by five (5) or fewer persons each, are used to show films, computer generated images, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by an emphasis upon specified sexual activities or the exposure of specified anatomical areas.
2. Adult Cabaret. An "adult cabaret" is an establishment that, for any form of consideration, as a regular and substantial course of conduct presents live performances that are characterized by an emphasis upon specified sexual activities or feature any semi-nude person.
3. Adult Motion Picture Theater. An "adult motion picture theater" is an establishment that, for any form of consideration, as a regular and substantial course of conduct offers to show films, computer-generated images, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon specified sexual activities or the exposure of specified anatomical areas.
4. Adult Retail Store. An "adult retail store" is an establishment that, for any form of consideration, as a regular and substantial course of conduct offers for sale, rent, or viewing either adult entertainment material, adult entertainment merchandise or both.

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5. Any business that, for any form of consideration, as a regular and substantial portion of conduct offers to its patrons products, merchandise, services or entertainment characterized by an emphasis upon specified sexual activities or the exposure of specified anatomical areas.

ADULT ENTERTAINMENT MATERIAL

"Adult entertainment material" means any audio-tape, book, periodical, magazine, photograph, drawing, sculpture, motion-picture film, videotape recording, or other visual representation, characterized by an emphasis upon specified sexual activities or the exposure of specified anatomical areas.

ADULT ENTERTAINMENT MERCHANDISE

"Adult entertainment merchandise" means paraphernalia, such as, but not limited to: dildos; vibrators; inflatable orifices; anatomical balloons with orifices; simulated vaginas and similar devices that are designed or marketed primarily for the stimulation of human genital organs or sadomasochistic activity. "Adult entertainment merchandise" shall not include birth control devices.

ALTERNATIVE TRANSPORTATION

"Alternative Transportation" means the use of modes of transportation other than the single passenger motor vehicle, including but not limited to carpools, vanpools, buspools, public transit, walking and bicycling.

AMUSEMENT FACILITY

"Amusement facility" means an establishment, open to the public, which contains as a primary use five (5) or more coin- or token-operated games, and/or similar entertainment and amusement devices.

ANTENNA

"Antenna" means one or more rods, poles, panels, discs or similar devices used for the transmission or reception of radio frequency signals. This definition includes omni-directional antennas (whip), directional antennas (panel) and parabolic antennas (disc). This definition does not include any mast designed and constructed for the specific purpose of supporting an antenna.

ANTENNA, AMATEUR RADIO

"Amateur radio antenna" means any radio antenna addressed by the September 19, 1985, Federal Communications Commissions ruling referenced as Matter of Federal Preemption of State & Local Regulations Pertaining to Amateur Radio Facilities, 101 F.C.C. 2d 952, 50 Fed. Reg. 38, 813 (1985).

ANTENNA, SATELLITE EARTH STATION

"Satellite earth station antenna" means a parabolic or dish-shaped antenna or other apparatus or device that is designed for the purpose of receiving or transmitting signals for voice, video or data.

ANTI-DRAIN VALVE

"Anti-drain valve" or "check valve" means a valve located in a lateral or under a sprinkler head to hold water in the system so it minimizes drainage from the lower portions of the system.

APARTMENT

"Apartment" means two (2) or more dwelling units each with one or more rooms with private bath and kitchen facilities comprising an independent rental unit which cannot be individually owned.

APPLICATION RATE

"Application rate" or precipitation rate" means the depth of water applied to a given area, usually measured in inches per hour.

AUTOMATIC CONTROLLER

"Automatic controller" means a mechanical or solid state timer, capable of operating control valves. Usually capable of setting the frequency or days and length of time of a water applications.

AWNING

"Awning" means a roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

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**BEDROOM**

"Bedroom" means a private room planned and intended for sleeping, separable from other rooms by a door, and accessible to a bathroom.

**BILLING UNIT**

"Billing unit" means one hundred (100) cubic feet of water (seven hundred forty-eight (748) gallons) and is the unit of volume for water used by Las Virgenes Municipal Water District as a basis for charging its customers. Water use at all sites shall be defined on the basis of billing units per year or billing period.

**BUILDING**

"Building" means any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

**BUILDING, SINGLE-PURPOSE**

"Single-purpose building" means a building used by one occupant for an individual business.

**BUILDING, PRINCIPAL**

"Principal building" means a building in which is conducted the principal use of the lot on which it is located.

**BUSPOOL**

"Buspool" means a vehicle carrying sixteen (16) or more passengers commuting on a regular basis to and from work with a fixed route, according to a fixed schedule.

**CELLAR**

A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six and one-half (6½) feet.

**CHANGE OF USE**

"Change of use" means a discontinuance of a use and the substitution therefore of a different use or no use.

**CHARACTERIZED BY AN EMPHASIS UPON**

"Characterized by an emphasis upon" means the dominant or essential theme of the object described by such phrase.

**CHURCH**

"Church" means a building or structure, or group of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith.

**CITY**

"City" means the City of Westlake Village.

**CITY COUNCIL**

"City Council" means the City Council of the City of Westlake Village.

**CLUB**

"Club" means a group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws.

**COMMISSION**

"Commission" means the Planning Commission of Westlake Village, or the City Council if no Planning Commission has been appointed.

**COMPATIBLE**

"Compatible" means that which is harmonious with and similar to surrounding buildings and/or uses.

**COMPLEX, COMMERCIAL OR INDUSTRIAL**

"Commercial or industrial complex" means a group of two (2) or more businesses which function together as an

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integral unit on a single parcel or separate parcels and which businesses utilize common off-street parking or access.

**CONCESSION OR INCENTIVE**

"Concession or incentive" means any of the following:

1. A reduction in site development standards or a modification of zoning ordinance requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in California Health and Safety Code Section 18901 et seq. including without limitation a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required.
2. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
3. Other regulatory concessions or incentives proposed by the developer or the City that result in identifiable and actual cost reductions.

**CONDOMINIUM**

"Condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building on such real property, such as an apartment, office or store. A condominium may include in addition a separate interest in other portions of such real property.

Such estate may, with respect to the duration of its enjoyment, be either: (1) an estate of inheritance of perpetual estate; (2) an estate for life; or (3) an estate for years, such as a leasehold or a subleasehold.

**CONDOMINIUM ASSOCIATION**

"Condominium association" means the association which administers and maintains the common property and common elements of a condominium.

**CONVERSION FACTOR**

"Conversion factor" means a number that converts values from one unit to another. Conversion factors used in this document are:

$0.00083 = (\text{inches}) / (12 \text{ inches per foot}) / (100)$   
Converts acre-inches to billing units.

$0.62 = (325,851 \text{ gallons} / 43,560 \text{ square feet}) / 12 \text{ inches}$  Converts acre-inches to gallons.

43,560 Converts acres to square feet or ft.<sup>2</sup>

7.48 Converts ft.<sup>3</sup> to gallons.

$325,829 = (43,560 \text{ ft.}^2) (7.48 \text{ gallons} / \text{ft.}^3)$   
Converts acre foot to gallons.

$748 = (7.48 \text{ gallons} / \text{ft.}^3) (100)$  Converts billing unit (abbreviated CCF or HCF) or 100 ft.<sup>3</sup> to gallons.

**COUNCIL**

"Council" means the City Council of the City of Westlake Village.

**DAY CARE FACILITY**

"Day Care facility" means a State-licensed establishment providing care or supervision on a less than twenty-four (24) hour-per-day basis for children under eighteen (18) years of age and/or the elderly.

**DAY CARE HOME, LARGE FAMILY**

"Large family day care home" means a home which regularly provides care, protection, and supervision of nine (9) to fourteen (14) children, inclusive, including children under the age of ten (10) years who reside at the home, in

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the provider's own home for periods of less than twenty-four (24) hours a day, while the parents or guardians are away.

DAY CARE HOME, SMALL FAMILY

"Small family day care home" means a home which regularly provides care, protection, and supervision of eight (8) or fewer children, including children under the age of ten (10) years who reside at the home, in the provider's own home for periods of less than twenty-four (24) hours a day, while the parents or guardians are away.

DEVELOPER

"Developer" means a person who is ultimately responsible for the planning, design and construction of a development project.

DEVELOPER INSTALLED LANDSCAPING

"Developer installed landscaping" means landscaping installed by a builder in conjunction with construction of a house. Developer installed landscaping shall not include landscaping installed by an owner/occupant builder in conjunction with the construction or remodeling of a single-family residence.

DEVELOPMENT

"Development" means the construction or addition of new building square footage.

DIRECTOR

"Director" means the Planning Director of the City of Westlake Village.

DISABLED PERSON

"Disabled person" means a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment, or anyone who has a record of such impairment, as those terms are defined in the Fair Housing Laws.

DRIPLINE

"Dripline" means a vertical line extending from the outermost portion of a tree canopy to the ground.

DRY CLEANING, COMMUNITY SERVING RETAIL

"Dry Cleaning, Community Serving Retail" means any premises, equipped to perform the service of dry cleaning as defined in the California Business and Professions Code whose sales are made directly to residential customers.

DWELLING

"Dwelling" means a structure or portion thereof which is used exclusively for human habitation.

DWELLING, MULTIFAMILY

"Multifamily dwelling" means a dwelling containing two or more dwelling units other than apartments.

DWELLING, SINGLE-FAMILY

"Single-family dwelling" means a building containing one dwelling unit constructed entirely on-site, or a unit constructed and/or assembled off-site, including mobile homes manufactured and certified under the National Mobile Home Construction and Safety Standards Act of 1974 and located on a permanent foundation system approved by the Building Department.

DWELLING UNIT

"Dwelling Unit" means one or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household. A dwelling unit may not contain more than one kitchen.

DWELLING UNIT, EFFICIENCY

"Efficiency dwelling unit" means a dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitation facilities.

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EASEMENT

"Easement" means an interest in the land of another which entitles the owner of the easement to the limited use or enjoyment of other's land.

ECOLOGICAL RESTORATION PROJECT

"Ecological restoration project" means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

EMERGENCY SHELTER

"Emergency shelter" means housing with minimal supportive services for persons experiencing homelessness that is limited to occupancy of six (6) months or less by a person experiencing homelessness.

EMPLOYEE HOUSING

"Employee housing" means housing to accommodate six (6) or fewer employees and accommodations are maintained in connection with any work or place where work is being performed, whether or not rent is involved. Employee housing is a residential land use designation and deemed a single-family structure. Employee housing is not included within the definition of hotel, motel, or other similar term that implies the employee housing is a business run for profit and differs in any other way from a family dwelling.

EMPLOYEE PARKING

"Employee Parking" means the portion of total required parking at a development assumed to be used by on-site employees. If Chapter 9.19 requires a designated number of spaces per employee for a certain use, then such spaces shall be considered "Employee Parking." However, if Chapter 9.19 does not require a designated number of spaces per employee for a certain use, then "Employee Parking" shall be calculated as follows:

Type of Use	Percent of Total Required Parking Devoted to Employees
Commercial	30%
Office/Professional	85%
Industrial/Manufacturing	90%

ESTABLISHED LANDSCAPE

"Established landscape" means a landscape planting in which the plants have developed a substantial portion of their root structure into the native soil.

ESTABLISHMENT PERIOD

"Establishment period" means the first year after installing the plant in the landscape.

EXTERIOR MODIFICATION

"Exterior modification" means changes or additions to the exterior facade of a building or structure excluding roofs. However, replacement of materials with the same type of materials as previously used is not considered an exterior modification.

FACADE

"Facade" means the exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

FAIR HOUSING LAWS

"Fair Housing Laws" means the Fair Housing Act (42 U.S.C. § 3601 et seq.), the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.), and the California Fair Employment and Housing Act (Government Code § 12900 et seq.), as these statutes now exist or may be amended from time to time, and the implementing regulations for each of these statutes.

FAMILY

"Family" means one or more individuals occupying a dwelling unit and living as a single household unit.

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FENCE

"Fence means an artificially-constructed barrier of any material or combination of materials erected to enclose or screen an area of land.

FLOOR AREA, GROSS

"Gross floor area" means the sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but not including interior parking spaces, loading space for motor vehicles, vehicular maneuvering areas, or any space where the floor-to-ceiling height is less than six (6) feet.

FLOOR AREA RATIO (F.A.R.)

"Floor Area Ratio" means the numerical value obtained through dividing the above ground gross floor area of a building or buildings located on a lot or parcel of land by the total area of such lot or parcel of land.

FRONTAGE, BUILDING

"Building frontage" means those sides of a building which face upon a public or private street or parking area between such building and the street. Where a building has two (2) frontages, the frontage containing the principal entrance of the building shall be designated as building frontage.

GARAGE

"Garage" means the enclosed portion of a deck, building or structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

GARAGE SALE

"Garage Sale" means any sale held in the garage or adjacent area of any residentially zoned property, no more than once per calendar year per dwelling unit, for the purpose of selling, trading, or otherwise disposing of previously used and unwanted household furnishings, personal goods, or similar tangible properties. Any sale in excess of one sale per calendar year per dwelling unit shall not be considered a garage sale, and shall be considered a prohibited commercial use of property.

GENERAL PLAN

"General Plan" means the City of Westlake Village General Plan, as required by California Government Code Section 65300.

GRADING

"Grading" means any stripping, cutting, filling, stockpiling of earth or land, including the land in its cut or filled condition.

GRAPE STAKE

"Grape Stake" means a wooden (typically Cedar), rough split fence slat, from one inch to three (3) inches in width, and approximately one inch in thickness.

GUESTHOUSE

"Guesthouse" means detached living quarters on the same premises as a single-family residence for the temporary use of family members, guests or employees of the occupants of such residence, containing no kitchen facilities, including "wet bars," and not rented or otherwise used as a separate dwelling.

HEIGHT, BUILDING

"Building height" means the vertical distance measured from the average elevation of the finished grade at the building perimeter to the highest point of the roof but excluding unsubstantial architectural features.

HELIPORT

"Heliport" means any helicopter landing area used, designed or intended to be used for the receiving or discharging of passengers and/or cargo.



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HOME OCCUPATION

"Home occupation" means any activity carried out for profit by a resident conducted as an accessory use anywhere on the resident's parcel.

HOTEL

"Hotel" means a facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants and meeting rooms.

HOUSEHOLD

"Household" means a family living together in a single dwelling unit with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

HYDROZONE

"Hydrozone" means a portion of the landscaped area having plants with similar water needs. It may be irrigated or nonirrigated. When irrigated, a hydrozone is served by a valve or set of valves with the same schedule.

ILLEGAL NONCONFORMING BUILDING OR USE

The term "illegal nonconforming building or use" means a building or use which does not conform to one or more of the provisions of this Article and did not lawfully exist on the effective date of applicable chapters of this Article.

INSTRUCTIONAL STUDIO/FACILITY

"Instructional studio/facility" means any building or part thereof which is used for the instruction of clients, in groups or individually, in the fields of art, dance, music, or martial arts, or is used for other professional, technical, academic or vocational training. A school shall not be considered to be an instructional studio/facility.

IRRIGATION WATER ALLOWANCE

"Irrigation water allowance" means the upper limit of annual applied water for the established landscaped area. It is based upon the locality's mean reference evapotranspiration, the Landscape Allocation Coefficient, and the size of the landscaped area.

JUNIOR ACCESSORY DWELLING UNIT OR JADU

"Junior Accessory Dwelling Unit" or "JADU" means a unit that is no more than five hundred (500) square feet in size and contained entirely within a single-family residence. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

KENNEL

An establishment in which more than three (3) dogs or domesticated animals more than four (4) months old are housed, groomed, bred, boarded, trained or sold.

KITCHEN

"Kitchen" means a room or space within a building intended to be used for the cooking or preparation of food.

LANDSCAPE ALLOCATION COEFFICIENT

"Landscape allocation coefficient" is 0.8.

LIVING AREA

"Living area" means the interior inhabitable area of a dwelling unit, including basements and attics, but not garages or accessory structures.

LOGO

"Logo" means any symbol, picture, character, icon, monogram, word or group of words, which by nature of its shape, texture, color, type-style, proportion, or configuration is intended to serve as a business identification sign or a component thereof.

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LOT

"Lot" means a designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

LOT AREA

"Lot area" means the total area within the lot lines of a lot, excluding any street rights-of-way.

LOT, CORNER

"Corner lot" means a parcel of land abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

LOT COVERAGE

"Lot coverage" means that portion of the lot covered by buildings and structures.

LOT, FLAG

"Flag lot" means a lot or parcel of land taking access by a strip, owner of which lot or parcel of land has fee-simple title to the strip extending from the main portion of the lot or parcel of land to the adjoining parkway, highway, or street.

LOT FRONTAGE

"Lot frontage" means the length of the front lot line measured at the street right-of-way line.

LOT, INTERIOR

"Interior lot" means a lot other than a corner lot.

LOT LINE

"Lot line" means a line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

LOT LINE, FRONT

"Front lot line" means the lot line separating a lot from a public right-of-way or private street. In the case of a lot with more than one street frontage, the front lot line shall extend across the narrowest portion of the lot.

LOT LINE, REAR

"Rear lot line" means the lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

LOT LINE, SIDE

"Side lot line" means any lot line other than a front or rear lot line.

LOT, REVERSED CORNER

"Reversed corner lot" means a corner lot, the street-side line of which is substantially a continuation of the front lot line of the first lot to its rear.

LOT WIDTH

"Lot width" means the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

LOW BARRIER NAVIGATION CENTER

"Low barrier navigation center" means a housing first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low barrier" means best practices to reduce barriers to entry, and may include, without limitation, the following:

1. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth;

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2. Pets;
  3. The storage of possessions; and/or
  4. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two (2) beds, or private rooms.

#### MAJOR LIFE ACTIVITY

"Major life activity" means physical, mental, and social activities, such as: the operation of major bodily functions; seeing; hearing; eating; sleeping; walking; standing; sitting; reaching; lifting; bending; speaking; breathing; learning; reading; concentrating; thinking; communicating; interacting with others; and working.

#### MEZZANINE

"Mezzanine" means an intermediate floor placed in any story or room that does not exceed thirty-three and one-third (33 ⅓) percent of the total floor area in that room. The clear height above or below a mezzanine floor shall be not less than seven (7) feet.

#### MOBILEHOME

"Mobilehome" means a domicile transportable in one or more sections, designed and equipped to contain not more than two dwelling units, to be used with or without a permanent foundation system. "Mobilehome" does not include a recreational vehicle.

#### MOTEL

"Motel" means an establishment which provides transient accommodations and contains six (6) or more rooms with at least twenty-five (25) percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

#### MOTOR VEHICLE REPAIR FACILITIES

"Motor vehicle repair facilities" means any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered.

#### MOTOR VEHICLE SALES FACILITIES

"Motor vehicle sales facilities" means the use of any building, premises or land for the display and sale of new or used automobiles, light trucks, vans, trailers, or recreation vehicles and including any warranty repair work and other repair service conducted as an accessory use.

#### MOTOR VEHICLE WASHING FACILITIES

"Motor vehicle washing facilities" means any building or premise or portions thereof used for washing motor vehicles.

#### NET AREA

"Net area" means an area of land exclusive of public street or alleys or land dedicated or offered for streets or alleys. That portion of a highway easement or private street easement shown on an alternate cross section pursuant to Article 10 of the Municipal Code (Subdivisions) shall be included in the net area.

#### NIGHT CLUB

"Night club" means an establishment operating during evening hours which primarily offers live entertainment or dancing and which may serve food or drink.

#### NONCONFORMING LOT

"Nonconforming lot" means a lot, the area, dimensions or location of which was lawful prior to the effective date of this Article, or any amendment thereto, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

#### NONCONFORMING SIGN

"Nonconforming sign" means a sign which lawfully existed prior to the effective date of this Article, or any

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amendment thereto, but which fails by reason of such adoption or amendment to conform to all of the standards and regulations of the adopted or amended Article.

**NONCONFORMING STRUCTURE OR BUILDING**

"Nonconforming structure or building" means a structure or building which was lawful prior to the effective date of the Article, or any amendment thereto, but which fails by reason of such adoption or amendment, to conform to the present requirements of the zoning district.

**NONCONFORMING USE**

"Nonconforming use" means a use or activity which was lawful prior to the effective date of this Article, or any amendment thereto, but which fails by reason of such adoption or amendment, to conform to the present requirements of the zoning district.

**NURSERY SCHOOL**

"Nursery school" means a school for pre-elementary school age children which provides controlled activities and instruction.

**NURSING HOME**

"Nursing home" means a facility licensed to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

**OAK TREE**

"Oak tree" means Valley Oak (*Quercus lobata*), Coast Live Oak (*Quercus agrifolia*) or any other tree of the oak genus.

**ON SITE**

"On site" means located on the lot that is the subject of discussion.

**OUTDOOR STORAGE**

"Outdoor storage" means the keeping, in an unenclosed area, of any goods, junk, material, merchandise or vehicles in the same place for more than twenty-four hours. As used here, "unenclosed" means not screened from view by a solid wall or fence at least eight feet in height.

**OVERSPRAY**

"Overspray" means the water which is delivered beyond the landscaped area, wetting pavements, walks, structures, or other non-landscaped areas.

**PERMITTED USE**

"Permitted use" means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**PHYSICAL OR MENTAL IMPAIRMENT**

"Physical or mental impairment" means any physiological disorder or condition and any mental or psychological disorder, including: orthopedic, visual, speech and hearing impairments; cosmetic disfigurement; anatomical loss; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; intellectual disabilities (formerly termed "mental retardation"); emotional or mental illness; learning disabilities; HIV disease (whether symptomatic or asymptomatic); tuberculosis; and alcoholism and drug addiction (but not including current use of illegal drugs). A temporary condition, such as a broken leg, pregnancy, use of crutches, etc. does not qualify as a physical or mental impairment.

**PLANNING DIRECTOR**

"Planning director" means the planning director of the City of Westlake Village.

**PREFERENTIAL PARKING**

"Preferential Parking" means parking spaces designated or assigned, through use of a sign or painted space markings for carpool and vanpool vehicles carrying commute passengers on a regular basis that are provided in a location more convenient to a place of employment than parking spaces provided for single occupant vehicles.

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PRINCIPAL BUILDING

"Principal building" means a building in which is conducted the principal use of the lot upon which it is situated. In a single-family residential district, any dwelling on a lot shall be deemed to be the principal building upon that lot.

PRINCIPAL USE

"Principal use" means the primary or predominant use of a lot.

PROCESSING

"Processing" means a series of operations, usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner.

PROFESSIONAL OFFICE

"Professional office" means the office of a member of a recognized profession maintained for the conduct of that profession.

PROJECT

"Project" means any commercial or industrial complex center or park, as well as residential developments other than one single-family residence.

PROPERTY OWNER

"Property owner" means the owner of a development who may serve as the lessor to a tenant.

RAIN SENSING DEVICE

"Rain sensing device" means a system which automatically shuts off the irrigation system when it rains.

REASONABLE ACCOMMODATION

"Reasonable accommodation" means any deviation requested and/or granted from the City's zoning laws, building code provisions, or other land use regulations, policies, or practices, or any combination thereof, that may be reasonable and necessary for a disabled person to have an equal opportunity to use and enjoy a dwelling.

RECLAIMED WATER

"Reclaimed water" means tertiary treated waste water of quality suitable for nonpotable uses such as landscape irrigation; not intended for human consumption.

RECREATION ROOM

"Recreation room" means a detached structure on the same premise as a single-family residence. A recreation room shall be no more than three hundred (300) square feet in size, shall contain no kitchen facilities, including "wet bars," and shall not be rented or otherwise used as a separate dwelling.

RECREATIONAL AREA

"Recreational area" means areas of active play or recreation such as sports fields, school yards, picnic grounds, or other areas with intense foot traffic that require additional water to maintain acceptable turf quality.

RECREATIONAL VEHICLE

"Recreational vehicle" means a motorhome, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area of less than two hundred (200) square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms.

For purposes of this chapter, "recreational vehicles" shall also include dune buggies or motorcycles which are unlicensed for the street and all terrain vehicles, boats, and boat trailers, horse trailers, jet skis, and other similar equipment.

REFERENCE EVAPOTRANSPIRATION

"Reference evapotranspiration" or "ETo" means a standard measurement of environmental parameters which affect the water use of plants. ETo is given inches per unit of time (i.e., day, month or year). For purposes of this Article, an ETo factor of 51.0 shall be employed.

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#### REGULAR AND SUBSTANTIAL COURSE OF CONDUCT

"Regular and substantial course of conduct" means that any of the following conditions exist:

1. At least thirty (30) percent of the stock-in-trade is devoted to adult entertainment material, adult entertainment merchandise, or both; provided, however, that this criteria shall not apply to mail order businesses or wholesale businesses with no patrons on the premises.
2. At least thirty (30) percent of the total display area is devoted to adult entertainment material, adult entertainment merchandise, or both; provided, however, that this criteria shall not apply to mail order businesses or wholesale businesses with no patrons on the premises.
3. The business presents live entertainment characterized by an emphasis upon specified sexual activities or featuring any semi-nude person on any four (4) or more separate days within any thirty (30) day period.
4. The business presents non-live entertainment characterized by an emphasis upon specified sexual activities or the exposure of specified anatomical areas on any four (4) or more separate days within any thirty (30) day period.
5. At least thirty (30) percent of the gross receipts of the business are derived from the sale, trade, rental, display or presentation of services, products, materials or entertainment that is characterized by an emphasis upon specified sexual activities or the exposure of specified anatomical areas.

#### RESIDENTIAL CARE FACILITY

"Residential care facility" means a state authorized, certified or licensed family home or group care facility for twenty-four (24) hour nonmedical care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual, excluding jails and other detention facilities.

#### RUN OFF

"Run off" means water which is not absorbed by the soil or landscape to which it is applied and flows from the area. For example, run off may result from water that is applied at too great a slope.

#### SALE

"Sale" means the exchange of goods or property for money or some other consideration.

#### SCHOOL

"School" means any building or part thereof which is used for education or instruction at the elementary, secondary, and/or high school level, and which is financed by the public pursuant to Article 9, Section 5 of the California Constitution, or which is required to file reports pursuant to California Education Code Section 33190 or its successor.

#### SEMI-NUDE

"Semi-nude" means a state of dress in which opaque clothing covers no more of the torso than the genitals, pubic region, buttocks and female breast, as well as portions of the body covered by supporting straps or devices. "Semi-nude" for females shall include a state of dress consisting of a bikini or lingerie.

#### SENIOR CITIZEN

"Senior citizen" means an adult over sixty (60) years of age.

#### SERVICE STATION

"Service station" means any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels.

#### SETBACK, FRONT

The term "front setback" means the distance between the public or private street right-of-way line and the front line of a building or any projection thereof, excluding uncovered steps.

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### SIGN

"Sign" means any name, figure, painting, character, outline, spectacle, display, delineation, announcement, advertising, billboard, signboard, device, appliance or any other thing of similar nature to attract attention outdoors or on the face, wall or window of any building, and shall include all parts, portions, units and materials composing the same, together with the frame, background, support and anchorage therefor which is visible from outside the property.

### SIGN, CAN-STYLE MONUMENT

"Can-style monument sign" means an internally lighted, low profile ground sign, typically consisting of a metal box enclosure with translucent sign face(s) and text.

### SIGN, DIGITAL

"Digital sign" means any sign that displays an electronically changeable message including images, symbols, videos, words, or any combination thereof.

### SIGN, DIRECTIONAL

"Directional sign" means a sign that directs the flow of traffic at a site or transmits parking information about a site. Such sign may display the following words: "entrance," "enter," "in," "out," or other similar words, and may contain arrows or other characters indicating traffic directions, used either in conjunction with such words or separately. No directional sign shall contain any advertising or trade name identification.

### SIGN FACE

"Sign face" means a single display surface.

### SIGN FACE AREA

"Sign face area" means the total surface area computed by drawing intersecting straight lines which form the boundary of the area within which words, letters, figures, symbols, pictures or other attention-getting devices could be placed.

### SIGN, FLASHING OR SCINTILLATING

"Flashing or scintillating sign" means any sign which by any method or manner of illumination either flashes on or off, winks or blinks with varying light intensity, shows motion or creates the illusion of motion, or revolves in a manner to create the illusion of being on or off.

### SIGN, ILLUMINATED

"Illuminated sign" means any sign designed to emit or brightly reflect artificial light.

### SIGN HEIGHT

"Sign height" means the distance measured from the ground surface to the top surface of the sign.

### SIGN, MONUMENT

"Monument sign" means a low-profile ground sign incorporating the design and building material of the primary use of the property.

### SIGN, OUTDOOR ADVERTISING

"Outdoor advertising sign" means any sign directing public attention to a business, profession, product or service that is not the principal business, profession, product or service that is sold, manufactured, conducted or offered on the premises where such sign is erected or maintained. "Outdoor advertising sign" is synonymous with billboard.

### SIGN, POLE

"Pole sign" means a sign that is placed in the ground or has as its primary structural support one or more columns, poles, uprights or braces in or upon the ground and not attached to any building.

### SIGN, PORTABLE

"Portable sign" means any movable sign not permanently attached to the ground or to a building.

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#### SIGN PROGRAM

"Sign program" means a program for sign uniformity at a commercial, industrial, or public/institutional complex.

#### SIGN, PROJECTING

"Projecting sign" means a sign which is attached to and projects from the structure of building face, and is not parallel to the structure or building to which it is attached.

#### SIGN, REVOLVING

"Revolving sign" means a sign or portion thereof which rotates, moves or appears to move in some manner by mechanical, electrical, natural or other means.

#### SIGN, ROOF

"Roof sign" means any sign erected, constructed or placed upon or over a roof of a building.

#### SIGN STRUCTURE

"Sign structure" means a structure existing, erected or maintained to serve as a stand, frame or other background for the support or display of signs. This definition is limited to freestanding structures which have the primary purpose of supporting a sign, except that a building or other structure upon which a sign is mounted shall be counted as a sign structure for the purpose of regulating the number of sign structures permitted.

#### SIGN, WALL

"Wall sign" means any sign posted, painted on, suspended from or otherwise affixed to the wall, window, parapet or roof fascia of any building or structure in an essentially flat position or with the exposed face of the sign in a plane approximately parallel to the plane of such wall, window, parapet or roof fascia; provided that, the sign shall not extend above the roof line or parapet of the building.

#### SIGN, WINDOW

"Window sign" means a sign placed in a window so as to be visible from outside of the building.

#### SINGLE-ROOM OCCUPANCY DWELLING UNIT

"Single-room occupancy dwelling unit" means a small dwelling unit, typically between two hundred (200) and three hundred fifty (350) square feet, restricted to occupancy by no more than two (2) persons and may include a kitchen and/or a bathroom, in addition to a bed.

#### SMOKING ESTABLISHMENTS

"Smoking establishment" means any establishment that, as part of normal operation, allows employees or patrons to engage in on-premises smoking of cigars, cigarettes, electronic cigarettes, hookahs, pipes (including water pipes), or similar items. For purpose of this definition, the term "on-premises" means indoors or outdoors within twenty-five (25) feet of an entrance to the facility, another business, or a residence. "Smoking establishment" includes a private smokers' lounge and a retail or wholesale tobacco shop as defined by Labor Code Section 6404.5.

#### SOLAR ENERGY SYSTEM

"Solar energy system" means any solar collector or other solar energy device, or any structural design feature of a building whose primary purpose is to provide for the collection, storage or distribution of solar energy for space heating or cooling, for water heating or for electricity.

#### SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD)

"South Coast Air Quality Management District" (SCAQMD) is the regional authority appointed by the California State Legislature to meet federal standards and otherwise improve air quality in the South Coast Air Basin (the non-desert portions of Los Angeles, Orange, Riverside, and San Bernardino Counties).

#### SPECIAL NEEDS HOUSING

"Special Needs Housing" means individual or group housing available to persons, who by virtue of income, circumstance or disability, require housing not otherwise available within the greater Westlake Village community. Such individuals and groups include low- and very low-income individuals and families, seniors of sixty two (62)



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years of age and older, individuals who due to age or disability require assisted living accommodations, and temporary accommodations for battered women, abused children, and others suffering similar adverse circumstances.

#### SPECIFIED ANATOMICAL AREAS

"Specified anatomical areas" means the following:

1. 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 the areola;
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered;
3. Any device, costume or covering that simulates any of the body parts included in subsections (1) or (2) above.

#### SPECIFIED SEXUAL ACTIVITIES

"Specified sexual activities" means the following, whether performed directly or indirectly through clothing or other covering:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;
2. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated;
4. Excretory functions as part of, or in connection with, any of the other activities described in subsections (1) through (3) above.

#### SPRINKLER HEAD

"Sprinkler head" means a device which sprays water through a nozzle.

#### STORY

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it, excluding cellars and mezzanines.

#### STRUCTURE

"Structure" means anything constructed or erected, which requires a fixed location on the ground, or is attached to a building or other structure having a fixed location on the ground.

#### STUDENT HOUSING

"Student housing" means residential facilities, that may or may not contain cooking facilities, which are appurtenant to a school, and which exist for occupancy solely by the students of such school, and by employees of such school whose duties include an advisory and supervisory role for the students in residence.

#### SUBDIVISION - MAJOR

"Major subdivision" means a development of five (5) or more lots, parcels or units created for the purpose of sale, lease or finance.

#### SUBDIVISION - MINOR

"Minor subdivision" means a development of four (4) or less lots, parcels or units created for the purpose of sale, lease or finance.

#### SUPPORTIVE HOUSING

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving the resident's health status, and maximizing the resident's ability to live and, when possible, work in the community.

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#### TARGET POPULATION

"Target population" means persons with low incomes who have one (1) or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care systems, individuals exiting from institutional settings, veterans, and persons experiencing homelessness.

#### TEMPORARY STRUCTURE

The term "temporary structure" means structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

#### TENANT

"Tenant" means the lessee of space at a development project.

#### TOWNHOUSE

"Townhouse" means one of a row of houses usually of the same or similar design with common side walls or with a very narrow space between adjacent side walls.

#### TRANSITIONAL HOUSING

"Transitional housing" means buildings configured as rental housing developments but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six (6) months from the beginning of the assistance.

#### TRANSPORTATION DEMAND MANAGEMENT (TDM)

"Transportation Demand Management (TDM)" means the alteration of travel behavior — usually on the part of commuters — through programs of incentives, services, and policies. TDM addresses alternatives to single occupant vehicles such as carpooling and vanpooling, and changes in work schedules that move trips out of the peak period or eliminate them altogether (as is the case in telecommuting or compressed work weeks).

#### TRIP REDUCTION

"Trip reduction" means reduction in the number of work-related trips made by single occupant vehicles.

#### TURF

"Turf" means a surface layer of earth containing mowed grass with its roots. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm season grasses.

#### USE

"Use" means the purpose or activity for which land or a structure is designed, arranged or intended, or for which land or a structure is occupied or maintained.

#### VALVE

"Valve" means a device used to control the flow of water in the irrigation system.

#### VEHICLE

"Vehicle" means any motorized form of transportation, including but not limited to automobiles, vans, buses and motorcycles.

#### WAREHOUSING

"Warehousing" means the storage of materials in a warehouse or terminal, where such materials may be combined, or separated for transshipment or storage purposes but the original material is not chemically or physically changed.

#### WHOLESALE TRADE

"Wholesale trade" means establishments or places of business primarily engaged in selling merchandise to

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retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

WIRELESS TELECOMMUNICATIONS ANTENNA FACILITY

"Wireless telecommunications antenna facility" means an unstaffed facility for the transmission or reception of wireless telecommunications services, commonly consisting of an antenna array, connection cables, a support structure to achieve the necessary elevation, and an equipment facility or subterranean vault to house accessory equipment, which may include cabinets, pedestals, shelters, and similar protective structures.

WIRELESS TELECOMMUNICATIONS SERVICES

"Wireless telecommunications services" means any personal wireless services as defined in the Telecommunications Act of 1996, including federally-licensed wireless telecommunications services consisting of cellular services, personal communications services (PCS), specialized mobile radio services (SMR), enhanced specialized mobile radio services (ESMR), paging, and similar services that currently exist or that may be developed in the future."

YARD

"Yard" means an open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in this Title.

YARD, FRONT

"Front yard" means a space extending the full width of the lot between any building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line. Such front yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Article.

YARD, REAR

"Rear yard" means a space extending across the full width of the lot between any building and the rear lot line, and measured perpendicular to the building at the closest point to the rear lot line. Such rear yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Article.

YARD, SIDE

"Side yard" means a space extending from the front yard to the rear yard between any building and the side lot line measured perpendicular from the side lot line to the closet point of a building. Such side yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Article.

ZONING CLEARANCE

"Zoning Clearance" means a ministerial certificate issued by the Planning Department prior to issuance of any building permit to ensure that the proposed use and/or construction complies with all of the provisions of the zone in which it is located, as well as all other applicable provisions of this Article. Such approval may require the submittal of a plot plan. Zoning clearances are not required for residential properties that involve interior modifications, minor exterior modifications; such as, windows, patios, roofs, etc.

(Ord. No. 48, Amended, 03/14/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Amended, 08/14/85; Ord. No. 65, Amended, 11/08/86; Ord. No. 74-U, Amended, 10/14/87; Ord. No. 116, Amended 07/10/91; Ord. No. 119, Amended, 12/11/91; Ord. No. 123, Amended, 04/08/92; Ord. No. 129, Amended, 12/09/92; Ord. No. 131, Amended, 04/14/93; Ord. No. 133, Amended, 11/10/93; Ord. No. 140-95, Amended 05/22/96; Ord. No. 145U-97, Amended, 1/8/97; Ord. No. 145-97, Amended, 2/12/97; Ord. No. 149-97, Amended, 7/30/97; Ord. No. 155-98, Amended 5/27/98; Ord. No. 160-99, Amended, 5/24/99; Ord. No. 166-00, Amended, 9/27/00; Ord. No. 181-02, Amended 01/8/03; Ord. No. 185-03, Amended, 07/23/03; Ord. No. 192-05, Amended, 3/9/05; Ord. No. 203-07, Amended, 12/12/07)

(Ord. No. 212-11, § 2, 4-27-2011; Ord. No. 228-13, §§ 1, 2, 12-11-2013; Ord. No. 229-13, §§ 2, 3, 12-11-2013; Ord. No. 234-14, § 1, 12-10-2014; Ord. No. 245-16, §s 2, 3, 5-11-2016; Ord. No. 247-16, § 2, 1-25-2017; Ord. No. 252-

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17, § 2, 11-8-2017; Ord. No. 260-17, § 3, 1-10-2017); Ord. No. 260-17, § 3, 1-10-2017; Ord. No. 285-21, §§ 2, 3, 1-27-2021; Ord. No. 288-21, §§ 6—12, 9-28-2021)

## **CHAPTER 9.3. ESTABLISHMENT OF ZONING DISTRICTS**

### **9.3.010. Establishment of Zones.**

Westlake Village is hereby divided into zoning districts of such number and character as are necessary to achieve compatibility of uses within each district, and to implement the Westlake Village General Plan as well as the Official Zoning Map of the City of Westlake Village. The following zoning districts are established:

R-1	(Single-Family Residential) Zone
RPD	(Residential Planned Development) Zone
MHP	(Mobilehome Park) Zone
CPD	(Commercial Planned Development) Zone
CR	(Commercial Recreation) Zone
BP	(Business Park) Zone
MU	(Multiple Use) Zone
PI	(Public/Institutional) Zone
OS	(Open Space) Zone
SP	(Specific Plan) Zone

(Ord. No. 283-20, § 6, 7-8-2020)

### **9.3.020. Adoption of Zoning Map.**

The boundaries of the zoning districts established by the preceding section shall be as shown upon the Official Zoning Map and are hereby made a part of this Section.

### **9.3.030 Rules Applying to Uncertain Boundaries on Zoning Map.**

Where uncertainty exists as to the boundaries of any zone shown on the Official Zoning Map, the following rules shall apply:

1. Where such boundaries are indicated as approximately following street or lot lines, such lines shall be construed to be such boundaries.
2. In unsubdivided property or where a zone boundary divides a lot, the location of such boundary, unless indicated by dimension, shall be determined by the use of the scale appearing on the zoning map.
3. In any case any uncertainty exists, the City Council shall determine the location of boundaries.
4. Where any public street is vacated or abandoned, the zoning and regulations applicable to abutting properties shall apply to the centerline of such vacated or abandoned street.
5. Where any private right-of-way or easement of any transportation or public utility company is vacated or abandoned, said property shall be automatically classified as an OS Zone.
6. All property in the City or hereafter annexed not otherwise classified by the City is hereby classified as an OS Zone.

## CHAPTER 9.4. GENERAL REQUIREMENTS

### 9.4.010. Application.

Except as hereafter provided, land or buildings may be used and structures may be erected or altered only in accordance with the following provisions:

1. No building may be erected and no existing building shall be moved, altered, or enlarged nor shall any land, building or premises be used, designed or intended to be used for any purpose or in any manner other than a use listed in this Article, or amendments thereto, as permitted in the zone in which such land, building or premises is located.
2. No building shall be erected nor shall any existing building be moved, reconstructed or structurally altered to exceed in height the limit established by this Article or amendments thereto for the zone in which building is located.
3. No building shall be erected nor shall any existing building be moved, altered, enlarged or rebuilt, nor shall any open spaces surrounding any buildings be encroached upon or reduced in any manner except in conformity with the development standards outlined in Chapters 9.14—9.22 of this Article, or amendments thereto, for the zone in which such building is located.
4. No yard or open space provided adjacent to any building for the purpose of complying with the regulations of this Article or amendments thereto shall be considered as providing a yard or open space for any other building or structure.

### 9.4.020. Conflicting Permits and Licenses to be Voided.

All departments, officials and public employees of the City vested with the duty or authority to issue permits or licenses shall conform with the provisions of this Article and shall issue no permits or licenses for uses, buildings or any purpose in conflict with the provisions of this Article and shall issue no permits or licenses for uses, buildings or any purpose in conflict with the provisions of this Article. Any such permit or license issued in conflict with this Article shall be null and void.

### 9.4.030. Administrative Authority.

The Planning Director may authorize a representative to carry out any of the duties and responsibilities delegated to him/her by this Article.

### 9.4.040. Zoning Clearance.

Prior to issuance of a building permit for any building or structure hereafter erected or altered, a zoning clearance shall be issued by the Planning Director certifying that said permit or use complies with all provisions of this Article except that building permits for interior modifications to single family residences and minor exterior modifications to single family residences; such as windows, patios, roofs, etc. may be issued by the Building Department without such approval. Further, prior to any modification or change in exterior colors, materials or facade treatment of a nonresidential structure, a zoning clearance shall be issued by the Planning Director to assure compliance with applicable provisions of this Article. City Council may establish specific color standards for use in zoning clearances.

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(Ord. No. 48, Amended, 03/14/84; Ord. No. 65, Amended, 11/08/86)

#### **9.4.050. Determination of Permitted Uses.**

Where a use is not specifically listed or is determined by the Planning Director to not be included in a general category of use in the sections defining uses permitted, it shall be assumed that the use is prohibited unless it is determined by the action of the Commission, following receipt of a recommendation from the Planning Director, and a public hearing, that the use is similar to and no more objectionable than the uses listed. A determination of similar use may be initiated by a resolution of intention by the City Council, and shall be processed in the manner as provided in this Article for zoning text amendments.

(Ord. No. 185-03, Amended, 07/23/03)

#### **9.4.060. Minimum Requirements.**

In interpreting, analyzing and applying the provisions of this Article, unless otherwise stated, they shall be held to be the minimum requirements for promotion of public health, safety, peace, comfort and general welfare.

#### **9.4.070. Conflict with Other Regulations.**

Where conflicts occur between the regulations of this Article and the Building Code or other regulations effective within the City, the more restrictive of any such regulations shall apply.

It is not intended that this Article shall interfere with, abrogate or annul any easement, CC&R or other agreement now in effect, or hereinafter in effect, provided, however, that where this Article imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules or regulations or by easements, CC&R or agreements, the provisions of this Article shall apply.

Nothing contained in this Article shall be deemed to repeal or amend any regulation of the City requiring a permit or license or both for any business, trade or occupation nor shall anything in this Article be deemed to repeal or amend the Building Code of the City of Westlake Village.

(Ord. No. 51, Amended, 04/10/84)

#### **9.4.080. Number of Buildings on a Residentially-Zoned Lot.**

Except where approved as part of a residential planned development, not more than one principal residential building shall be situated on a single lot of record in any residential district.

#### **9.4.090. Consistency with General Plan.**

An application approved by any review body must be found consistent with the objectives, policies, general land uses, and programs of the Westlake Village General Plan.

#### **9.4.100. Density.**

The density limitations set forth in the Land Use Element of the General Plan in terms of the number of dwelling units permitted shall apply to each residential lot or project. Notwithstanding the preceding, the granting

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of a density bonus pursuant to State law and this Article shall not be interpreted, in and of itself, to require a General Plan amendment, zoning change or other discretionary approval.

(Ord. No. 185-03, Amended, 07/23/03)

**9.4.110. Reserved.**

Editor's note(s)—Ord. No. 252-17, § 3, adopted November 8, 2017, deleted § 9.4.110, which pertained to Marijuana Distribution Facility Prohibition, and derived from Ord. No. 212-11, § 3, adopted April 27, 2011.

**9.4.120 Reserved.**

Editor's note(s)—Ord. No. 252-17, § 4, adopted November 8, 2017, deleted § 9.4.120, which pertained to Unlawful Uses, and derived from Ord. No. 212-11, § 4, adopted April 27, 2011.

**CHAPTER 9.5. R-1 (SINGLE-FAMILY RESIDENTIAL) ZONE**

**9.5.010. Purpose.**

The R-1 Zone is intended to provide for the development, protection and stability of single-family detached dwellings within relatively low-density residential neighborhoods of the City.

**9.5.020. Permitted Uses.**

The following uses shall be permitted in the R-1 Zone:

1. Single-family dwelling placed in a permanent location.
2. Employee housing.
3. Temporary uses, subject to the issuance of a temporary use permit as provided for in Chapter 9.29 of this Article.

(Ord. No. 288-21, § 13, 9-28-2021)

**9.5.030. Accessory Uses.**

The following uses are permitted in the R-1 Zone as accessory to a lawfully established single-family dwelling:

1. Accessory buildings and structures located on the same lot as a principal residential building, including recreation rooms, but excluding guesthouses.
2. Small family day care homes.
3. Garage sales, provided that no more than one sale per calendar year per dwelling unit is conducted on the property.
4. Home occupations, as provided for in Chapter 9.28 of this Article.
5. A residential care facility which serves six (6) or fewer persons.
6. Fences and walls as provided in Chapter 9.14, provided that all walls and fences are finished on both sides.

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7. An accessory dwelling unit, subject to Sections 9.14.070 and 9.14.080.
  8. A junior accessory dwelling unit, subject to Section 9.14.080.

(Ord. No. 51, Amended, 04/10/84; Ord. No. 133, Amended, 11/10/93; Ord. No. 145U-97, Amended, 1/8/97; Ord. No. 145-97, Amended, 2/12/97; Ord. No. 149-97, Amended, 7/30/97; Ord. No. 185-03, Amended, 07/23/03)

(Ord. No. 260-17, § 4, 1-10-2017; Ord. No. 285-21, §§ 4, 5, 1-27-2021)

#### **9.5.040. Conditionally Permitted Uses.**

The following uses may be permitted subject to the approval of a conditional use permit pursuant to the provisions of Chapter 9.26 of this Article.

1. Large family day care homes.
2. One guesthouse, subject to the following limitations.
  - a. The guesthouse shall be located in the rear yard of a single lot or parcel.
  - b. The guesthouse shall consist of a one-story structure, not to exceed eighteen (18) feet in height.
  - c. The floor area of the guesthouse shall not exceed six hundred (600) square feet.
  - d. Notwithstanding other provisions of the Municipal Code, the guesthouse shall be located no closer than ten (10) feet from side and rear property lines.
  - e. The guesthouse shall be located on a lot or parcel not less than twelve thousand (12,000) square feet in size.
  - f. Each guesthouse shall be provided with parking spaces as determined by the Planning Director.
  - g. The applicant for the conditional use permit shall be an owner-occupant of the lot or parcel upon which the primary dwelling unit is situated.
3. Model homes and temporary tract sales offices for a development opened to the public for the first time.
4. Publicly owned uses necessary to the maintenance of the public health, convenience, or general welfare.
5. Recreational facilities, neighborhood, not accessory to a principal use, including tennis and swimming, where operated as a nonprofit corporation for the use of the surrounding residents. This provision shall not be interpreted to permit commercial enterprises.
6. Tennis courts and other game courts.
7. Amateur radio antennae.

(Ord. No. 119, Amended 12/11/91; Ord. No. 140-96, Amended, 05/22/96; Ord. No. 145U-97, Amended, 1/8/97; Ord. No. 145-97, Amended, 2/12/97; Ord. No. 185-03, Amended, 07/23/03)

#### **9.5.050. Recreational Vehicles.**

Outdoor storage of recreational vehicles in the R-1 Zone is prohibited. Any person violating this Section shall be guilty of an infraction.

(Ord. No. 157-98, Amended, 6/24/98)



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### **9.5.060. Commercial Vehicles.**

The storage or parking of any commercial vehicle having an unladen weight of over six thousand (6,000) pounds on any lot or parcel is prohibited. This Section shall not apply to the parking of any vehicle that is in the process of delivering or picking up goods. A violation of this Section is an infraction which is punishable as provided in Chapter 1.2 of this Code.

(Ord. No. 157-98, Amended, 6/24/98; Ord. No. 165-00, Amended, 9/27/00)

### **9.5.070. Antennae.**

Exterior antennae are prohibited except as authorized by Chapter 9.15.

(Ord. No. 139-95, Amended, 01/10/96; Ord. No. 140-96, Amended, 05/22/96; Ord. No. 185-03, Amended, 07/23/03)

#### APPLICABLE REGULATIONS

All uses shall be subject to the applicable regulations of this Article, including the standards which are located in the following chapters:

Chapter 9.14 - Development Standards

Chapter 9.15 - Design Standards

Chapter 9.17 - Hillside Development Standards

Chapter 9.18 - Sign Standards

Chapter 9.19 - Off-Street Parking and Loading Standards

Chapter 9.21 - Oak Tree Preservation Standards

(Ord. No. 48, Enacted, 03/14/84)

## **CHAPTER 9.6. RPD (RESIDENTIAL PLANNED DEVELOPMENT) ZONE**

### **9.6.010. Purpose.**

The RPD Zone is intended to provide for a broad spectrum of neighborhoods in the City in terms of residential density and development consistent with the objectives, policies, general land uses and programs of the Westlake Village General Plan. Attention shall be given to a proposed development to insure that appropriate standards are incorporated within its design which will result in a compatible and harmonious setting in terms of site orientation, building placement, open space, landscaping, and the provision for pedestrian and vehicular circulation.

### **9.6.020. Permitted Uses.**

The following uses shall be permitted in the RPD Zone, subject to the issuance of a planned development permit, as provided for in Chapter 9.25 of this Article:

1. Single-family dwelling(s).
2. Employee housing.

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3. Multifamily dwellings.
  4. Apartments.
  5. Temporary uses, subject to the issuance of a temporary use permit as provided in Chapter 9.29 of this Article.

(Ord. No. 51, Amended, 04/10/84; Ord. No. 288-21, § 14, 9-28-2021)

### **9.6.030. Accessory Uses.**

The following uses are permitted in the RPD Zone as accessory to a lawfully established single-family dwelling, multiple-family dwelling, or apartment.

1. Accessory buildings and structures, including recreation rooms, but excluding guesthouses.
2. Garage sales, provided that no more than one sale per calendar year per dwelling unit is conducted on the property.
3. Home occupations, as provided for in Chapter 9.28. 4. Small family day care homes.
5. A residential care facility which serves six (6) or fewer persons.
6. Fences and walls as provided in Chapter 9.14, provided that all fences and walls are finished on both sides.
7. An accessory dwelling unit, subject to Sections 9.14.070 and 9.14.080.
8. A junior accessory dwelling unit, subject to Section 9.14.080.

(Ord. No. 133, Amended, 11/10/93; Ord. No. 145U-97, Amended, 1/8/97; Ord. No. 145-97, Amended, 2/12/97; Ord. No. 149-97, Amended, 7/30/97; Ord. No. 185-03, Amended, 07/23/03)

(Ord. No. 260-17, § 5, 1-10-2017; Ord. No. 285-21, §§ 6, 7, 1-27-2021)

### **9.6.040. Conditionally Permitted Uses.**

The following uses may be permitted subject to the approval of a conditional use permit, as provided in Chapter 9.26 of this Article:

1. Large family day care homes.
2. One guesthouse subject to the following limitations.
  - a. The guesthouse shall be located in the rear yard area of a single lot or parcel.
  - b. The guesthouse shall consist of a one-story structure, not to exceed eighteen (18) feet in height.
  - c. The floor area of the guesthouse shall not exceed six hundred (600) square feet.
  - d. Notwithstanding other provisions of the Municipal Code, the guesthouse shall be located no closer than ten (10) feet from side and rear property lines.
  - e. The guesthouse shall be located on a lot or parcel not less than twelve thousand (12,000) square feet in size.
  - f. Each guesthouse shall be provided with parking spaces as determined by the Planning Director.
  - g. The applicant for the conditional use permit shall be an owner-occupant of the lot or parcel upon which the primary dwelling unit is situated.

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3. Model homes and temporary tract sales offices for a development opened to the public for the first time.
  4. Publicly owned uses necessary to the maintenance of the public health, convenience, or general welfare.
  5. Tennis courts and other game courts in conjunction with a detached single-family dwelling.
  6. Amateur radio antennae.

(Ord. No. 119, Amended, 12/11/91; Ord. No. 133, Amended, 11/10/93; Ord. No. 140-96, Amended, 05/22/96; Ord. No. 145U-97, Amended, 1/8/97; Ord. No. 145-97, Amended, 2/12/97; Ord. No. 185-03, Amended, 07/23/03)

#### **9.6.050. Recreational Vehicles.**

Outdoor storage of recreational vehicles in the RPD zone is prohibited unless specifically approved as part of a planned development permit.

Any person violating this Section shall be guilty of an infraction.

(Ord. No. 157-98, Amended, 6/24/98)

#### **9.6.060. Commercial Vehicles.**

The storage or parking of any commercial vehicle having an unladen weight of over six thousand (6,000) pounds on any lot or parcel is prohibited. This Section shall not apply to the parking of any vehicle that is in the process of delivering or picking up goods. A violation of this Section is an infraction which is punishable as provided in Chapter 1.2 of this Code.

(Ord. No. 157-98, Amended, 6/24/98; Ord. No. 165-00, Amended, 9/27/00)

#### **9.6.070. Application and Processing.**

A planned development permit shall be required for all uses and structures within the RPD Zone, however, none shall be required for alterations to an existing single-family home.

A planned development permit application shall be accompanied by a tentative or parcel map application if required by the State Subdivision Map Act and Article 10 of the Municipal Code. All required applications related to a specific residential development proposal shall be processed and acted upon concurrently by the Planning Commission.

#### **9.6.080. Number of Units.**

A residential planned development shall be consistent with the General Plan, and specifically the project site's Land Use Element designation, in terms of the number of dwelling units proposed.

The total number of units permitted on a project site shall not exceed the number which follows the site's land use designation, except in the case of a density bonus as permitted below. Further, the number of units approved as part of a residential planned development may be no less than twenty-five (25) percent of the maximum number of units permitted by the site's land use designation.

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### **9.6.081. Reserved.**

Editor's note(s)—Ord. No. 229-13, § 4, adopted Dec. 11, 2013, deleted § 9.6.081, which pertained to density bonus and derived from Ord. No. 48, adopted Mar. 14, 1984; Ord. No. 184-03, adopted July 23, 2003; and Ord. No. 192-05, adopted Mar. 9, 2005.

### **9.6.090. Type of Development.**

The type of development within a residential planned development shall conform to the General Plan land use designation for the project site (i.e., "Single-Family" or "Multifamily Residential"). Where the type of development is not specified by the General Plan, the project may include single-family or multifamily units.

### **9.6.100. RPD Design Standards.**

Due to the unique characteristics of the RPD Zone, the following design standards shall be incorporated in and provided for each residential planned development, in addition to those contained in Chapter 9.12 of this Article:

1. All utilities on the project site shall be underground. Such undergrounding shall be accomplished in accordance with the utility's rules and tariff schedules on file with the California Public Utilities Commission.
2. Within multifamily developments and apartments, trash areas shall be provided within two hundred (200) feet of an access point to the unit they serve and shall be enclosed by a five (5) foot high decorative masonry wall with solid gates. The installation of trash compactors within each unit shall be encouraged.
3. Any retaining walls shall be treated in a similar manner as the project's buildings, using compatible materials, colors and finishes.
4. Surface-mounted and roof-mounted mechanical equipment, including transformers, terminal boxes and meter cabinets, shall be hidden by landscaping or other appropriate means of screening, and/or treated to match the materials and colors of the adjacent building. The project design may not include the use of window- or wall-mounted air conditioning units.
5. Within apartments and multifamily developments, parking spaces, driveways, maneuvering aisles, turnaround areas and landscaping areas shall be kept free of dust and litter, and markings, paving walls, light standards and all other facilities shall be permanently maintained. Provision for such maintenance shall be included in any CC&R's or rules governing rentals for the project.
6. Within apartments and multifamily developments, accessory buildings and uses (garages, bicycle storage, laundry rooms, car washing areas, recreation facilities, etc.) shall incorporate a design, including materials and colors, similar to the dwelling units, and shall be located in an efficient manner consistent with the purpose of this Section.
7. Address numbers shall be uniformly located throughout the development.
8. Exterior antennae are prohibited except as authorized by Chapter 9.15. 9. Within apartments and multifamily developments, on-site lighting shall be installed along vehicular access ways and major walkways. Such lighting shall be directed onto the driveways and walkways within the development and away from adjacent properties. Lighting shall also be installed within all covered and enclosed parking areas.

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10. Within apartments and multifamily developments without enclosed garages, a minimum of one hundred (100) cubic feet of lockable storage areas shall be provided outside each dwelling unit, with a minimum dimension of thirty (30) inches. The design, location and size of the storage space shall be subject to the approval of the Planning Director.
  11. Storage of boats, trailers, recreational vehicles and other similar vehicles shall be prohibited within multifamily developments unless specifically designated areas for the exclusive storage of such vehicles by project residents are set aside on the development plan and provided for in the project's CC&R's. Where such areas are provided, they shall be enclosed and screened from view by a six (6) foot high decorative masonry wall and landscaping, with adequate security lighting directed away from adjacent residences.
  12. The project design shall provide for access and circulation of vehicular, pedestrian, bicycle and emergency vehicle traffic in a safe, logical, and efficient manner, both to the site (off-site) and within the site (on-site).
  13. A "security-type" building or residential development may be implemented at the option of the developer. Said security design must allow for safe access in case of an emergency.
  14. Conditions, Covenants and Restrictions shall be prepared for any residential planned development and shall be approved by the Planning Director and the City Attorney. The Conditions, Covenants and Restrictions shall include the following provisions in addition to those set forth in this Section:
    - a. The association or individual owners or occupants of units in the development shall not, without the express written approval of the City, amend the Declaration of Conditions, as related to the reduction or failure to maintain assessments for the development, fail to provide for management of the association and the development;
    - b. The City shall have the right, but not the duty, to enter upon the development, for the purpose of performing maintenance and repairs in the event the association fails to do so or correcting or abating any nuisance or violation of State law or the Westlake Village Municipal Code;
    - c. A procedure for the collection of costs incurred by the City in performing any of the acts authorized by this Section or the Conditions, Covenants and Restrictions;
    - d. The City shall have the right, but not the duty, to enforce the provisions contained in the Conditions, Covenants and Restrictions as a third-party beneficiary to them, or in connection with the maintenance, repair or utilization of any easement or other property rights held by the City, either upon, appurtenant to, or nearby the development;
    - e. The City shall be entitled to an award of reasonable legal expenses in any action to enforce the provisions of the Conditions, Covenants and Restrictions for this Section;
    - f. Any other provisions which are necessary and reasonable for ensuring compliance with the provisions of the Westlake Village Municipal Code or the conditions of approval of the development.

(Ord. No. 48, Amended, 03/14/84; Ord. No. 139-95, Amended, 01/10/96; Ord. No. 140-96, Amended, 05/22/96; Ord. No. 185-03, Amended, 07/23/03)

### **9.6.110. Open Space Requirements.**

- A. Common Open Space. Except where only detached single-family dwellings occupy a RPD Zone, common open space shall be permanently provided for recreational purposes and for the enjoyment by all occupants of each residential planned development according to the following standards:

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1. Common open space shall be provided which is accessible and available to all project residents for outdoor activities. Surfacing of the areas shall be any practical combination of lawn, paving, decking, concrete or other serviceable, dust-free surfacing with a slope of not more than ten (10) percent. Required open space may not include public or private streets, driveways, utility easements where the ground surface cannot be used appropriately for open space, parking spaces or other areas primarily designed for other operational functions, and may not include required front or side yards.
  2. The amount of required open space shall be equal to two hundred (200) square feet for each dwelling unit with two (2) or more bedrooms or one hundred thirty-three and three tenths (133.3) square feet for each unit with less than two bedrooms. All areas designed for use as open space shall have a minimum dimension of fifteen (15) feet.
  3. Active recreation uses, such as swimming pools and tennis courts, shall be considered as common open space and may be granted a twenty-five (25) percent open space area bonus. Common indoor recreation uses shall be calculated on a one-for-one basis towards meeting as much as one-third of the open space requirement.
  4. Ground-level open space shall be screened from abutting streets by a wall, fence or dense landscaping.
  5. Required common open space shall be controlled and permanently maintained by the owner of the property or by an incorporated homeowners' association. Provision for such control and maintenance shall be included in any CC&Rs.
- B. Private Open Space. Private open space is devoted to the recreation and leisure use of one or more dwelling units and located immediately adjacent to such unit(s). The common open space requirement may be reduced by one square foot for every three (3) square feet of useable private open space that is provided, up to a maximum reduction of sixty-seven (67) square feet per unit. This reduction may be granted for private patios and balconies with at least three (3) feet in width. Walkways and required side yards adjacent to walkways shall not be counted.

### **9.6.120. Findings.**

In addition to those findings required by Chapter 9.25 of this Article, the Planning Commission may approve a project in the RPD zone only if the following findings of fact can be made in a positive manner:

1. The PDP permit and tentative tract/parcel map, if required, are internally consistent and are in conformance with the site's land use designation and maximum unit limit as shown by the Westlake Village General Plan.
2. The design of the proposed development plan fulfills the purpose of the RPD Zone.
3. The areas of open space, landscaping, recreation, parking and other communal facilities are consistent with the anticipated population of the development.

(Ord. No. 185-03, Amended, 07/23/03)

#### APPLICABLE REGULATIONS

All uses shall be subject to the applicable regulations of this Article, including the standards which are located in the following sections:

- Chapter 9.14 - Development Standards
- Chapter 9.15 - Design Standards
- Chapter 9.16 - Landscaping Standards
- Chapter 9.17 - Hillside Development Permits

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Chapter 9.18 - Sign Standards

Chapter 9.19 - Off-Street Parking and Loading Standards

Chapter 9.21 - Oak Tree Preservation Standards

## **CHAPTER 9.7. MHP (MOBILE HOME PARK) ZONE**

### **9.7.010. Purpose.**

The MHP Zone is intended to provide areas for mobile home parks within the City. Maximum attention and consideration shall be given to a proposed development to insure that appropriate standards are incorporated within its design which will result in a compatible and harmonious setting in terms of residential density and development consistent with the objectives, policies, and programs of the Westlake Village General Plan.

(Ord. No. 123, Amended, 04/08/92)

### **9.7.020. Conditionally Permitted Uses.**

The following uses may be permitted subject to the approval of a Conditional Use Permit, as provided for in Chapter 9.26 of this Article:

1. Mobile Home Parks
2. Accessory Uses
  - a. Accessory buildings and structures, except guesthouses.
  - b. Garage sales unless specifically prohibited by the Conditional Use Permit.
  - c. Home occupations as provided for in Chapter 9.28 of this Article.
  - d. A residential care facility which serves six (6) or fewer persons.
3. Storage of boats, trailers, recreational vehicles, and other similar vehicles shall be prohibited within developments unless specifically designated areas for the exclusive storage of such vehicles by project residents are set aside on the development plan and provided for in the project's approval. Where such areas are provided, they shall be enclosed and screened from view by a six (6) foot high decorative masonry wall and landscaping, with adequate security lighting directed away from adjacent residences.
4. Amateur radio antennae.

(Ord. No. 123, Amended, 04/08/92; Ord. No. 140-96, Amended, 05/22/96; Ord. No. 145U-97, Amended, 1/8/97; Ord. No. 145-97, Amended, 2/12/97)

### **9.7.030. Number of Units.**

Density of a mobile home park shall be consistent with the density designation set forth for the project site in the Land Use Element of the General Plan.

(Ord. No. 123, Amended, 04/08/92)

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### **9.7.040. Single-Unit Mobile Homes.**

Mobile homes shall contain not more than one dwelling unit per mobile home lot.

(Ord. No. 123, Amended, 04/08/92)

### **9.7.050. MHP Design Standards.**

1. All utilities shall be placed underground.
2. A mobile home park shall have, as a condition of use, an area of not less than ten (10) acres.
3. The average size of the mobile home lot shall not be less than two thousand five hundred (2,500) square feet and no mobile home lot shall have an area of less than two thousand (2,000) square feet. The occupied area of a mobile home lot shall not exceed seventy-five (75) percent of the lot area.
4. The front yard of the mobile home park shall be no less than fifteen (15) feet. No mobile home or accessory structure other than a fence or wall shall be located within five (5) feet of the side or rear line of the mobile home lot unless modified by the Commission, but in no event less than three (3) feet.
5. There shall be a distance of not less than ten (10) feet between mobile homes.
6. Each mobile home lot shall have access upon a roadway not less than twenty-five (25) feet in clear width, exclusive of required parking areas. All roadways shall be improved with macadam, asphaltic concrete, or concrete surfacing, and shall have clear and unobstructed access to a public thoroughfare.
7. Parking shall be provided as required by Chapter 9.19 of this Article.
8. Unless the requirement is specifically waived or modified by the Commission, a masonry wall shall be built and maintained:
  - a. Not less than five (5) feet high and not more than six (6) feet high at the rear of the front yard of the mobile home park, if the portion adjacent to said front yard is used for parking, and along the sides and rear of the mobile home park.
  - b. Forty-two (42) inches high along the front of the mobile home park if the portion adjacent to said front yard is not used for parking. The Commission may approve substitution of a decorative fence or wall where, in its opinion, such fence or wall will adequately comply with the intent of this Section.
9. Landscaped areas of a mobile home park shall be provided as the Commission finds necessary and in the manner which the Commission finds necessary to prevent the mobile home park from being materially detrimental to the public welfare or to the property of other persons located in the vicinity thereof. Such landscaping shall be provided and maintained in accordance with Chapter 9.16 of this Article.
10. Signs shall be as provided in Chapter 9.18 of this Article, except that a map identifying all interior streets to the satisfaction of the Fire Department, shall be posted at the entrance to each park.
11. Recreation facilities of a mobile home park shall be developed for recreational purposes as the Commission finds necessary for the use of the residents of such mobile home park and their guests.
12. Prohibitions:
  - a. A recreational vehicle may not be occupied in a mobile home park.



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- b. A mobile home shall not be used for any commercial purpose except as permitted by Chapter 9.26 of this Article.
  - c. A mobile home shall not support a building.
  - d. Recreational facilities shall be used only by residents of the mobile home park and their guests.
  - e. A mobile home park shall have no single-family residences, two-family residences, or apartment houses other than one dwelling unit for the use of a caretaker or a manager responsible for maintaining or operating the property.
  - f. Vehicles shall not be parked within required roadways.
  - g. There shall be no commercial uses except those uses approved by the Commission and which are necessary to facilitate the operation of the mobile home park.
  - h. Exterior antennae are prohibited except as authorized by Chapter 9.15. 13. Approval of a conditional use permit for a mobile home park shall not relieve the applicant or his successors in interest from complying with all other applicable statutes, ordinances, rules, and regulations.

#### APPLICABLE REGULATIONS

All uses shall be subject to the applicable provisions of this Article including the standards which are located in the following sections:

Chapter 9.14 - Development Standards

Chapter 9.15 - Design Standards

Chapter 9.16 - Landscaping Standards

Chapter 9.17 - Hillside Development Permits

Chapter 9.18 - Sign Standards

Chapter 9.19 - Off-street Parking and Loading Standards

Chapter 9.21 - Oak Tree Preservation Standards

(Ord. No. 123, Amended, 04/08/92; Ord. No. 139-95, Amended 01/10/96; Ord. No. 140-96, Amended, 05/22/96; Ord. No. 185-03, Amended 07/23/03)

## **CHAPTER 9.8. CPD (COMMERCIAL PLANNED DEVELOPMENT) ZONE**

### **9.8.010. Purpose.**

The CPD Zone is intended to provide for a broad range of retail and service commercial activities, operating under development standards designed to create a compatible and harmonious setting. Attention shall be given to a proposed use to ensure that appropriate standards are incorporated within the project design in terms of site orientation, building placement, landscaping, and the provision for pedestrian and vehicular circulation.

(Ord. No. 48, Amended, 03/14/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 82, Amended, 05/10/88; Ord. No. 123, Amended, 04/08/92)

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### **9.8.020. Permitted Uses.**

The following uses shall be permitted in the CPD Zone, subject to the issuance of a planned development permit, or zone clearance, as provided for in Chapter 9.25 of this Article:

1. Food Sales - Includes the retail sale of food and beverages for home and/or on-premises consumption.
2. Personal and Convenience Services - Includes the provision of barber and beauty care, self-service laundromats, community serving retail laundry or community serving dry cleaning establishments and similar services provided that the building is so constructed and the equipment is so installed and maintained and the activity is so conducted that all noise, vibration, dust, odor, and all other objectionable factors will be confined or reduced to the extent that no annoyance or injury will result to persons or property in the immediate vicinity.
3. Consumer Repair Services - Includes the repair of personal apparel, household appliances, furniture and similar items, but excludes the repair of motor vehicles.
4. Medical Services - Includes the provision of therapeutic, preventive or corrective personal treatment services by physicians, dentists and other practitioners, as well as the provisions of medical testing and analysis services, but excludes hospitals.
5. General Retail Services - Includes the retail sale or rental of goods primarily for personal or household use, but excludes the sale or rental of motor vehicles, and the sale of materials used in the construction of buildings or structures, except for paint, fixtures and hardware.
6. Consultative and Financial Services - Includes the provision of financial, insurance and real estate brokerage services, as well as the provision of advise, design, information or consultation of a professional nature.
7. Administrative Commercial Activities - Includes executive, management, administrative and clerical activities.
8. Business and Communication Services - Includes the provision, primarily to firms rather than to individuals, of services of a clerical, goods brokerage, communication or minor processing nature, including multi-copy and blueprinting services; but excludes the printing of books, other than pamphlets and small reports for other firms, and the storage of goods, other than small samples, for sale.
9. Temporary uses, subject to the issuance of a temporary use permit as provided for Chapter 9.29 of this Article.
10. Instructional studios/facilities, excluding vocational instructional facilities.

(Ord. No. 48, Amended, 03/14/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 82, Amended, 05/10/88; Ord. No. 123, Amended, 04/08/92; Ord. No. 155-98, Amended, 5/27/98)

### **9.8.030. Conditionally Permitted Uses.**

The following uses may be permitted subject to the approval of a conditional use permit pursuant to the provisions of Chapter 9.26 of this Article:

1. Laboratories, when not acting as an accessory use to a primary use.
2. Sale of alcoholic beverages for on- or off-site consumption.
3. Bars and cocktail lounges, including accessory entertainment.

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4. Mortuaries.
  5. Service stations.
  6. Motor vehicle repair facilities.
  7. Motor vehicle and boat sales and rentals.
  8. Motor vehicle washing facilities, if part of a service station.
  9. Public service and utility structures and facilities.
  10. Hotels and motels.
  11. Schools.
  12. Indoor entertainment facilities, such as theatres, sports facilities including gymnasiums and health clubs, nightclubs, billiard parlors and amusement facilities.
  13. Clubs, lodges and halls.
  14. Building material sales.
  15. Retail plant nurseries.
  16. Day care facilities.
  17. Nursery schools.
  18. Churches.
  19. Massage parlors by licensed personnel in conjunction with a practicing, licensed physical therapy office.
  20. Hospitals and nursing homes.
  21. Pet grooming and Veterinarian services.
  22. Satellite earth station antennae exceeding two (2) meters in diameter and wireless telecommunications antenna facilities.
  23. Amateur radio antennae.
  24. Smoking establishments.

(Ord. No. 48, Amended, 03/14/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 82, Amended, 05/10/88; Ord. No. 123, Amended, 04/08/92; Ord. No. 139-95, Amended 01/10/96; Ord. No. 140-95, Amended, 05/22/96; Ord. No. 185-03, Amended 07/23/03)

(Ord. No. 234-14, § 2, 12-10-2014)

#### **9.8.040. Outdoor Storage.**

Outdoor storage, including but not limited to, equipment, materials, and trash containers in the CPD Zone is prohibited except that nursery plant stock in retail plan nurseries may be allowed outdoors.

##### APPLICABLE REGULATIONS

All uses shall be subject to the applicable regulations of this Article, including the standards which are located in the following Chapters:

Chapter 9.14 - Development Standards

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- Chapter 9.15 - Design Standards
  - Chapter 9.16 - Landscaping Standards
  - Chapter 9.18 - Sign Standards
  - Chapter 9.19 - Off-Street Parking and Loading Standards
  - Chapter 9.20 - Service Station Standards
  - Chapter 9.21 - Oak Tree Preservation Standards

(Ord. No. 48, Amended, 03/14/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 82, Amended, 05/10/88; Ord. No. 123, Amended, 04/08/92)

## **CHAPTER 9.9. CR (COMMERCIAL RECREATION) ZONE**

### **9.9.010. Purpose.**

The CR Zone is intended to provide for a range of entertainment and amusement facilities of a commercial nature. Attention shall be given to a proposed use to ensure that appropriate standards are incorporated within the project design in terms of site orientation, building placement, landscaping and the provision for pedestrian and vehicular circulation.

(Ord. No. 123, Amended, 04/08/92)

### **9.9.020. Permitted Uses.**

The following uses shall be permitted in the CR Zone, subject to the issuance of a planned development permit, as provided for in Chapter 9.25 of this Article.

1. Athletic fields, excluding stadiums.
2. Golf courses, including customary clubhouse and appurtenant facilities.
3. Golf driving ranges.
4. Marina facilities, including boat rentals and launching ramps.
5. Neighborhood recreation facilities.
6. Recreational and country clubs, including golf, swimming, fitness and racquet sports.
7. Temporary uses, subject to the issuance of a temporary use permit as provided for in Chapter 9.29 of this Article.

(Ord. No. 123, Amended, 04/08/92)

### **9.9.030. Conditionally Permitted Uses.**

The following uses may be permitted subject to the approval of a conditional use permit pursuant to the provisions of Chapter 9.26 of this Article, provided such uses are located within six hundred (600) feet of a use permitted in the CR Zone:

1. Bars and cocktail lounges, including accessory entertainment.

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2. Bicycle rentals.
  3. Restaurants and other eating establishments, including accessory entertainment.
  4. Riding academies and stables, including the boarding of horses.
  5. Satellite earth station antennae exceeding two (2) meters in diameter and wireless telecommunications antenna facilities.
  6. Amateur radio antennae.
  7. Smoking establishments.

(Ord. No. 123, Amended, 04/08/92; Ord. No. 139-95, Amended, 01/10/96; Ord. No. 140-96, Amended, 5/22/96; Ord. No. 123, Amended, 04/08/92; Ord. No. 185-03, Amended 07/23/03)

(Ord. No. 234-14, § 3, 12-10-2014)

### **9.9.040. Outdoor Storage.**

Outdoor storage, including but not limited to, equipment, materials, and trash containers in CR Zone is prohibited.

#### APPLICABLE REGULATIONS

All uses shall be subject to the applicable regulations of this Article, including the standards which are located in the following sections:

Chapter 9.14 - Development Standards

Chapter 9.15 - Design Standards

Chapter 9.16 - Landscaping Standards

Chapter 9.18 - Sign Standards

Chapter 9.19 - Off-Street Parking and Loading Standards

Chapter 9.20 - Service Station Standards

Chapter 9.21 - Oak Tree Preservation Standards

(Ord. No. 123, Amended, 04/08/92)

## **CHAPTER 9.10. BP (BUSINESS PARK) ZONE**

### **9.10.010. Purpose.**

The BP Zone is intended to provide areas for a range of office and light industrial activities, operating under development standards designed to limit impacts on surrounding land uses. Attention shall be given to a proposed use to insure that appropriate standards are incorporated within the project design which will result in a compatible and harmonious setting in terms of site orientation, building placement, open space, landscaping, and the provision for pedestrian and vehicular circulation.

(Ord. No. 48, Amended, 03/14/84; Ord. No. 82, Amended, 05/11/88; Ord. No. 108, Amended, 07/24/90; Ord. No. 123, Amended, 04/08/92)

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### **9.10.020. Permitted Uses.**

The following uses shall be permitted in the BP Zone, conducted wholly within a building except as provided herein, and subject to the issuance of a planned development permit unless otherwise specified, as provided for in Chapter 9.25 of this Article:

1. Professional, medical, financial, administrative, public service and general business offices and accessory uses.
2. Uses involving the manufacture, processing or treatment of products, which are not obnoxious or offensive by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts, nor hazardous by way of materials, process, product, wastes or other methods.
3. Warehousing, including mini-warehousing facilities, and distribution facilities.
4. Wholesale trade.
5. Retail sales and commercial services in conjunction with and incidental to a business park use provided these uses are not oriented directly to a major or secondary arterial as shown in the adopted General Plan.
6. Research, development, and testing facilities which involve laboratories or large-scale electronic data processing systems.
7. Outdoor storage of fleet passenger vehicles, when such vehicles are directly related to the primary industrial operation on the site.
8. Temporary uses, subject to the issuance of a temporary use permit as provided for in Chapter 9.29 of this Article.
9. Emergency shelters, except within one hundred (100) feet of a residential or mixed-use zone, subject to the development and management standards set forth in Section 9.10.050.
  - a. Emergency shelters shall be subject to a zoning clearance only and do not require a planned development permit. Emergency shelters shall comply with the development and management standards set forth in Section 9.10.050.

(Ord. No. 48, Amended, 03/14/84; Ord. No. 82, Amended, 05/11/88; Ord. No. 108, Amended, 07/24/90; Ord. No. 123, Amended, 04/08/92; Ord. No. 185-03, Amended, 07/23/03)

(Ord. No. 229-13, § 5, 12-11-2013; Ord. No. 288-21, § 15, 9-28-2021)

### **9.10.030. Conditionally Permitted Uses.**

The following uses may be permitted subject to the approval of a conditional use permit pursuant to the provisions of Chapter 9.26 of this Article:

1. Service stations and motor vehicle repair facilities.
2. Public service and utility structures and facilities.
3. Uses involving the manufacture, processing or treatment of products which, by virtue of size, number of employees or the nature of the operation, have the potential to be obnoxious or offensive by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts, or hazardous by way of materials, process, product, wastes or other methods.
4. Churches.

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5. Satellite earth station antennae exceeding two (2) meters in diameter and wireless telecommunications antenna facilities.
  6. Adult entertainment businesses. In lieu of a conditional use permit, adult entertainment businesses shall be permitted subject to the issuance of a zone clearance pursuant to Chapter 9.38 of this Article. No adult entertainment business shall be located within five hundred (500) feet of any school, church or public library. The distances set forth in the preceding sentence shall be measured as a straight line from the primary entrance of the adult entertainment business to the property line of the property so used at the time of permit application without regard to intervening structures.
  7. Restaurants.
  8. Kennels.
  9. Hospitals, small animal.
  10. Motor vehicle washing facilities, if part of a service station.
  11. Recreational vehicle storage facilities, washing facilities, and waste disposal facilities.
  12. Sale of alcoholic beverages for on- or off-site consumption.
  13. Indoor entertainment facilities, such as theaters, sports facilities including gymnasiums and health clubs, nightclubs, billiard parlors and amusement facilities.
  14. Pet grooming and veterinarian services.
  15. Day care facilities.
  16. Amateur radio antennae.
  17. Instructional studios/facilities.
  18. Schools.
  19. Smoking establishments.
  20. Student housing.
  21. Single-room occupancy dwelling units, subject to the applicable development standards for multi-family development.

(Ord. No. 48, Amended, 03/14/84; Ord. No. 82, Amended, 05/11/88; Ord. No. 108, Amended, 07/24/90; Ord. No. 123, Amended, 04/08/92; Ord. No. 139-95, Amended, 01/10/96; Ord. No. 140-95, Amended, 5/22/96; Ord. No. 155-98, Amended, 5/27/98; Ord. No. 166-00, Amended, 9/27/00; Ord. No. 185-03, Amended, 07/23/03; Ord. No. 205-08, Amended, 3/12/08)

(Ord. No. 234-14, § 4, 12-10-2014; Ord. No. 247-16, § 3, 1-25-2017; Ord. No. 288-21, § 16, 9-28-2021)

### **9.10.040. Outdoor Storage.**

Except as otherwise provided for in this Chapter, outdoor storage, including but not limited to, equipment, materials, and trash containers is prohibited in BP Zone.

#### APPLICABLE REGULATIONS

All uses shall be subject to the applicable regulations of this Article, including the standards which are located in the following Chapters:

Chapter 9.14 - Development Standards

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- Chapter 9.15 - Design Standards
  - Chapter 9.16 - Landscaping Standards
  - Chapter 9.18 - Sign Standards
  - Chapter 9.19 - Off-Street Parking and Loading Standards
  - Chapter 9.20 - Service Station Standards
  - Chapter 9.21 - Oak Tree Preservation Standards
  - Chapter 9.29 - Temporary Use Permits

(Ord. No. 48, Amended, 03/14/84; Ord. No. 82, Amended, 05/11/88; Ord. No. 108, Amended, 07/24/90; Ord. No. 123, Amended, 04/08/92)

### **9.10.050. Emergency Shelters - Special Development and Management Standards.**

In addition to the applicable development and performance standards set forth in this Article, the following development and management standards shall apply to emergency shelters:

- A. The maximum number of beds or persons to be served nightly shall be thirty-five (35).
- B. Off-street parking shall be sufficient to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other commercial uses within the same zone.
- C. An emergency shelter shall provide an interior waiting and intake area that contains a minimum of two hundred (200) square feet and an appropriately sized exterior on-site waiting area.
- D. Appropriate exterior lighting shall be provided. The exterior lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and with brightness or glare controlled to be compatible with the neighborhood.
- E. On-site management shall be provided during operating hours.
- F. Security shall be provided during operating hours.
- G. The maximum length of stay by a homeless person shall be six (6) months.
- H. An emergency shelter shall not be located within three hundred (300) feet of another emergency shelter.
- I. No individual or household shall be denied emergency shelter because of an inability to pay.

(Ord. No. 229-13, § 6, 12-11-2013; Ord. No. 288-21, § 17, 9-28-2021)

## **CHAPTER 9.11. MU (MULTIPLE USE) ZONE**

### **9.11.010. Purpose.**

The MU Zone is intended to provide a framework within which appropriate zone designations and regulations can be established for large parcels which are intended to be developed with multiple uses and development of which will have a major impact on the surrounding community. Any development of areas designated as the MU Zone (Multiple Use) shall be contingent upon approval of a specific plan by the Commission which will designate specific portions of the multiple use zoned property for the classes of uses permitted in this



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zoning ordinance and consistent with the General Plan designation of the property. Attention shall be given to proposed uses to insure that appropriate standards are incorporated which will result in a compatible and harmonious setting in terms of site orientation, building placement, open space, landscaping, and the provision for pedestrian and vehicular circulation.

(Ord. No. 56, Amended, 04/10/85)

#### **9.11.020. Permitted Uses.**

The following uses shall be permitted in the MU Zone, upon approval of a specific plan and issuance of a planned development permit:

1. All uses permitted in Section 9.06 (RPD), 9.08 (CPD), and 9.10 (BP) of this Article, subject to the requirements set forth in each respective Section.

(Ord. No. 56, Amended, 04/10/85)

#### **9.11.030. Conditionally Permitted Uses.**

The following uses shall be permitted in the MU Zone, upon approval of a specific plan and issuance of a planned development permit:

1. All uses conditionally permitted in Sections 9.06 (RPD), 9.08 (CPD), and 9.10 (BP) of this Article, subject to the requirements set forth in each respective Section.

#### APPLICABLE REGULATIONS

All uses shall be subject to regulations set forth in the specific plan that has been approved for the property.

(Ord. No. 56, Amended, 04/10/85)

## **CHAPTER 9.12. PI (PUBLIC/ INSTITUTIONAL) ZONE**

#### **9.12.010. Purpose.**

The PI Zone is intended to apply to land which is used for public or quasi-public purposes.

(Ord. No. 123, Amended, 04/08/92)

#### **9.12.020. Permitted Uses.**

The following uses shall be permitted in the PI Zone, subject to the issuance of a planned development permit, as provided for in Chapter 9.25 of this Article:

1. Publicly owned libraries and publicly owned museums.
2. Offices, meeting rooms and accessory facilities for governmental and public services.
3. Public service and utility structures and facilities.
4. Temporary uses, subject to the issuance of a temporary use permit as provided for in Chapter 9.29 of this Article.

(Ord. No. 123, Amended, 04/08/92)

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(Supp. No. 32)

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### **9.12.030. Conditionally Permitted Uses.**

The following uses may be permitted subject to the approval of a conditional use permit pursuant to the provisions of Chapter 9.26 of this Article:

1. Civic auditoriums and theaters.
2. Churches, parsonages, convents and other buildings and structures used for religious purposes.
3. Fire and police stations.
4. Hospitals and nursing homes, and related heliports.
5. Schools, through grade 12, accredited, including appurtenant facilities, which offer instruction required to be taught in the public schools by the Education Code of the State of California, in which no pupil is physically restrained but excluding trade or commercial schools.
6. Utility substations, distribution stations, and distribution corridors.
7. Water wells, reservoirs, tanks, dams, treatment plants, gauging stations, pumping stations and any use normal and appurtenant to the obtainment, storage and distribution of water.
8. Buildings and structures accessory to permitted uses.
9. Satellite earth station antennae exceeding one meter in diameter and wireless telecommunications antenna facilities.
10. Amateur radio antennae.
11. Special needs housing on sites designated for said use by the Westlake Village General Plan.
12. Student housing.

(Ord. No. 139-95, Amended, 01/10/96; Ord. No. 140-95, Amended, 05/22/96; Ord. No. 181-02, Amended 01/08/03; Ord. No. 185-03, Amended, 07/23/03)

#### APPLICABLE REGULATIONS

All uses shall be subject to the applicable provisions of this Article, including the standards which are located in the following chapter:

- Chapter 9.14 - Development Standards
- Chapter 9.15 - Design Standards
- Chapter 9.16 - Landscaping Standards
- Chapter 9.18 - Sign Standards
- Chapter 9.19 - Off-Street Parking and Loading Standards
- Chapter 9.21 - Oak Tree Preservation Standards

(Ord. No. 123, Amended, 04/08/92)

(Ord. No. 247-16, § 4, 1-25-2017)

## **CHAPTER 9.13. OS (OPEN SPACE) ZONE**

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### **9.13.010. Purpose.**

The OS Zone is intended to apply to land which is essentially unimproved and used for one or more of the following purposes:

1. For the protection, preservation, and management of natural resources.
2. For outdoor recreation.
3. For public health and safety.

(Ord. No. 48, Amended, 03/14/84; Ord. No. 123, Amended, 04/08/92)

### **9.13.020. Permitted Uses.**

The following uses shall be permitted in the OS Zone:

1. Passive recreational uses, including riding and hiking trails.
2. Parks, playgrounds, and other active recreation areas, excepting buildings and structures thereon.
3. Flood control channels.
4. Temporary uses, subject to the issuance of a temporary use permit as provided for in Chapter 9.29 of this Article.

(Ord. No. 48, Amended, 03/14/84; Ord. No. 123, Amended, 04/08/92)

### **9.13.030. Conditionally Permitted Uses.**

The following uses may be permitted subject to the approval of a conditional use permit pursuant to the provisions of Chapter 9.26 of this Article:

1. Buildings and structures accessory to permitted uses.
2. Water wells, reservoirs, tanks, dams, treatment plants including filtration systems, gauging stations, pumping stations, and any use normal and appurtenant to the obtainment, storage, and distribution of water.
3. Burial parks, cemeteries, columbariums, mausoleums.
4. Access to legally permitted uses.
5. Signs, identification, subject to limitations and criteria for residential zones as provided for in Section 9.18.080(C).
6. Satellite earth station antennae exceeding one meter in diameter and wireless telecommunications antenna facilities.
7. Amateur radio antennae.

(Ord. No. 139-95, Amended, 01/10/96; Ord. No. 140-96, Amended, 05/22/96; Ord. No. 185-03, Amended, 07/23/03)

### **APPLICABLE REGULATIONS**

All uses shall be subject to the applicable regulations of this Article, including the standards which are located in the following sections:

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Chapter 9.14 - [Development Standards](#)

Chapter 9.15 - [Design Standards](#)

Chapter 9.16 - [Landscaping Standards](#)

Chapter 9.18 - [Sign Standards](#)

Chapter 9.19 - [Off-Street Parking and Loading Standards](#)

Chapter 9.21 - [Oak Tree Preservation Standards](#)

(Ord. No. 48, Amended, 03/14/84; Ord. No. 123, Amended, 04/08/92)

## CHAPTER 9.14. DEVELOPMENT STANDARDS

### 9.14.010. Purpose.

The purpose of these development standards is to provide for open areas around structures where needed for access to and around buildings, to protect access to natural light, ventilation and direct sunlight, to separate incompatible land uses, to provide space for privacy, landscaping and recreation, to regulate the height of structures, to support public safety, and to preserve neighborhood character.

### 9.14.020. Development Standards.

The chart below sets forth development standards for the various zones. Requirements for each item specified in the column on the left are set forth in the column on the right. Yard requirements shall be considered minimum standards.

In addition, the front, side, and rear yards required by this Section shall be established on the main portion of a flag lot exclusive of the access strip; provided, however, on residential lots that in lieu of such yards, a uniform distance of ten (10) feet from all lot lines may be substituted. In addition, the access strip shall be maintained clear except for driveways, landscaping, fences, or walls, which shall be subject to the same requirements specified for yards on adjoining properties fronting on the same parkway, highway, or street.

On flag lots and irregularly shaped lots where the provisions of this Chapter 9.14 do not clearly establish location of yards and lot lines, the director shall make such decision.

A. R-1 ZONE. Development standards for the R-1 Zone shall be as follows:

Maximum building height

2 stories, 35 feet main structure

1 story, 18 feet for accessory structures and guest houses

Front yard

20 feet

Rear yard, Residences

25 feet

Rear Yard Accessory structures

5 feet

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Side yard, Residences

10% of average lot width for each interior side yard, to a maximum of 10 feet

10% of average lot width for street side of a corner lot, to a maximum of 10 feet

10 feet for street side of a reversed corner lot

Side yard, Accessory structures

10% of average lot width to a maximum of 10 feet

10 feet for street side of a reversed corner lot

A garage or carport with the automobile entrance facing a street shall be set back 20 feet from the street side property line

Minimum lot width

65 feet

Minimum lot area

8,000 square feet

Maximum lot coverage

Accessory buildings may not occupy more than 50% of the required rear yard area

Minimum distance between buildings

6 feet if only one or neither building is used for residential purposes; 10 feet if both buildings are used for residential purposes

B. RPD ZONE. Development standards for the RPD Zone shall be as follows:

Maximum building height

2 stories, 35 feet main structure

1 story, 18 feet for accessory structures and guest houses

Yards, minimum lot width, maximum lot coverage for single-family dwellings

Same as R-1 except as modified in any conditions of approval

Yards, multifamily dwellings

20 feet from any public right-of-way

Minimum distance between buildings

6 feet if only one or neither building is used for residential purposes; 10 feet if both buildings are used for residential purposes

C. CPD ZONE. Development standards for the CPD Zone shall be as follows:

Maximum building height

2 stories, 35 feet

Maximum lot coverage

35%

Minimum setback from an abutting public right-of-way

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20 feet  
Minimum setback from an abutting side yard  
10 feet (landscaped)  
Maximum floor area ratio

0.50

D. CR ZONE. Development standards for the CR Zone shall be as follows:

Maximum building height  
2 stories, 35 feet  
Maximum lot coverage  
35%  
Minimum setback from an abutting public right-of-way  
20 feet  
Minimum setback from an abutting side yard  
10 feet (landscaped)

E. BP ZONE. Development standards for the BP Zone shall be as follows:

Maximum building height  
2 stories, 35 feet  
Maximum lot coverage  
35%  
Minimum setback from an abutting public right-of-way  
20 feet  
Minimum setback from an abutting side yard  
10 feet (landscaped)  
Maximum floor area ratio  
0.50

F. PI ZONE. Development Standards for the PI Zone shall be as follows:

Maximum building height  
2 stories, 35 feet  
Minimum lot coverage  
35%  
Minimum setback from an abutting public right-of-way  
20 feet  
Minimum setback from an abutting side yard  
10 feet (landscaped)

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Maximum floor area ratio

0.50

G. OS ZONE. Development standards for the OS Zone shall be as follows:

Maximum building height

single story, 20 feet

Minimum setback from an abutting public right-of-way

20 feet

Minimum setback from an abutting side yard

10 feet (landscaped)

(Ord. No. 133, Amended, 11/10/93; Ord. No. 185-03, Amended, 07/23/03)

### 9.14.030. Projections Permitted into Required Yards.

A. The chart below summarizes the requirements for various projections permitted into the required yards set forth in this Article. The various types of projections are set forth in the column on the left and the limitations for such projections into required yards are set forth in the columns to the right. Such projections are subject to the limitations set forth in Subsection B.

Projection	Front Yard	Corner Street Side Yard	Interior Side Yard	Rear Yard
Eaves	2.5 ft.	2.5 ft.	2.5 ft.	2.5 ft.
Cantilevered Roofs				
Fireplace Structures				
Buttresses				
Wing Walls				
Raised Structures exceeding average height of one foot and not extending above level of first floor	5 ft.	5 ft.	3 ft.	5 ft.
Rain Conductors	1 ft.	1 ft.	1 ft.	1 ft.
Spouts				
Utility-Service Risers				
Shut-Off Valves				
Architectural Accents				
Awnings	Not Permitted		2.5 ft.	5 ft.
Canopies				
Water Heaters	2.5 ft.	2.5 ft.	2.5 ft.	2.5 ft.
Water Softeners				
Utility Meters including service conduits and pipes				

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Stairways and balconies above level of first floor	4 ft.	2 ft.	2 ft.	4 ft.
Covered patio attached	Not Permitted		Not permitted to a dwelling unit closer than 5 ft. to any lot line	
Wall-mounted and window-mounted air conditioners, coolers, fans	Not Permitted			

B. Projections into required yards shall be subject to the following limitations:

1. No portion of eaves or cantilevered roofs shall be less than eight (8) feet above grade, and no related vertical supports or members shall be located within the required yard.
2. Raised structures, including porches, landings, decks, balconies and stairs thereto shall be open and unenclosed, provided, however, that an open—work railing not to exceed three and one-half may be installed.
3. Awnings and canopies shall have no vertical support.
4. Covered patios attached to a dwelling unit shall remain permanently unenclosed on at least two sides. This provision, however, shall not preclude the placement of detachable screens.

**9.14.040. Accessory Structures and Equipment.**

The following structures and equipment may be used in required yards subject to the requirements specified herein:

1. Planter boxes and masonry planters are permitted in all required yards not to exceed a height of three and one-half feet.
2. A swimming pool is permitted in a required rear yard, no closer than five (5) feet to any lot line.
3. Ground-mounted air conditioners, swimming pool pumps, heaters, filters and fans may be used in a required rear yard provided that such structures or equipment are not closer than two and one-half (2½) feet to any lot line, and that such structures or equipment do not exceed a height of six (6) feet measured from the base of the unit. Such equipment shall be screened by solid fence or wall.
4. Trash enclosures, movable dog houses and children's play equipment may be used in a required rear yard.

**9.14.050. Fences, Walls and Screening.**

A. Permit Required. No person shall erect or construct a fence or wall exceeding forty-two (42) inches in height within the City without first obtaining approval of a fence permit from the Planning Director and City Manager, unless said fence or wall has been previously authorized by the City Council as part of an approved development permit.

Application for a fence permit shall be made upon forms provided by the City and shall be accompanied by a diagram indicating property lines, the location and height of proposed fence or wall, and the building materials to be used.



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B. Standards

1. No fence, wall (other than retaining walls), or hedge shall be higher than six (6) feet when viewed from either side. When a portion of a wall is deigned to retain earth, the maximum height of said wall shall not exceed six (6) feet when measured from the adjacent property.
2. Fences or walls constructed of grape stake, plywood, sheet metal, corrugated aluminum, corrugated fiberglass, barbed wire, chain link, razor ribbon, chain or similar material are prohibited except where allowed by a Temporary Use Permit.
3. In Residential Zones, fences, walls, hedges, or obstructions to view shall not exceed forty-two (42) inches in height in any front yard or side yard setback area abutting a street. Except as provided in subparagraph B-5 below, fences, hedges or obstructions to view in nonresidential zones shall not exceed forty-two (42) inches in height in any minimum setback abutting a public street.
4. All fences and walls shall be finished on both sides.
5. Wherever property zoned for commercial or industrial purposes abuts a residential zone, there shall be erected along the property line abutting the residential zone a landscaped, solid, decorative wall six (6) feet in height (as viewed from adjacent properties) as part of the development of such commercial or industrial property.
6. In Residential Zones, decks, fences and walls (including retaining walls) which exceed eight (8) feet in height (where permitted), or combinations of decks, fences and walls which create the appearance of a fence or wall in excess of eight (8) feet in height when viewed from a location other than the property on which it is built, shall be screened using berming, paint, texturing, landscaping, or a combination of these methods, to the satisfaction of the Planning Director.

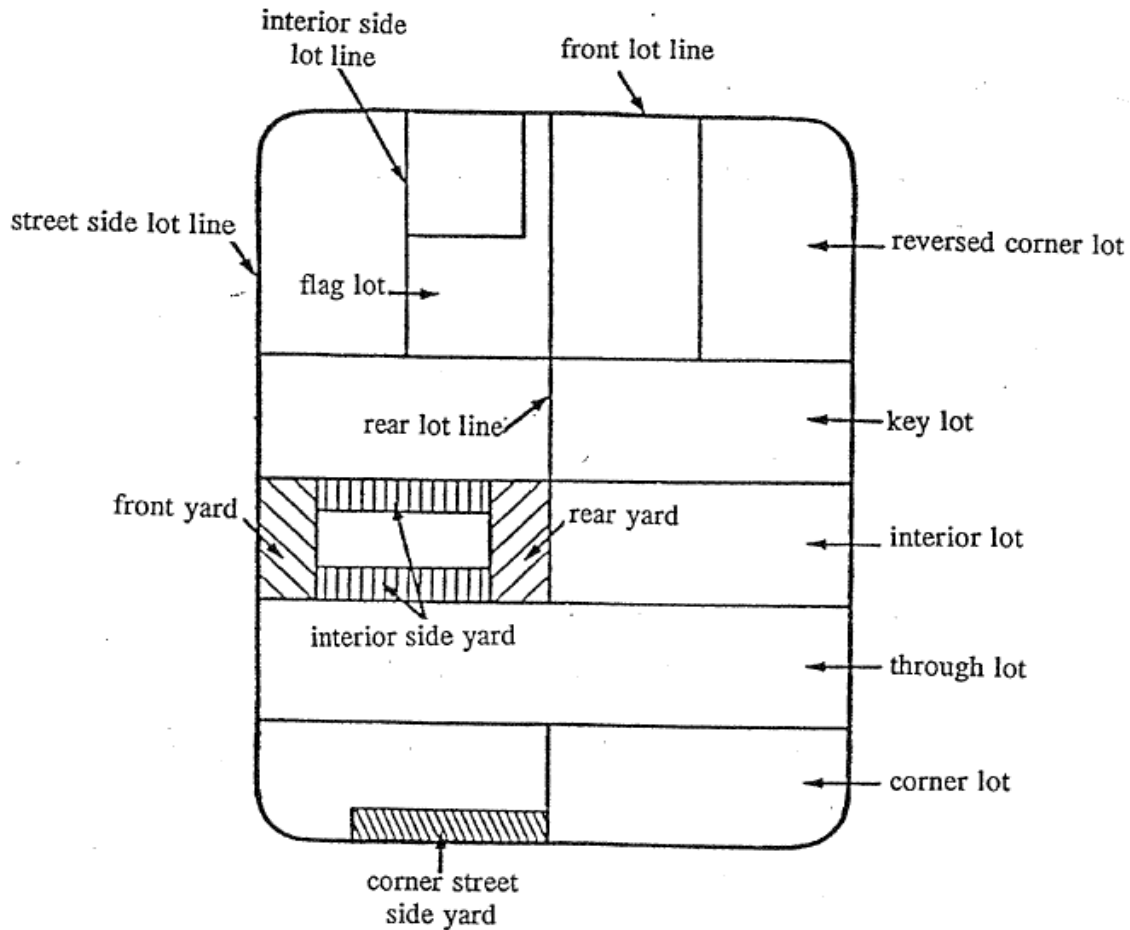
(Ord. No. 53, Amended, 06/13/84; Ord. No. 58, Amended, 08/14/85; Ord. No. 65, Amended, 11/08/86)

(Ord. No. 221-12, § 1, 12-12-2012)

**9.14.060. Illustration of Terms.**

The following diagram illustrates the terms shown thereon as the same are used in this Article:

## ILLUSTRATION OF TERMS



### 9.14.070. Accessory Dwelling Unit Development Standards.

- A. Permitted ADU Locations. ADUs are permitted only in the R-1 (Single-Family Residential) and RPD (Residential Planned Development) zones, and in the Mixed Use Lindero and Mixed Use Corsa zoning districts of the North Business Park Specific Plan. An ADU shall be located on the same lot as an existing or proposed detached primary residence.
- B. General ADU Development Standards.
  1. Lot Size. All new ADUs are exempt from compliance with minimum lot size requirements.
  2. Lot Coverage. All new ADUs shall conform to the lot coverage requirements for the zoning district in which the ADU is located, except where the application of the lot coverage requirements would not permit construction of an eight hundred (800) square foot ADU that is sixteen (16) feet in height with four-foot side and rear yard setbacks.

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3. Size. The maximum total floor area of any new ADU shall not exceed the following:
    - a. New detached ADU. Eight hundred fifty (850) square feet (ADU with no more than one (1) bedroom) or one thousand (1,000) square feet (ADU with at least two (2) bedrooms).
    - b. New attached ADU. Eight hundred fifty (850) square feet (ADU with no more than one (1) bedroom) or one thousand (1,000) square feet (ADU with at least two (2) bedrooms) or fifty (50) percent of the primary residence's living area, whichever is less.
    - c. A covered balcony, porch or patio provided with an ADU shall count towards the total ADU square footage allowance.
  4. Height. The maximum height of any new ADU shall not exceed the following:
    - a. Sixteen (16) feet for a detached ADU, except as provided in subparagraphs b. and c. below.
    - b. Eighteen (18) feet for a detached ADU on a lot that is within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Public Resources Code Section 21155; or twenty (20) feet if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
    - c. Eighteen (18) feet for a detached ADU on a lot with an existing or proposed multi-story multi-family dwelling.
    - d. Twenty-five (25) feet or the height limit applicable to the primary dwelling, whichever is less, for an attached ADU.
  5. Setbacks.
    - a. An ADU shall comply with all front yard setback requirements applicable to the primary residence, except where the application of the front yard setback requirement would not permit construction of an eight hundred (800) square foot ADU that is sixteen (16) feet in height with four-foot side and rear yard setbacks. Unless otherwise provided in this Section, any new ADU shall have a minimum setback of four (4) feet to the rear property line and four (4) feet to the side-yard property line.
    - b. Notwithstanding subparagraph a. above, no setback shall be required for an ADU that is within an existing structure or constructed in the same location and with the same dimensions as an existing legally permitted structure.
    - c. A detached ADU must maintain a ten-foot separation from any other building on the same property and an eight-foot separation from eave of the detached ADU to eave of any adjacent structure on the same property, except where the application of this requirement would not permit construction of an eight hundred (800) square foot ADU that is sixteen (16) feet in height with four-foot side and rear yard setbacks.
  6. Design and Features.
    - a. The ADU's color, materials, and architectural details, including windows and roof pitch, shall match the primary residence.
    - b. If an automatic sprinkler system is required for the primary residence, the ADU shall also have an automatic sprinkler system.
    - c. The ADU portion of the lot shall be landscaped consistent with the landscaping on the remainder of the lot to maintain the appearance of a single-family residential lot.

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7. Parking Requirements. One off-street parking space shall be provided for an ADU with at least one bedroom, in addition to the parking required for the primary residence. The required parking space may be provided as tandem parking on an existing driveway.
  8. Parking Exemption. Notwithstanding subparagraph 7. above, no parking space is required for an ADU that satisfies any of the following, including when an application for an ADU is submitted with an application to create a new single-family dwelling or multifamily dwelling on the same lot:
    - a. The ADU is located within one-half-mile walking distance of "public transit" as defined in Government Code Section 65852.2.
    - b. The ADU is located within an architecturally and historically significant district.
    - c. The ADU is part of the existing or proposed primary residence or an existing accessory structure.
    - d. The ADU is located in an area where on-street parking permits are required but not offered to an ADU occupant.
    - e. The ADU is located within one block of a City-approved and dedicated parking space for a car share vehicle.
  9. Replacement Parking. When an existing garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or is converted into an ADU, replacement parking for the primary residence is not required.
  10. Fees and Utility Connections.
    - a. The property owner shall pay all sewer, water, school district, and other applicable fees, including development impact fees as permitted under Government Code Section 65852.2(f)(3).
    - b. The property owner shall install a new or separate utility connection between the ADU and the utility, and pay all applicable connection fees or capacity charges unless the ADU is exempt under Government Code Section 65852.2(f).
    - c. An ADU is not considered a new residential use for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.
    - d. If an ADU will use a private sewage disposal system, the property owner shall obtain approval by the local health officer.

(Ord. No. 260-17, § 7, 1-10-2017; Ord. No. 285-21, § 8, 1-27-2021; Ord. No. 297-22, § 2, 12-14-2022)

#### **9.14.080. Accessory Dwelling Unit and Junior Accessory Dwelling Unit Review Process.**

- A. An application for a new ADU or JADU shall be subject to review and approval under the Zoning Clearance/Building Permit Process specified in paragraph B. below or under the Building Permit Only Process specified in paragraph C. below. If a demolition permit is required for a detached garage that is to be replaced with an ADU, the demolition permit shall be reviewed and issued at the same time as the building permit for the ADU. A Zoning Clearance or Building Permit application for an ADU or JADU shall not be denied due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the ADU.
- B. Zoning Clearance/Building Permit Process. Before constructing or establishing an ADU under the development standards provided in Section 9.14.070, an applicant shall obtain a zoning clearance from the Planning Director and obtain a building permit from the Building Official. Any ADU that satisfies the requirements of Section 9.14.070 shall be ministerially approved by the Planning Director in accordance with

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the procedures specified in Government Code Section 65852.2. If a zoning clearance application for an ADU is denied, the Planning Director shall return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied.

- C. Building Permit Only Process. An ADU, JADU, or both if required by state law, shall be allowed with only a building permit if the proposed unit(s) meet the requirements of both: (i) the California Building Standards Code as adopted and/or amended by the City; and (ii) Government Code Section 65852.2(e)(1). As of the enactment of this Section, Government Code Section 65852.2(e)(1) requires the City to ministerially approve a building permit within a residential or mixed-use zone to create any of the following:
1. One ADU and one JADU per lot with a proposed or existing single-family dwelling if all of the following apply:
    - a. The ADU or JADU is within the proposed space of a single-family dwelling or existing space of either an existing single-family dwelling or existing accessory structure, and may include an expansion of not more than one hundred fifty (150) square feet beyond the same physical dimensions as the existing accessory structure.
    - b. The space has exterior access from the proposed or existing single-family dwelling.
    - c. The side and rear setbacks are sufficient for fire and safety.
  2. One detached, new construction ADU that does not exceed eight hundred (800) square feet in size, complies with the height limits specified in Section 9.14.070(B)(4), and has at least four-foot side and rear yard setbacks on a lot with a proposed or existing single-family dwelling. A new detached ADU described in this subparagraph may be combined with a JADU described in subparagraph 1. above.
  3. One ADU within the portions of existing multifamily dwelling structures that are not used as livable space, including storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings. If requested, multiple ADUs shall be allowed, up to the number of ADUs that equals twenty-five (25) percent of the existing multifamily dwelling units in the structure.
  4. Not more than two (2) detached ADUs located on a lot that has an existing multifamily dwelling, subject to a height limit of sixteen (16) feet and four-foot rear yard and side setbacks.
- D. Very High Fire Hazard Severity Zone. Notwithstanding paragraphs C. and D. above, no ADU or JADU shall be permitted on properties located within the Very High Fire Hazard Severity Zone designated in the General Plan unless all of the following requirements are met:
1. No more than one ADU or one JADU is allowed on properties located in the Very High Fire Hazard Severity Zone.
  2. All new ADUs or JADUs proposed within the Very High Fire Hazard Severity Zone shall comply with applicable brush clearance requirements. Unless otherwise required by applicable City building and fire codes, in any residential zone where new ADUs or JADUs are allowed, if fire sprinklers are required for the primary dwelling unit then fire sprinklers are also required for new ADUs or JADUs.
- E. JADUs Approved Under the Building Permit Only Process. In accordance with the standards set forth in Government Code Section 65852.22, JADUs approved under the building permit only process shall comply with the following requirements, unless state law is amended to set forth different standards in which case state law standards will govern:
1. A JADU shall be a maximum of five hundred (500) square feet of gross floor area. The gross floor area of a shared sanitation facility shall not be included in the maximum gross floor area of a JADU.

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2. A JADU must be contained entirely within the walls of the existing or proposed single-family dwelling. For the purposes of this Section, enclosed uses within the dwelling, such as attached garages, are considered a part of the proposed or existing single-family dwelling.
  3. A separate exterior entry from the main entrance to the single-family dwelling shall be provided to serve a JADU.
  4. A JADU may include separate sanitation facilities, or may share sanitation facilities with the single-family dwelling in which case the JADU shall have an interior door to the main living area to allow access to the facilities in the single-family dwelling.
  5. A JADU shall include an efficiency kitchen, which shall include all of the following:
    - a. A cooking facility with appliances.
    - b. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
  6. One of the residential dwellings on the lot shall be occupied as the primary residence of the owner of the lot and shall not be rented or leased as long as the JADU exists.
  7. No additional parking is required for a JADU.
- F. Restrictive Covenant. Within thirty (30) days following the issuance of a building permit for the ADU or JADU, the property owner shall record with the Los Angeles County Registrar-Recorder a restrictive covenant in a form satisfactory to the City Attorney. The restrictive covenant shall include the following requirements and any other provisions required by state law, except as otherwise provided in Government Code Section 65852.26:
1. The ADU or JADU may not be sold, transferred, or assigned separately from the primary residence.
  2. The ADU or JADU may not be rented for a period of less than thirty (30) days.
  3. If the property contains a JADU, the JADU shall be a legal unit and may be used as habitable space, only so long as either the main dwelling unit, or the JADU, is occupied by the owner of record of the property.
  4. If the property contains an ADU permitted after January 1, 2025, the ADU shall be a legal unit and may be used as habitable space, only so long as either the main dwelling unit, or the ADU, is occupied by the owner of record of the property.
  5. Such restrictions shall run with the land and be binding upon all future owners, and lack of compliance may result in legal action against the property owner to compel compliance with this Code.

(Ord. No. 285-21, § 9, 1-27-2021; Ord. No. 297-22 , § 3, 12-14-2022)

#### **9.14.090 Two Units in Single-Family Residential Zones.**

- A. Purpose. This Section provides objective zoning and design standards for the development of two (2) residential units on single-family residential zone lots pursuant to Government Code Sections 65852.21 and 66411.7. Development pursuant to this Section does not require discretionary review or a hearing and is processed ministerially through a zoning clearance application.
- B. Applicability. This Section applies to single-family residential zone lots. For the purposes of this Section, the following zones are considered single-family residential zones: R-1, RPD-4, RPD-56, RPD-126, RPD-153, RPD-169, RPD-284, and RPD-481.
- C. General Standards. All development pursuant to this Section is subject to the following standards.

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1. Eligibility requirements of Government Code Section 65852.21(a) shall be satisfied.
  2. Except where superseded by this Section, development shall comply with the development standards of the zone in which the lot is located.
  3. Development standards applicable to individual subdivisions originally approved by the County are not applicable to development under this Section.
  4. No residential unit shall be placed such that it is necessary to pass through a flood control easement or storm drain easement to access the unit.
  5. No residential unit shall be located within a restricted use area or restricted development area identified on a subdivision map or assessor's map.
  6. More than twenty-five (25) percent of the exterior structural walls of an existing dwelling shall not be demolished if the dwelling has been occupied by a tenant in the three (3) years prior to the zoning clearance application.
  7. The lot shall contain no more than one pedestrian path connecting to the public right-of-way or private street.
  8. The lot shall contain no exterior stairways except those leading from grade to the first floor.
  9. Off-street parking shall be provided in accordance with the following standards.
    - a. A minimum of one off-street parking space in an enclosed garage shall be provided for each residential unit.
    - b. No off-street parking is required if either of the following apply:
      - i. The lot is located within one-half mile walking distance of either: (i) a high-quality transit corridor as defined in Public Resources Code Section 21155(b); or (ii) a major transit stop as defined in Public Resources Code Section 21064.3.
      - ii. There is a car share vehicle located within one block of the lot.
- D. Additional Standards for New Construction. In addition to the standards of subsection C., the standards of this subsection apply if one or both residential units are new construction.
1. The combined total gross floor area of the units, exclusive of any ADU or JADU, shall not exceed the greater of one thousand eight hundred (1,800) square feet or the gross floor area of the existing primary dwelling unit on the lot.
  2. No residential unit shall exceed a building height of one story.
  3. No residential unit shall exceed a building height of eighteen (18) feet.
  4. Each residential unit shall have a minimum setback of four (4) feet from side and rear property lines except as allowed by Government Code Section 65852.21.
  5. If the residential units are built as separate buildings, the following standards shall apply.
    - a. The buildings shall be located one in front of the other in relation to the street.
    - b. The front building shall be at least as wide and as tall as the rear building.
    - c. The front building shall be positioned such that the rear building is not visible from the street when viewed from directly in front of the property.
  6. If the residential units are built as a single building, the following standards shall apply.

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- a. One residential unit shall have a door facing the street and one residential unit shall have a door facing a side or rear property line.
    - b. The building shall not be symmetrical such that one side is a mirror image of the other.
  - E. Additional Standards for Conversion of an Existing Dwelling. In addition to the standards of subsection C., the standards of this subsection apply if an existing dwelling will be fully or partially retained.
    - 1. The combined total gross floor area of the units, exclusive of any ADU or JADU, shall not exceed the greater of one thousand eight hundred (1,800) square feet or the gross floor area of the existing primary dwelling unit on the lot.
    - 2. Additions to the existing dwelling shall have a minimum setback of four (4) feet from side and rear property lines.
    - 3. Additions to the existing dwelling shall not increase the building height of the structure.
    - 4. If the existing dwelling has a second story, then the footprint of the second story shall not be expanded.
    - 5. If the existing dwelling does not have a second story, then a second story shall not be constructed.
    - 6. If two (2) residential units are located in the same building, one residential unit shall have a door facing the street and one residential unit shall have a door facing a side or rear property line.
  - F. Additional Standards for Urban Lot Split Projects. In addition to the standards of subsections C., D., and E. as applicable, the standards of this subsection apply if the residential units will be located on lots created by an urban lot split pursuant to Section 10.1.050.
    - 1. Each lot created by the parcel map shall be used solely for residential uses.
    - 2. No lot created by the parcel map shall have more than two (2) residential units inclusive of any ADU or JADU.
    - 3. For each lot created by the parcel map the combined total gross floor area of the units, inclusive of any ADU or JADU, shall not exceed one thousand eight hundred (1,800) square feet.
    - 4. If the boundary line between the lots created by the parcel map is perpendicular to the front lot line and neither lot is a flag lot, then the units shall be subject to the following standards.
      - a. The buildings nearest the street on each lot created by the parcel map shall be attached with zero setback along the lot line between the lots.
      - b. The buildings nearest the street on each lot created by the parcel map shall have identical architectural style, materials, and colors, as shall all fences, walls, and hardscaping visible from the street.
      - c. The buildings nearest the street on each lot created by the parcel map shall have no more than one residential unit with a door facing the street.
  - G. Exceptions. The Planning Director shall approve an exception to any of the standards specified in this Section upon determining that complying with the standard would physically preclude the construction of up to two (2) residential units or would physically preclude either of the two (2) residential units from being eight hundred (800) square feet in floor area.
  - H. Denial. The Planning Director may deny a zoning clearance upon making both of the following findings in writing based upon a preponderance of evidence.



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1. The proposed housing development project would have a specific, adverse impact upon the public health and safety or the physical environment as defined and determined in Government Code Section 65589.5(d)(2).
  2. There is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
- I. Short-Term Rental Restrictive Covenant. The Planning Director's approval of a zoning clearance shall not be effective until the property owner submits an executed restrictive covenant prohibiting short term rental of a residential unit created pursuant to this Section. The restrictive covenant shall prohibit rental for a period less than thirty-one (31) days, shall be in a form approved by the City Attorney, and shall be recorded with the Los Angeles County Registrar-Recorder.
  - J. Finality of Decisions. Decisions of the Planning Director administering this Section shall be final and shall not be subject to appeal pursuant to Chapter 9.32.
- (Ord. No. 289-21 , § 2, 1-12-2022)

## **CHAPTER 9.15. DESIGN STANDARDS**

### **9.15.010. Purpose.**

Design review is required in order to ensure that new or modified uses and development will harmonize with the existing or potential development of the surrounding neighborhood and produce an environment of stable, desirable character. These provisions are also intended to implement the goals and policies contained in the Westlake Village General Plan.

(Ord. No. 48, Amended, 03/14/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Amended, 08/14/85; Ord. No. 65, Amended, 11/08/86; Ord. No. 87, Amended, 01/11/89; Ord. No. 113, Amended, 06/12/91; Ord. No. 123, Amended, 04/08/92)

### **9.15.020. Applicability.**

Any permit or zoning clearance which authorizes new construction or exterior modifications to an existing structure shall be subject to the design standards set forth in this Section.

(Ord. No. 48, Amended, 03/14/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Amended, 08/14/85; Ord. No. 65, Amended, 11/08/86; Ord. No. 87, Amended, 01/11/89; Ord. No. 113, Amended, 06/12/91; Ord. No. 123, Amended, 04/08/92)

### **9.15.030. General Design Standards.**

- A. Exterior Materials and Colors. Exterior materials and colors shall harmonize with, and compliment the surrounding natural and man-made environment. Exterior treatments characterized by an overly bright, shining, reflective or artificial appearance shall not be permitted. Semi-transparent stains on exposed wooden surfaces shall be encouraged. Imitation materials such as false brick and stone shall not be permitted. Color variety within a structure and diversity between structures are expected; however, strong harmonies will be required and color intensity must be kept low for large surfaces. Pastel or bright colors will not be permitted. Colors consistent with the prominent "earthen" colors of the hills surrounding the Westlake Village community during the bulk of the year and colors traditional to architectural themes previously approved in Westlake Village are required. As used herein, "earthen colors" shall include subdued

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shades of brown, beige, tan, and off-white. Deviations from the above-described color pallet for primary exterior building facades shall require specific approval by the City Council.

- B. Exterior Decorative Illumination. Exterior decorative illumination shall be consistent with, and compliment, the architectural style and character of the building around which it is used. Such lighting shall consist of permanent fixtures or may, in certain instances, consist of "strings" of lights. Such lighting may be permitted by the Planning Director by the issuance of a zoning clearance. In issuing such clearance, the Planning Director shall consider location, design, level of illumination, the direction of illumination, and any impact that the proposed lighting might have on adjacent properties or rights-of-way. Such lights shall be decorative in nature, and shall not be used to identify, highlight or draw attention to a business or event.
1. Permanent fixtures shall match the architecture of the building or center in which they are located. Within multitenant complexes and shopping centers, such fixtures shall be consistent throughout the complex or center.
  2. Strings or strips of lights, shall be properly installed with no exposed hanging wires, and shall consist of only white lights, with bulbs no larger than three-eighths of one inch in diameter, which do not blink or "chase."
  3. Approved exterior lighting shall be properly maintained and nonfunctional bulbs shall be promptly replaced.

(Ord. No. 48, Amended, 03/14/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Amended, 08/14/85; Ord. No. 65, Amended, 11/08/86; Ord. No. 87, Amended, 01/11/89; Ord. No. 113, Amended, 06/12/91; Ord. No. 123, Amended, 04/08/92; Ord. No. 160-99, Amended, 5/24/99)

#### **9.15.040. Approval.**

Conditions of approval may be applied when the proposed design does not comply completely with the above criteria and shall be directed towards bringing said design into conformity. When the proposed design does not meet the above standards, and cannot be conditioned to comply with said standards, the plan shall be denied and referred to the applicant for redesign and resubmittal.

(Ord. No. 48, Amended, 03/14/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Amended, 08/14/85; Ord. No. 65, Amended, 11/08/86; Ord. No. 87, Amended, 01/11/89; Ord. No. 113, Amended, 06/12/91; Ord. No. 123, Amended, 04/08/92)

#### **9.15.050. Design Standards for all Dwellings.**

- A. In addition to complying with all standards contained in Section 9.15.030 above, each newly constructed, fabricated or installed dwelling or exterior modification of an existing residential structure shall comply with the following design criteria:
1. Neighborhood Compatibility. New dwelling units and accessory structures shall be compatible with the established character of the surrounding neighborhood in terms of scale and architectural design. While many elements, including height, lot coverage and setbacks, contribute to the scale of a residential structure, project design should minimize an "over-built" appearance from adjacent properties and public rights-of-way. The total square footage of a residential structure and its lot/building pad coverage should reflect the uncrowded character of the City and neighborhood within which it is located.

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2. Privacy. New residential structures shall respect the privacy of surrounding properties by maintaining sufficient separation from adjacent residences, and by the appropriate design, placement and orientation of windows, balconies and decks.
  3. Views. New residential structures shall be designed and oriented so as to preserve views from neighboring properties to the greatest extent feasible.
  4. Natural Amenities. Improvements to residential property shall respect and preserve to the greatest extent feasible, existing topography, trees and other significant vegetation and natural features.
  5. Grading. On hillside lots, grading shall be minimized through the use of split level residential designs which step up or down with the natural topography. Earth work, i.e., cut and fill, shall be balanced on-site to the greatest extent feasible to limit the need for soil import or export. A grading plan shall be submitted with the development application and shall be at the same scale as the required site plan.
  6. Manufactured Slopes. The vertical height of any finished cut slope necessary for the construction of a residential structure on any existing "infill" lot shall be limited to the height of the proposed structure, or to a maximum of twenty (20) feet, which ever is less. The lateral extent (width) of a finished cut slope shall not exceed the width of the proposed structure by more than twenty (20) feet. No finished cut slope shall have a grade of greater than 1.5 to 1.0.
  7. Landscaping. All cut and fill slopes shall be planted with sufficient vegetation to enable total coverage of exposed slope faces within three (3) years after final grading. The City may require installation of a permanent irrigation system. Selected plant materials should blend as much as possible with remaining natural vegetation, consistent with regulations established for public safety by the City and the County Fire Department. In so far as trees and shrubs may be employed to comply with the intent of this section, such plantings are encouraged.
  8. Retaining Walls. Retaining walls visible from adjacent properties or public rights-of-way shall be limited to a maximum height of six (6) feet. The location and height of all retaining walls shall be clearly indicated on the required grading and site plan.
  9. Unbroken Exterior Walls. New residential structures shall not exhibit any unbroken exterior wall area below the first floor level exceeding an average vertical height of six (6) feet. Permitted unbroken wall areas shall be screened with suitable landscaping to the satisfaction of the City.
  10. Roofs. Roofs shall be constructed of wood shake (where permitted by the Municipal Code), non-glossy or non-reflective tile or similar roofing material (excepting visible asphalt composition or visible crushed rock). On hillside lots, roofs shall primarily be angled with the slope of the natural terrain. Roof mounted air conditioning units, wind turbines and similar equipment visible from surrounding residential properties are prohibited.
  11. Exterior Siding. Exterior siding shall be of brick, wood, stucco, plaster, concrete block or similar material which is finished in a non-glossy and non-reflective manner.
  12. Ridgelines. On existing, graded ridgeline lots, new residential units and accessory structures shall be set back from top-of-slope in a manner consistent with adjacent developed properties.
  13. Soils and Geology Report. Unless specifically waived by the City, a soils and geology report shall be submitted with any development application.
  14. Construction Impacts. Conditions shall be imposed on new residential construction as necessary to mitigate impacts associated with noise, dust, drainage, security and other potential adverse affects on adjacent properties.
  15. Alternative Design. It shall be demonstrated to the satisfaction of the City that potential impacts of a proposed project involving neighborhood compatibility, alteration of natural terrain, and/or removal of

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significant natural vegetation, cannot be further mitigated by reduction in size, redesign or reorientation of the proposed residential structure.

16. Hazardous Conditions. New residential construction which would create, or be exposed to, conditions potentially hazardous to public health and safety shall be prohibited.
17. Accessory Structures in Hillside Areas. New accessory structures, including, but not limited to buildings, decks, walls, retaining walls, or combination of such which exceed six (6) feet in height in hillside areas, when the potential exists for being viewed from below, shall be screened with berming and/or landscaping. This screening shall be sufficient to obstruct the visibility of the underside of the deck or the face of the building or retaining wall, to the satisfaction of the Planning Director. Walls may also be required to be treated with fenestration, paint, texture, in-wall landscaping, or a combination of these methods, as approved by the Director.

- B. If the proposed development complies with all applicable requirements and standards of this Article 9, Chapter 1, and other laws and regulations, and the City Council finds that the criteria of Subsection A of this Section are adequately met, or can be met if specified conditions are observed, the application shall be approved subject to such specified conditions. If the City Council finds that the proposal cannot meet and cannot be modified to meet the requirements of this Article and the above criteria, the application shall be disapproved. In all cases, findings shall be made concerning the grounds for approval or disapproval.

(Ord. No. 48, Amended, 03/14/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Amended, 08/14/85; Ord. No. 65, Amended, 11/08/86; Ord. No. 87, Amended, 01/11/89; Ord. No. 113, Amended, 06/12/91; Ord. No. 123, Amended, 04/08/92; Ord. No. 185-03, Amended, 07/23/03)

(Ord. No. 221-12, § 2, 12-12-2012)

### **9.15.060. Solar Energy Design Standards.**

These provisions are intended to assure that solar energy systems are protected from shading and conform in appearance to the surrounding neighborhood.

- A. Protection of Solar Access. No building, wall, fence, or other structure shall be constructed or modified in a residential zone, and no vegetation may be placed or allowed to grow so as to obstruct more than ten percent of the absorption area of a solar energy system on a neighboring lot at any time.
- B. Solar Energy Systems Design Standards. The following design standards shall apply to solar energy systems:
  1. Roof-mounted solar collectors shall be placed in the most obscure location without reducing the operating efficiency of the collectors. Wall-mounted and ground-mounted solar collectors shall be screened from public view.
  2. Collectors shall be mounted at the same angle or as close as possible to the pitch of the roof. Deviations may be permitted subject to the approval of the Planning Commission.
  3. Appurtenant equipment, particularly plumbing and related fixtures, shall be installed in the attic, where feasible, or shall be screened from view.
  4. Large accessory fixtures which must be exposed (e.g. storage tanks) shall be screened through architectural features that harmonize with other design elements of the structure.
  5. Exterior surfaces shall have a matte finish and shall be color-coordinated to harmonize with roof materials or other dominant colors of the structure.

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(Ord. No. 48, Amended, 03/14/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Amended, 08/14/85; Ord. No. 65, Amended, 11/08/86; Ord. No. 87, Amended, 01/11/89; Ord. No. 113, Amended, 06/12/91; Ord. No. 123, Amended, 04/08/92)

### **9.15.070. Automatically Permitted Antennae.**

- A. The following antennae are permitted as an accessory use in all zone districts and may be installed without a zone clearance or building permit:
1. An antenna that satisfies all of the following criteria:
    - a. Is used to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite.
    - b. Is one meter or less in diameter.
    - c. Does not exceed twelve (12) feet in height as measured from the surface on which it is mounted and does not exceed twelve (12) feet above the height limit of the applicable zone district.
  2. An antenna that satisfies all of the following criteria:
    - a. Is used to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instruction television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite.
    - b. Is one meter or less in diameter or diagonal measurement.
    - c. Does not exceed twelve (12) feet in height as measured from the surface on which it is mounted and does not exceed twelve (12) feet above the height limit of the applicable zone district.
  3. An antenna that satisfies both of the following criteria:
    - a. Is used to receive television broadcast signals.
    - b. Does not exceed twelve (12) feet in height as measured from the surface on which it is mounted and does not exceed twelve (12) feet above the applicable height limit of the zone district.
- B. For purposes of this Section, the term "fixed wireless signals" means any commercial non-broadcast communications signals transmitted via wireless technology to and/or from a fixed customer location. This term does not include, among other things, AM radio, FM radio, amateur ("HAM") radio, Citizen's Band (CB) radio, or Digital Audio Radio Service (DARS) signals.

(Ord. No. 48, Amended, 03/14/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Amended, 08/14/85; Ord. No. 65, Amended, 11/08/86; Ord. No. 87, Amended, 01/11/89; Ord. No. 113, Amended, 06/12/91; Ord. No. 123, Amended, 04/08/92; Ord. No. 139-95, Amended, 01/10/96; Ord. No. 185-03, Amended, 07/23/03)

### **9.15.080. Satellite Earth Station Antennae Between One and Two Meters in Diameter.**

- A. A satellite earth station antenna that satisfies the criteria set forth below is permitted as an accessory use, subject to approval of a building permit, in any zone district where commercial or industrial uses are generally permitted:
1. The diameter of the antenna is more than one meter and less than or equal to two (2) meters.

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2. The antenna does not exceed twelve (12) feet in height as measured from the surface on which it is mounted and does not exceed twelve (12) feet above the applicable height limit of the zone district.
- B. The City Council finds that the building permit requirement imposed by this Section is in the public interest and is justified by the following facts and circumstances:
1. Satellite earth station antennae having a diameter in excess of one meter and less than or equal to two (2) meters may reasonably be expected to be of a size, weight and bulk that generates legitimate safety concerns not presented by the smaller antennas automatically permitted by this Chapter.
  2. Substantial numbers of employees and customers may reasonably be expected in commercial and industrial buildings, which increases the amount of harm that could result from improper installation in such areas of a satellite earth station antenna having a diameter in excess of one meter and less than or equal to two (2) meters.
- C. The City Council further finds that the building permit requirement imposed by this Section is no more burdensome than is necessary to enable the City to achieve the following safety-related objectives and thereby reduce the potential for bodily injury, death, and property damage:
1. Verification of proper antenna mounting in order to reduce potential safety hazards resulting from faulty installations, including detachments attributable to windstorms, earthquakes or other natural causes.
  2. Verification of compliance with applicable electrical code regulations.
  3. Verification that the antenna does not encroach into public right-of-way.
- (Ord. No. 48, Amended, 03/14/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Amended, 08/14/85; Ord. No. 65, Amended, 11/08/86; Ord. No. 87, Amended, 01/11/89; Ord. No. 113, Amended, 06/12/91; Ord. No. 123, Amended, 04/08/92; Ord. No. 139-95, Amended, 01/10/96; Ord. No. 185-03, Amended, 07/23/03)

### **9.15.090. Satellite Earth Station Antenna Safety Standards.**

- A. The following safety standards apply to satellite earth station antennae in all zone districts.
1. No antenna shall be installed in a manner that impedes normal vehicular or pedestrian circulation.
  2. Any mast used to elevate an antenna shall be constructed of noncombustible and corrosive-resistant materials.
  3. Antennae must be installed with adequate ground wire to protect against a direct lightning strike.
  4. Antennae shall be separated from adjacent power lines in accordance with electrical code requirements and other applicable laws.
  5. Any mast used to elevate an antenna shall be secured by a separate safety wire in a direction away from adjacent power lines and other potential hazards.
  6. To the extent feasible, all cables, wires and similar electrical transmission devices associated with the antenna shall be placed underground.
  7. No antenna nor any supporting parts shall encroach into the public right-of-way.
  8. Antenna shall be maintained in good repair, in condition and in compliance with the building code, electrical code, fire code and other applicable laws.
- B. The following additional safety standards apply to satellite earth station antennae in all zone districts where residential uses are authorized.

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1. The diameter of an antenna that is subject to conditional use permit approval shall not exceed ten (10) feet.
  2. A ground-mounted antenna that is subject to conditional use permit approval shall be located in the rear yard and in compliance with any applicable set-back requirement.
  3. A building-mounted antenna that is subject to conditional use permit approval shall be located so as not to be visible from the street.
  4. A building permit shall be obtained for any antenna that is subject to conditional use permit approval.
- C. The following additional safety standards apply to satellite earth station antennae in all zone districts where non-residential uses are authorized.
1. A ground-mounted antenna that is subject to conditional use permit approval shall be located in compliance with any applicable set-back requirement.
  2. No ground-mounted antenna that is subject to conditional use permit approval shall be located in the area between the front property line and the main building or structure."

(Ord. No. 139-95, Amended, 01/10/96; Ord. No. 185-03, Amended, 07/23/03)

### **9.15.100. Amateur Radio Antennae.**

The following provisions are located to regulate the design and placement of amateur radio antennae in a manner consistent with established Federal Communication Commission policy and Public Law 103-408.

- A. Where permitted, only one antenna may be placed on an individual lot or parcel. Said antenna shall be permitted only as an accessory to the principal building or use of the subject lot or parcel.
- B. Where technically feasible, amateur radio antennae shall be of a telescoping or retractable design, and shall be extended only during hours of operation.
- C. Permitted antennae shall be placed at a location not readily visible from neighboring properties and off-site vantage points, and shall not be located within the front yard of any residential or nonresidential structure.
- D. Unless specifically authorized by the City Council pursuant to the conditional use permit authorizing construction of the antenna, the use of guy wires and other visible support structures is specifically prohibited.
- E. Permitted antennae shall be of a nonreflective material, painted or treated to blend with predominant background colors.

(Ord. No. 140-96, Amended, 05/22/96)

### **9.15.110 Wireless Telecommunications Antenna Facility Design Standards.**

Wireless telecommunications antenna facilities shall comply with the following design standards in addition to any conditions imposed in connection with a conditional use permit:

- A. The antenna array shall be integrated with the architectural design and coloring of the building or support structure to which it is attached.
- B. If the facility will be visible from an adjacent residential area or from a major arterial street, any fencing around the facility shall be of wrought iron or similar decorative materials approved by the Director.

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- C. If a support structure will be visible from an adjacent residential area or from a major arterial street, the support structure shall be screened or camouflaged to the reasonable satisfaction of the Director.
  - D. The facility shall not be illuminated unless required by law.
  - E. The facility shall not contain commercial advertising.

(Ord. No. 185-03, Enacted, 07/23/03)

## **CHAPTER 9.16. LANDSCAPING STANDARDS**

### **9.16.010. Purpose.**

The purpose of this ordinance is to:

- A. Enhance the appearance of the developments within the City by providing and maintaining landscaping for aesthetic and screening purposes, and to provide for areas of improved open space.
- B. Promote the values and benefits of landscapes and recognize the need to utilize water and other resources as efficiently as possible;
- C. Establish provisions for preserving established landscapes.

(Ord. No. 129, Amended, 12/09/92; Ord. No. 185-03, Amended, 07/23/03)

### **9.16.020. General Regulations.**

- A. Plans and specifications for landscaping, irrigation systems, tree preservation and slope planting for erosion control shall reflect use of the following:
  - 1. Planting materials of a type, size and placement compatible with the project and surrounding land uses;
  - 2. Sound soil preparation and planting practices; and,
  - 3. Proper irrigation for healthy plant growth and maturation and the avoidance of unsafe watering of buildings, public ways and pedestrian access.
- B. All landscaping and planting within paved areas shall be contained within a brick or masonry planter box or concrete curb not less than six (6) inches high.
- C. All required landscaping and planting areas shall have a minimum dimension of four (4) feet in any direction.
- D. All landscaping and planter areas shall be installed consistent with the approved landscaping plan, prior to issuance of a certificate of occupancy.
- E. Landscaped areas shall be continually maintained in good condition and kept clean and weeded. Dead or dying plant material shall be replaced consistent with the approved landscape plan.
- F. All landscaped areas shall be served by an adequate irrigation system.
- G. Slopes shall be planted with hardy, well-adapted and drought-resistant plants. Rooted cuttings of permanent ground cover plants shall be planted or hydroseeded.
- H. Landscape plans for open space areas containing significant natural vegetation shall preserve existing vegetation to the greatest extent feasible and integrate it with new landscaping.



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- I. Artificial turf meeting the standards prescribed by Section 4.8.010(B)(16) may be used in any yard area that is visible from a public street, sidewalk or any other public right-of-way, or that is within the front yard area of a flag lot.

(Ord. No. 51, Amended 04/10/84; Ord. 129, Amended, 12/09/92)

(Ord. No. 238-15, § 3, 7-22-2015)

### **9.16.030. Provisions for New Landscapes.**

#### **A. Applicability.**

- 1. This section shall apply to:
  - a. All new commercial and industrial development projects,
  - b. Developer-installed landscaping in single-family and multifamily projects.
- 2. Projects subject to this section shall conform to the provisions in Sections 9.16.030(B) and 9.16.030(C).
- 3. This section shall not apply to:
  - a. Athletic fields and other recreational playing fields;
  - b. Community gardens;
  - c. Arboreta and botanic gardens;
  - d. Prescribed burns (but revegetation projects after fire are subject to this section);
  - e. Cemeteries;
  - f. Homeowner-provided landscaping at single-family and multi-family projects;
  - g. Ecological restoration projects that do not require a permanent irrigation system.

- B. Requirements. When landscaping is required by ordinance or as a condition of approval for a planned development permit or other entitlement, a landscape documentation package shall be submitted to the City for review and approval prior to the issuance of discretionary and building permits. Where the required landscaped area exceeds one thousand (1,000) square feet, submitted plans shall be prepared by a landscape architect registered by the State of California, except that this requirement shall not apply to single-family dwellings or the private areas of attached dwelling units or mobilehome park lots.

The landscape documentation package shall contain the following elements:

- 1. Planting Plan - A planting plan meeting the requirements set forth in the City-approved permit application package shall be submitted as part of the landscape documentation package.
- 2. Irrigation Plan - An irrigation plan prepared in compliance with the standards and requirements set forth in the City-approved permit application package shall be submitted as part of the landscape documentation package.
- 4. Grading Plan - A grading plan prepared in compliance with the requirements set forth in the City-approved permit application package shall be submitted as part of the landscape documentation package.

#### **C. Compliance Procedures.**

- 1. The landscape documentation package shall be submitted to the City for review and approval prior to the issuance of discretionary or building permits, and shall comply with all provisions of this section.

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2. The application fee, established by City Council resolution, shall accompany the landscape documentation package.
  3. A landscape documentation package not meeting the strict provisions of this ordinance may be permitted by the Planning Director pursuant to the issuance of a discretionary permit, provided the Director finds that the permit will not be contrary to the intent of this article, and that the permit is necessary for the project to make reasonable use of the proposed landscaped area.

(Ord. No. 108, Amended, 07/24/90; Ord. No. 129, Amended 12/09/92; Ord. 185-03, Amended, 07-23-03)

#### **9.16.040. Preservation of Existing Landscaping.**

Existing landscaping, including but not limited to grass, trees, plantings, and preserved natural vegetation, shall not be removed from any lot until and unless a landscaping plan providing for replacement of such existing landscaping is approved by the Planning Director. Established landscaping shall be maintained properly at all times in accordance with the provisions of the Zoning Ordinance and conditions of an approved permit. This section shall not apply to single-family dwellings or the private areas of multiple dwelling units and mobile home park lots and shall not apply to the immediate replacement of any plantings with plantings of like or similar type.

(Ord. No. 53, Enacted, 06/13/84; Ord. No. 108, Amended, 07/24/90; Ord. No. 129, Amended, 12/09/92)

#### **9.16.050. Irrigation Design Criteria.**

- A. Runoff and Overspray. All irrigation systems shall be designed to avoid runoff, low head drainage, overspray, or other similar conditions where water flows or drifts onto adjacent property, non-irrigated areas, walks, roadways, or structures.
- B. Reclaimed Water. For those sites where the installation of recycled water systems are feasible and meet all regulatory requirements, the installation of recycled water irrigation systems (dual distribution systems) shall be required to allow for the current and future use of recycled water and shall be designed and operated in accordance with all local and state codes.
- C. Equipment.
  1. Water meters. Separate landscape water meters or sub-meters, shall be installed for all projects subject to this Section 9.16. Landscape sub-meters, if used, shall be purchased, installed and maintained by the owner.
  2. Controllers. Automatic control systems shall be required for all irrigation systems and must be able to accommodate all aspects of the design. Automatic controllers shall be digital, have multiple programs, multiple cycles (start-times), and have sensor input capabilities.
  3. Valves. Different hydrozones shall be irrigated by separate valves.
  4. Sprinkler heads. Sprinkler heads shall be selected for proper area coverage, application rate, operating pressure, adjustment capability, and ease of maintenance. Sprinklers shall have matched precipitation/application rates within each control valve circuit. All sprinkler heads shall incorporate an integral anti-drain valve.
  5. Rain Sensor Devices. Rain sensing override devices shall be required on all irrigation systems.

(Ord. No. 129, Enacted, 12/09/92)

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### **9.16.060. Slope Landscaping Criteria.**

All graded areas of greater than ten (10) percent slope shall be revegetated according to the following standards:

- A. Manufactured or cleared slopes shall have a mixture of trees and shrubs to provide varied root depths to assure soil stabilization.
- B. There shall be a minimum of one tree for every five hundred (500) square feet of slope area. If permanent plantings are hydroseeded there shall be one shrub for every one hundred twenty-five (125) square feet of slope area. If cuttings are utilized as ground cover, there shall be one shrub for every three hundred (300) square feet of slope area.
- C. Plantings shall be sufficient to provide ninety (90) percent coverage within the first year.
- D. All slopes shall be covered within thirty (30) days of the completion of grading with jute netting, a geotextile, or similar device, installed according to manufacturers instructions. This requirement may be waived if requested in writing by a registered soils engineer.

(Ord. No. 129, Enacted, 12/09/92)

### **9.16.070. Adoption of Water Efficient Landscape Ordinance.**

- A. The California State Model Water Efficient Landscape Ordinance, codified at Chapter 2.7 of Title 23 of the California Code of Regulations, and any amendments thereto, is hereby adopted and incorporated herein by reference as if fully set forth below, and shall be known and may be cited as the Water Efficient Landscape Ordinance of the City of Westlake Village. One copy of the California State Model Water Efficient Landscape Ordinance shall be filed in the office of the Planning Department.
- B. The requirements of Chapter 9.16 shall apply in addition to the applicable requirements of the California Model Water Efficient Landscape Ordinance. In the event of any conflict between provisions of the California State Model Water Efficient Landscape Ordinance and Chapter 9.16, the provision that contains the more stringent landscaping water efficiency requirement(s) shall control.

(Ord. No. 241-15, § 2, 1-13-2016)

## **CHAPTER 9.17. HILLSIDE DEVELOPMENT STANDARDS**

### **9.17.010. Purpose.**

The purpose and intent of the Hillside Development Standard is to implement the goals, objective and policies of the General Plan relating to the preservation and maintenance of the natural character and visual amenities of hillsides as a scenic resource of the City and relating to protection from geologic hazards, such as unstable soils and erosion.

### **9.17.020. Applicability.**

All development within the Hillside Management Area, as designated by the Westlake Village General Plan, shall conform with the standards set forth in this Chapter; however, they shall not be applied so as to preclude the reasonable development of a residence on a legally-created parcel. Approval of a specific plan, tentative

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subdivision map or planned development permit shall constitute approval of the development's conformity with the requirements of this Chapter.

(Ord. No. 192-05, Amended, 3/9/05)

### **9.17.030. Findings.**

The Commission or Planning Director may approve an application for development within the Hillside Management Area only if all of the following findings of fact can be made in a positive manner:

1. The natural topographic character of hillsides as exhibited in prominent ridgeline silhouette and backdrop, rounded hill form and angled hillside slopes will be maintained and/or reinforced.
2. Significant natural systems and resources associated with hillside environments, including but not limited to prominent ridgelines, significant vegetation and wildlife habitats, special geological features, steep slopes, and important historic or cultural man-made features, will be maintained to the maximum extent feasible.
3. The visual character of hillsides will be maintained, recognizing both the importance of the exposure of hillside development to off-site public views and the importance of providing panoramic views from the hillside.

### **9.17.040. General Development and Design Standards.**

The following standards shall apply to all development within the Hillside Management Area.

#### **A. Views**

1. Hillside development is more visible than flatland (level terrain) development. Therefore, hillside development shall be visually pleasing.
2. Panoramic views from hillside roads and public places are as important to the character of the community as views of hillside development. Therefore, hillside development shall provide for view opportunities to the greatest extent feasible for all residents of and visitors to the City.

#### **B. Camouflage**

1. Quality hillside development blends man-made and man-introduced factors with the natural environment. Therefore, architecture and landscape shall be harmoniously integrated into the natural environment.
2. Compatible architecture responds to the natural environment, incorporating sloped terrain into development rather than eliminating such terrain. Therefore, the scale, form and surface expression of architecture shall either blend with or complement the character and textures of the hillside.
3. Compatible landscaping, like architecture, responds to the natural environment. Vegetation planted within a developed area creates the theme and character of the community and shall blend and unify the architecture. Therefore, vegetation shall be compatible with and responsive to the environmental conditions of the development site.

#### **C. Compression**

1. Conforming to the gradient of a slope forces development into a more vertical living environment. Compact development shall be attained through methods such as clustering and minimizing setback, thereby minimizing grading and making development less obtrusive.

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D. Diversity

1. Diversity in design solutions adds the characteristic of variety to hillside development. Meandering streets conforming to the topography, varied setbacks of homes, and individual solutions to traversing slopes shall be incorporated into the project design.
2. Uniform "stair-stepping" of building pads shall be prohibited to the greatest extent feasible.

E. Accent and Image

1. Attention shall be concentrated on significant visual and environmental elements, including but not limited to ridgelines, significant vegetation and wildlife habitats, canyons, steep slopes, and important historical or cultural man-made features. Such elements collectively express hillside character. Therefore, preservation or restoration of these elements shall be comprehensively integrated with the hillside development plan.

### 9.17.050. Site Planning Standards.

A. Project Layout

1. Generally, minimizing required setbacks, especially front and rear setbacks, may lessen the amount of grading by reducing the overall width of road and structure arrangements. However, before applying reduced setbacks to a structure, it shall be demonstrated that grading will be reduced, while still providing for useful private space as part of the site.
2. Lot lines shall be placed at the top of major slope areas within public view corridors to help ensure their maintenance by the downhill owner.
3. No project shall be approved unless it provides for the minimization of grading impacts and flexibility in siting structures and circulation, such as providing for low density and large lots or for higher density and clustered development.
4. No project shall be approved unless it provides for visual analysis documentation (including, but not limited to, photographs, sketches, renderings and a three (3) dimensional scale model if required by the City) relating to ridgeline preservation and recontouring as deemed necessary by the City.

B. Land Controls

1. As a condition of approval, a subdivision map shall require that all areas of common open space exposed to public view or major slope areas shall be developed and maintained in a consistent manner, that such lands be owned in common by a homeowners association and that they be developed and maintained as set forth in a declaration of covenants, conditions and restrictions.
2. Before a project is approved, major open spaces and natural features of City-wide significance shall be considered for public ownership.

C. Resource Preservation

1. The site plan for a hillside development shall provide for the preservation of prominent ridgelines in their natural state, protecting them from development impacts, and maintaining them as a backdrop for development. "Prominent ridgelines" are those designated as such in the General Plan and which form a part of the skyline visible from any City arterial. Alteration of prominent ridgelines shall be permitted only to accommodate General Plan-designated trails and circulation components, viewpoints, fuel modification measures or other requirements needed to implement the goals and objectives of the General Plan, or to provide for the public health, safety, or welfare.
2. Significant views of prominent ridgelines shall be maintained from elements of the general circulation plan and other public open spaces, especially scenic highways.

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3. No point on any structure subject to the provisions of these Standards shall be closer to a prominent ridgeline than 150 feet measured horizontally from the center of the ridge or 50 feet measured vertically on a cross section, whichever is more restrictive, except that this requirement shall not affect the location of structures to be placed at or below the lowest visible elevation of a prominent ridgeline. Lesser setback distances may be authorized by the Commission if it can be demonstrated that the objectives of these Standards will be achieved.
  4. All watersheds exceeding 10 acres shall be considered "major" watersheds and shall be reviewed on a case-by- case basis to determine development setback requirements.
  5. When the retention of natural or recontoured drainage swales is required, no project shall be approved without a hydrologic analysis to determine an adequate setback for preservation of natural or recontoured swales, public safety, and riparian vegetation and wildlife (if any).

D. Slope Maintenance

1. No tentative subdivision map shall be approved unless conditioned upon the preparation and recordation of a declaration of covenants, conditions and restrictions providing for the development and maintenance of slopes as required by these Standards.
2. No tentative subdivision map shall be approved unless conditioned upon the subdivider's supplying a program and/or staff for maintenance of major manufactured slope areas. Such program shall be approved prior to approval of a final map and shall include homeowner slope maintenance requirements and guidelines to be incorporated into the declaration of covenants, conditions, and restrictions.

E. Grading Standards

1. The following factors shall be taken into consideration in the design of a project:
  - a. When space and proper drainage requirements can be met with approval by the City Engineer, rounding of slope tops and bottoms shall be accomplished.
  - b. When slopes cannot be rounded, vegetation shall be used to alleviate a sharp, angular appearance.
  - c. A rounded and smooth transition shall be made when the planes of man-made and natural slopes intersect.
  - d. When significant landforms are "sliced" for construction, the landforms shall be rounded as much as possible to blend into natural grade.
  - e. Manufactured slope faces shall be varied to avoid excessive "flat-planed" surfaces.
2. No manufactured slope shall exceed 30 feet in height between terraces or benches.
3. A detailed Soils and Geologic Report shall accompany each Grading Permit application. The report shall address such items as the recommended maximum slope angles for natural and manmade cuts and fill slopes, the effect of saturation or supersaturation of soils due to over-watering (irrigation), seismic safety, liquefaction, and soil or rock erosion. The foregoing items are minimum requirements for the report. The report shall address any other items necessary, in the professional opinion of the soils and/or geologic engineer, and as required by the City.

**9.17.060. Architectural Standards.**

A. Building Form

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1. Design and placement of structures shall respond to both the cross-sectional slope and the silhouette contour of the hillsides. Structures shall be designed to minimize creation of flat pads. Single-family units shall be compact and split-level if possible. Multi-family units may be designed with two stories upslope and two stories downslope.
  2. Building forms shall be scaled to the particular environmental setting so as to complement the hillside character and to avoid excessively massive forms that detract from the hillside character. Building facades shall use plane changes or overhangs to create shadow lines to further break up massive forms.
  3. Front yard setback may be minimized to reduce the amount of building mass located on a slope. Private rear yard space may be provided with a small yard, terrace or deck. Buildings on slopes shall step back or down with the topography.
  4. A majority of the roof pitches shall be placed to angle with the slope. However, variations shall be provided to avoid a monotonous application. Collective mass roof lines shall reflect the naturally-occurring ridgeline silhouettes and topographical variation, or create an overall variety that blends with the hillside. Totally flat roof lines shall be avoided.
  5. On ridgelines not designated as prominent, and used for continuous development along the ridgetop, collective roof lines shall be kept low in profile, and the natural silhouette of the ridge shall be repeated with smooth transitions in height from building to building. Consideration of this ridgeline treatment may take variations and landscape features into account.

B. Building Exteriors

1. Colors of the buildings shall be selected to blend with the natural colors and hues of the surrounding hillsides. A color palette shall include off-white, browns, greens or other earth tones.
2. Surface materials shall be rough-textured to blend with the coarseness of landscaping and natural vegetation. Textured stucco, wood, earthtone brick and coarse block are appropriate.
3. A harmonious mixture of materials, color and forms combined to achieve a mottled effect shall be used to blend with the natural hillsides.
4. Roof materials shall be of rough-textured, fire-retardant material. Roof colors shall be of darker tones, including browns, black, greens and terracotta. Bright colors shall be avoided.

C. Architectural Elements

1. Free-standing walls integral to a structure shall be of the same material and design as the structure. The height of such walls shall not exceed six feet.
2. Where fences and walls occur on privately-owned property within slope areas, their designs shall be as uniform as possible.
3. Continuous rear yard fences and walls across the tops of slopes shall be coordinated in design and use of materials.
4. Wall setbacks on slopes shall not allow more than four feet of solid wall or fence to show above the sight line projected along the slope angle.
5. Retaining walls shall be designed with smooth, continuous lines that conform to the topography. Maximum wall height at the base of slopes along roadways shall not exceed five feet in order to avoid a contained, channel-like effect.
6. Retaining wall structures used to accommodate a patio or terrace shall conform to the natural hillside profile as much as possible. Excessively high retaining walls shall be avoided.

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7. In deck construction, the distance between structure and grade shall conform to the natural hillside profile as much as possible. Excessively high distances between structures and grade shall be prohibited.

### **9.17.070. Circulation.**

#### **A. General Layout**

1. The following factors shall be taken into consideration by a project's design:
  - a. Circulation shall be aligned to conform to the natural grades as much as possible. Long stretches of straight road shall be avoided by utilizing gentle horizontal and vertical curves.
  - b. Roads that run either directly parallel or perpendicular to the slope shall be avoided in order to reduce grading and to aid in drainage.
  - c. Bridges shall be considered for roads crossing drainage ways and canyons of exceptional environmental setting to eliminate excess fill when structural requirements do not negate the intent of environmental preservation.
  - d. Proper sight distances shall be maintained. Subject to the approval of the City Engineer, three-way intersections at angles at less than 90 degree shall be considered to reduce grading requirements.
2. Pedestrian circulation traversing man-made slopes may be provided in benches; on low slopes, vertical shortcuts may be developed with steps.
3. Opportunities should be created for public views from roadways and public open spaces by selective placement of structures at key locations.
4. On-street parking shall be provided for in a flexible manner. Parallel parking may be eliminated to reduce road width in critical areas and provided for in on-street bays at more suitable locations.
5. Common drives in single-family developments may be permitted if grading is reduced by their use.

#### **B. Roadway Sections**

1. When provided, parallel parking shall be located on one side only and be limited to eight feet in width.
2. The following factors shall be taken into consideration by a project's design.
  - a. Road sections shall meet appropriate standards for hillside roads as found in the City subdivision Ordinance or adopted specific plans, subject to the approval of the City Engineer.
  - b. Sidewalks may be permitted directly adjacent to the curb on one or both sides of the street in order to minimize grading.
  - c. All underground utilities shall be located, when possible, in a common trench in the parkway or under the sidewalk.
  - d. When placement of roads near ridges and on slopes is proposed, acceptable placements shall include a split roadway section to accommodate grade, knob removal to accommodate views from the road, and the rounding off of cut slopes to enhance appearance.

### **9.17.080. Landscape Treatment.**

#### **A. Design Regulations Relating to Slopes**



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1. No project shall be approved unless it provides that all cut and fill slopes within street rights-of-way, on land held by a homeowners association, and all slopes over five feet in height shall be landscaped with a combination of ground cover, shrubs and trees by the developer prior to completion of the project.
  2. Turf that requires mowing shall not be used on slopes in excess of 4:1.
  3. Plant materials used in slope planting shall be fire-retardant, drought-tolerant introduced species or native plants adapted to and suitable for providing vigorous rooted growth. Such materials shall comply with the approved slope plant materials contained in the City Guidelines and Specifications for Landscape Development.
  4. In cases of severe soil problems, where shrubs and tree pits can trap water leading to slope failure, hydroseed mixes or smaller plant materials shall be required.
  5. Plant materials shall be placed in informal masses to help alleviate the impact of uniform, graded benches.
  6. Shrubs shall be arranged in broad, informal masses of the same plant materials in overall quantities to provide a minimum of one shrub per 75 square feet. These masses shall be combined to produce a mounded, textured slope surface, similar to the natural chaparral vegetation.
  7. Trees shall be arranged in informal masses in overall quantities to provide a minimum of one per 500 square feet. These masses shall be placed to selectively allow views from housing while partially screening buildings and reducing the scale of long, steep slopes.
  8. Required irrigation systems shall be designed on pad or slope areas where it has been determined by the soils engineering report that over watering and super-saturation of soils would jeopardize the stability of the slope so as to not cause slippage or erosion.
- B. Design Regulations Relating to Street Trees
1. Street trees shall be selected which create an intimate scale along the streetscape and do not overpower narrower streets.
  2. The arrangement of street trees shall be carefully planned to create an informal character and to enhance potential views.
  3. Street trees along roads without adjacent development shall be selectively located to provide an edge to the road. They shall not be uniformly spaced, but used in groups to enhance and frame views. It may be appropriate to eliminate trees along roads through natural open space areas.
  4. Street tree quantities and types shall be provided as required by the City Guidelines and Specifications for Landscape Development.
- C. Landscape Edge Conditions
1. Special attention shall be given to the interface between development and open space and internally between structures on slopes to integrate structures with the natural landscape.
  2. Planting along the slope side of development shall be designed to allow controlled views out, yet partially screen and soften structures.
  3. In situations where edge planting at lower levels of slope development may block views from above, height restrictions on plant materials shall be applied.
  4. Between natural open space and development, a fire break or fuel modification line shall be provided. This zone shall consist of at least 100 feet and must have non fire-resistant native ground cover removed, larger trees and shrubs pruned and fire-resistive ground cover added if necessary.

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### **9.17.090. Variance from Standards.**

1. As part of an application for development within the Hillside Management Area, the applicant may also apply for a variance from the requirements of the Hillside Development Standards if any or all of the following circumstances exist:
  - a. There is an internal conflict within the Hillside Development Standards such that the attainment of one objective or requirement can only be achieved by permitting non-attainment of another objective or requirement.
  - b. There is conflict between the Hillside Development Standards and other City regulations or ordinances applicable to development of the property.
  - c. Compliance with the Hillside Development Standards may endanger the public health or safety. In cases where such a conflict exists between this Ordinance and the provisions of the Grading Ordinance, the Grading Ordinance shall control over the Hillside Development Standards.
  - d. Due to special conditions or exceptional characteristics of the property or its location, the strict application of the development requirements would not achieve the goals and objectives of these Standards.
2. The application for a variance shall be accompanied by a written statement setting forth the following information:
  - a. The location of the proposed variance.
  - b. The provision of the Hillside Development Standards from which the applicant proposes to vary.
  - c. The nature and extent of the proposed variance.
  - d. A description of the alternatives to the variance which were considered by the applicant and the basis for their rejection.

## **CHAPTER 9.18. SIGNS<sup>1</sup>**

### **9.18.010. Purpose.**

The purpose of this Chapter is to promote the City's interests in traffic safety and community aesthetics.  
(Ord. No. 245-16, § 4, 5-11-2016)

### **9.18.020. Applicability.**

This Chapter does not apply to any of the following regardless of content:

- A. Public agency signs. This exemption includes signs for a private event that is sponsored by a public agency through a contribution of agency staff involvement in the event planning or implementation, provided that the agency's sponsorship is identified on the signs.

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<sup>1</sup>Editor's note(s)—Ord. No. 245-16, § 4, adopted May 11, 2016, amended Ch. 9.18 in its entirety to read as herein set out. Former Ch. 9.18, §§ 9.18.010—9.18-130, pertained to similar subject matter. See the Code Comparative Table for a complete history of the former Ch. 9.18

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- B. Public utility signs not exceeding three (3) square feet in sign face area.
  - C. Flags that are installed on one flagpole at a developed lot.
  - D. One sign not exceeding two (2) square feet in sign face area per developed residential lot.
  - E. Holiday decorations that are displayed for a period of no more than forty-five (45) consecutive days.
  - F. Signs exclusively regulated by federal or state law.

(Ord. No. 245-16, § 4, 5-11-2016)

### **9.18.030. Permit Requirement.**

- A. Sign Permit. No person shall construct, erect, attach, place, paint, or otherwise maintain any sign authorized by Section 9.18.060, Section 9.18.070, or Section 9.18.080(B) without first obtaining a sign permit from the Director.
- B. Sign Modification Permit. No person shall construct, erect, attach, place, paint, or otherwise maintain any sign in a category set forth below without first obtaining a sign modification permit from the City Council:
  - 1. The sign does not comply with Section 9.18.050.
  - 2. The sign is not authorized by Section 9.18.060, Section 9.18.070, or Section 9.18.080.
  - 3. The sign is authorized by Section 9.18.080(A).
- C. Expiration for Non-Use. Sign permits and sign modification permits shall automatically become null and void in the following circumstances:
  - 1. Installation of the authorized sign(s) is not commenced within one (1) year from the date of the permit.
  - 2. Installation of the authorized sign(s) is suspended or abandoned for a period of one hundred twenty (120) days any time after the work is commenced.

(Ord. No. 245-16, § 4, 5-11-2016; Ord. No. 248-17, § 2, 3-22-2017)

### **9.18.040. Permit Processing.**

- A. Applications. Application for a sign permit or sign modification permit shall be made upon forms provided by the City and shall be accompanied by the following material:
  - 1. Four (4) copies of a fully dimensioned plan showing:
    - a. Position of requested sign(s) and relation to adjacent buildings or structures.
    - b. The design, size, color, and location on the premises of the requested sign(s).
    - c. The design, size, color, and location of all signs existing on the premises or authorized for construction on the premises pursuant to a sign permit or sign modification permit.
  - 2. A permit fee, as established by City Council resolution.
  - 3. Such other information as the Director may require to show full compliance with this Chapter and all other City ordinances.
- B. Sign Permits. The Director shall issue a written decision approving or denying a sign permit application within thirty (30) days of the filing of a complete application. Such writing shall set forth the findings of fact upon which the decision is based. In approving a sign permit application, the Director may impose conditions as

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are deemed necessary to ensure that the permit will be in accord with the findings required by Subsection (D) below.

- C. Sign Modification Permits. The City Council shall by resolution approve or deny a sign modification permit application following a public hearing noticed pursuant to Chapter 9.32 of this Article and conducted within sixty (60) days of the filing of a complete application. Such resolution shall set forth the findings of fact upon which the decision is based. In approving a sign modification permit application, the City Council may impose conditions as are deemed necessary to ensure that the permit will be in accord with the findings required by Subsection (D) below.
- D. Findings. Sign permits and sign modification permits shall be approved if the following findings can be made for each sign requested by the application:
  - 1. The sign is compatible with other nearby signs, other elements of street and site furniture, and with adjacent structures. Compatibility shall be determined based solely on the relationships of the elements of form, proportion, scale, color, materials, surface treatment, overall sign size, and the size and style of lettering.
  - 2. The sign will be legible under normal viewing conditions prevailing at the location. Legibility shall be determined based solely on the elements of lettering, colors, decorative motifs, spacing, and proportion.
  - 3. Sign copy is designed to reduce distractions to motorists.
  - 4. The sign does not constitute needless repetition of signage.

(Ord. No. 245-16, § 4, 5-11-2016)

#### **9.18.050. General Regulations.**

- A. Sign Faces. Signs shall be constructed with no more than two (2) faces, and both faces may be used except as otherwise specified in this Chapter. The total sign face area shall be considered to be the area of one such sign face, provided both sides are of same design.
- B. Sign Placement. Signs shall be placed with the long axis parallel to the road where frontages are less than two hundred (200) feet. Signs placed upon corner lots may be placed on a forty-five degree (45°) angle to the roadways.
- C. Sign Color. Signs shall be colored consistent with the "earthen" colors of the hills surrounding the City. Color intensity shall be kept low. Pastel and bright colors are prohibited.

(Ord. No. 245-16, § 4, 5-11-2016)

#### **9.18.060. Residential Zone Regulations.**

- A. Monument Sign. Each multiple residential project may display one monument sign not exceeding thirty-five (35) square feet in sign face area and not exceeding five (5) feet in sign height. No side of such sign shall exceed two (2) times the dimension of any other side.
- B. Directional Signs. Each residential zone lot may display directional signs as deemed necessary by the Director for safe traffic flow on the site.
- C. Construction Period Temporary Sign. During the pendency of construction or remodeling of a building on the site, a residential zone lot may display one temporary unlighted freestanding sign not exceeding thirty-five (35) square feet in sign face area and not exceeding five (5) feet in sign height. Such sign shall be located a

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minimum of ten (10) feet inside the sidewalk or the property line. If the building setback is less than ten (10) feet, then such sign shall be located one-half the distance from inside the sidewalk or property line to the building.

(Ord. No. 245-16, § 4, 5-11-2016)

### **9.18.070. Commercial, Industrial, and Public/Institutional Zone Regulations.**

- A. Single Purpose Buildings. Each single purpose commercial, industrial or public/institutional building that is not part of a larger complex may display the following signage:
1. Monument Sign. If the building frontage is between fifty (50) feet and three hundred (300) feet, then the lot may display one monument sign not exceeding thirty-five (35) square feet in sign face area and not exceeding five (5) feet in sign height. If the building frontage is three hundred (300) feet or greater, then the lot may display one monument sign not exceeding three-fourths of a square foot for each one foot of building frontage provided that such sign is set back at least one hundred (100) feet from the property line. Any side of a monument sign displayed pursuant to this paragraph shall not exceed two (2) times the dimension of any other side.
  2. Wall Signs. For each main public entrance, the lot may display one wall sign not exceeding one-half (½) square foot of sign face area for each foot of building frontage up to an accumulated maximum of seventy (70) square feet. Maximum sign dimension is twenty (20) feet. Each secondary entrance may have one wall sign not exceeding ten (10) square feet in sign face area. One unlighted sign not exceeding two (2) square feet in sign face area may be placed on the rear of the building.
  3. Accessory Signs. The lot may display two (2) accessory signs. An accessory sign shall not exceed four (4) square feet in sign face area.
  4. Window signs.
- B. Multi-Unit Complexes.
1. Sign Allotment. Each commercial, industrial, or public/institutional complex may display the following signage:
    - a. Monument Signs. Two (2) monument signs not exceeding thirty-five (35) square feet in sign face area and not exceeding five (5) feet in sign height. No side of such sign shall exceed two (2) times the dimension of any other side.
    - b. Wall Signs. For the main public entrance of each individual occupant of the complex, one wall sign not exceeding one square foot of sign face area for each linear foot of building frontage and in no event exceeding twenty (20) square feet in sign face area. For the secondary public entrance of each individual occupant of the complex, one wall sign not exceeding ten (10) square feet in sign face area. For the rear of each individual occupant of the complex, one unlighted sign not exceeding two (2) square feet in sign face area.
    - c. Accessory signs. The lot may display two (2) accessory signs. An accessory sign shall not exceed four (4) square feet in sign area.
    - d. Window signs.
  2. Sign Program. No sign shall be displayed at a commercial, industrial, or public/institutional complex until the property owner has received City Council approval of a sign program for the complex. The City Council shall by resolution approve or deny a sign program application following a public hearing noticed pursuant to Chapter 9.32 of this Article and conducted within sixty (60) days of the filing of a complete application. Such resolution shall set forth the findings of fact upon which the decision is

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based. In approving a sign program application, the City Council may impose conditions as are deemed necessary to ensure that the signs covered by the sign program will be in accord with the findings required by Section 9.18.040(D). No modification of an approved sign program shall be effective unless all occupants of the complex agree to comply with the proposed modified program within a period of time specified by the City Council.

- C. Automobile Service Stations. Each automobile service station may display the following signs:
  - 1. Monument Sign. One monument sign not exceeding thirty-five (35) square feet in sign face area and not exceeding five (5) feet in sign height.
  - 2. Price Sign. For each street frontage, one single- or double-faced price identification sign not exceeding fifteen (15) square feet in sign face area. Such sign shall comply with Business & Professions Code Section 13530 et seq.
  - 3. Service Island Accessory Signs. Each service island may display accessory signs not exceeding two (2) square feet in sign face area and not exceeding eight (8) square feet of sign face area per service island.
  - 4. Fuel Dispensing Pump Accessory Signs. Each fuel dispensing pump may display accessory signs not exceeding three (3) square feet in sign face area and not exceeding two (2) sides of a fuel dispensing pump.
- D. Directional Signs. Each commercial, industrial, or public/institutional zone lot may display directional signs as deemed necessary by the Director for safe traffic flow on the site. Such signs shall not exceed four (4) square feet in sign face area and shall not exceed four (4) feet in sign height. When only visible from within the site, such signs are exempt from Section 9.18.050(C).
- E. Construction Period Temporary Sign. During the pendency of construction or remodeling of a building on the site, a commercial, industrial, or public/institutional zone lot may display one temporary unlighted freestanding sign not exceeding thirty-five (35) square feet in sign face area and not exceeding five (5) feet in sign height. Such sign shall be located a minimum of five (5) feet inside the sidewalk or the property line. To ensure removal of such sign, the property owner shall file with the Director: (i) a sign removal bond or a cash deposit in the amount established by City Council resolution; and (ii) an executed right of entry agreement in a form approved by the City Attorney.
- F. Special Sales Period Temporary Sign. During the period of time that a sale of goods or services is being conducted by an occupant of the complex, such occupant may display a temporary sign in a first floor window area. The sign face area of such sign shall not exceed twenty-five percent (25%) of the total window area.
- G. Grand Opening Period Temporary Sign. For a two (2) week period from start of operations by a new occupant of the complex, such occupant may display one temporary sign not exceeding thirty-five (35) square feet in sign face area.
- H. Nonprofit Organization Community Event Temporary Sign. For a four (4) week period prior to a community event sponsored by a nonprofit organization, such organization may display one temporary sign not exceeding thirty-five (35) square feet in sign face area.

(Ord. No. 245-16, § 4, 5-11-2016)

### **9.18.080. High School Digital Signs.**

- A. Publicly Visible Signs. Schools that provide education to students in grades one (1) through twelve (12) may install and operate one (1) digital sign visible from the public right-of-way. Such sign shall be subject to the following regulations:

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1. The sign shall be located on the school's property and shall face the primary public access point from the nearest public right-of-way.
  2. The sign shall not include any audio message.
  3. The sign shall not display any message involving flashing, blinking, rolling, dissolving, or any other effect that gives the appearance of movement.
  4. The sign shall transition from message to message in a manner that appears instantaneous as perceived by the human eye.
  5. The sign shall display each message for at least five (5) seconds.
  6. The sign shall not display any message that continues onto a subsequent message.
  7. The sign face area shall not exceed eighty-five (85) square feet.
  8. The sign height shall not exceed fourteen (14) feet.
  9. The sign shall be securely attached to a structure or footing in a manner consistent with Section 8.1.005.
  10. The sign shall not be used as an outdoor advertising sign.
  11. If the sign is located within three hundred (300) feet of a residential property, then the sign shall be illuminated only during the period from one hour before to one hour after the school's classroom hours.
- B. Non-Publicly Visible Signs. Schools that provide education to students in grades one (1) through twelve (12) may install and operate digital signs that satisfy both of the following criteria: (i) the sign is located inside school grounds; and (ii) the sign is not visible from the public right-of-way or from any property within one thousand (1,000) feet of the sign.

(Ord. No. 245-16, § 4, 5-11-2016; Ord. No. 248-17, § 3, 3-22-2017)

### **9.18.090. Public Property.**

- A. Prohibition. No person shall construct, erect, attach, place, paint, or otherwise maintain any sign on public property.
- B. Election Period Exception. During the period from twenty-one (21) days prior to an election to two (2) days after such election, signs not exceeding six (6) square feet in sign face area and not exceeding five (5) feet in sign height may be placed on public street medians. As used in this subsection, "election" means a federal, state or local government election.
- C. Impound. Any sign erected upon public property in violation of the provisions of this Section may be removed by the Director or any authorized representative thereof.

(Ord. No. 245-16, § 4, 5-11-2016)

### **9.18.100. Exempt Temporary Signs.**

- A. Election Period. During the period from twenty-one (21) days prior to an election to two (2) days after the election, each lot may display one temporary sign per office or measure to be submitted to the voters at the election. Such signs shall not exceed six (6) square feet in sign face area and shall not exceed five (5) feet in sign height. If such signs are displayed in a window, the total sign area per window shall not exceed six (6) square feet.

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- B. Real Estate Marketing Period (Individual Residential Unit). During the period of real estate marketing of an individual unit of a residential zone lot, the lot may display one unlighted temporary sign. Such sign shall not exceed six (6) square feet in sign face area and shall not exceed five (5) feet in sign height. Such sign may be mounted on a straight stake or may be suspended from a beam mounted at a ninety degree (90°) angle to a ground mounted post. Such sign shall be situated not less than ten (10) feet from the inside line of the sidewalk or, if there is no sidewalk, from the property line. If the building setback on the premises is less than ten (10) feet, then such sign shall be situated not less than one-half the setback from the inside line of the sidewalk or property line. The real estate marketing period shall be deemed to have concluded on the seventh day after close of escrow, lease execution, or listing termination, as applicable.
- C. Real Estate Marketing Period (Multi-Unit Residential Development). During the period of real estate marketing of a multi-unit residential development, the development may display temporary signs as set forth below. The real estate marketing period shall be deemed to have concluded on the seventh day after close of escrow for the last unit in the development, lease execution for the last unit in the development, or listing termination, as applicable.
1. One single-faced temporary sign not exceeding thirty-five (35) square feet in sign face area. No side of such sign shall exceed two (2) times the dimension of the other side. Such sign shall not exceed five (5) feet in sign height. Such sign shall be situated not less than ten (10) feet from the inside line of the sidewalk or, if there is no sidewalk, from the property line. If the building setback on the premises is less than ten (10) feet, then such sign shall be situated not less than one-half the setback from the inside line of the sidewalk or property line.
  2. One temporary sign per type of model on display at the development for a project offered for sale for the first time. Such sign shall not exceed four (4) square feet in sign face area. Such signs may be single or double faced and shall not exceed four (4) feet in sign height.
- D. Real Estate Marketing Period (Commercial, Industrial, or Public/Institutional Complex). During the period of real estate marketing of a commercial, industrial, or public/institutional complex, the complex may display one unlighted single-faced sign not exceeding twenty (20) square feet in sign face area where frontage is less than one hundred (100) feet or not exceeding thirty-five (35) square feet in sign face area where the frontage is at least one hundred (100) feet. Such sign shall not exceed six (6) feet in sign height. No side of such sign shall exceed two (2) times the dimension of any other side of the sign face. Such sign shall be situated not less than ten (10) feet from the inside line of the sidewalk or, if there is no sidewalk, from the property line. If the building setback on the premises is less than ten (10) feet, then such sign shall be situated not less than one-half the setback from the inside line of the sidewalk or property line. The real estate marketing period shall be deemed to have concluded on the seventh day after close of escrow for the last unit in the complex, lease execution for the last unit in the complex, or listing termination, as applicable.

(Ord. No. 245-16, § 4, 5-11-2016)

### **9.18.110. Illuminated Signs.**

The Director may order the dimming of any illuminated sign found to be excessively brilliant. Illumination shall be considered excessively brilliant when it prevents normal perception of objects or buildings beyond or in the vicinity of the sign. In no case shall a lighted sign or lighting device be so placed or directed as to permit the beams and/or illumination to be directed or beamed upon a public street, walkway or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or a nuisance.

(Ord. No. 245-16, § 4, 5-11-2016)



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### **9.18.120. Sign Maintenance.**

All signs that are not maintained in good repair shall be brought into compliance within thirty (30) days of issuance of a noncompliance notice. If the sign is not made compliant by the deadline, it shall constitute a violation of the zoning ordinance and a public nuisance and shall be removed at the cost of the owner following a City Council hearing. The owner shall be provided ten (10) days notice of the hearing by certified mail or personal service. The City Council may extend the compliance deadline for good cause shown by the owner thereof.

(Ord. No. 245-16, § 4, 5-11-2016)

### **9.18.130. Administration.**

Legal signs in existence on the effective date of this Chapter which conform to the provisions of this Chapter may continue to be maintained without securing new approval under this Chapter.

(Ord. No. 245-16, § 4, 5-11-2016)

### **9.18.140. Substitution of Non-Commercial Message.**

Any non-commercial message may be substituted for the copy on any commercial sign allowed by this Chapter. Any sign displaying a noncommercial message shall be deemed to be "on-site."

(Ord. No. 245-16, § 4, 5-11-2016)

### **9.18.150. Prohibited Signs.**

The following signs shall be prohibited in all zones:

- A. Portable (i.e., "A" frame or "sandwich board" signs).
- B. Flashing or scintillating signs.
- C. Revolving signs.
- D. Devices dispensing bubbles and free-floating particles of matter.
- E. Devices projecting, or otherwise reproducing, the image of an advertising sign or message on any surface or object.
- F. Outdoor advertising signs including those placed in public rights-of-way such as bus bench signs and bus shelter signs.
- G. Projecting signs.
- H. Signs which project into an existing or future street right-of-way.
- I. Automatic changing signs.
- J. Streamers, banners and pennants.
- K. Pole signs, except for on-site directional signs not visible from any street or from outside the property.
- L. Any sign affixed to any vehicle or trailer on a public right-of-way, or on public or private property, for the purpose of advertising an event or attracting people to a place of business, unless the vehicle or trailer is intended to be used in its normal business capacity and not for the purpose of advertising an event or attracting people to a place of business.

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- M. Temporary signs, except as otherwise specifically permitted by this Article 9, Chapter 1.
  - N. Signs consisting of, or having the appearance of, exposed tube lighting, visible from outside the building, when reasonably likely to draw attention to the business or activity.
  - O. Roof signs.
  - P. Can-style monument signs.
  - Q. Digital signs, except as otherwise specifically permitted by Section 9.18.080.

(Ord. No. 245-16, § 4, 5-11-2016)

### **9.18.160. Violations.**

Any person violating any provision of this Chapter shall be guilty of an infraction.

(Ord. No. 245-16, § 4, 5-11-2016)

## **CHAPTER 9.19. OFF-STREET PARKING AND LOADING STANDARDS**

### **9.19.010. Purpose.**

These regulations are intended to achieve the following purposes:

1. To provide accessible, attractive and well-maintained off-street parking and loading facilities.
2. To reduce traffic congestion and hazards.
3. To protect neighborhoods from the effects of vehicular noise and traffic generated by adjacent nonresidential districts.
4. To assure the maneuverability of emergency vehicles.
5. To provide parking in proportion to the needs generated by varying types of land uses.

(Ord. No. 51, Amended, 04/10/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 65, Amended, 11/08/86; Ord. No. 74, Amended, 10/14/87; Ord. No. 82, Amended, 05/11/88; Ord. No. 108, Amended, 07/24/90)

### **9.19.020. Applicability.**

Every use hereafter inaugurated, and every building or structure hereafter erected or altered, shall have permanently maintained off-street parking and loading areas.

(Ord. No. 51, Amended, 04/10/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 65, Amended, 11/08/86; Ord. No. 74, Amended, 10/14/87; Ord. No. 82, Amended, 05/11/88; Ord. No. 108, Amended, 07/24/90)

### **9.19.030. General Regulations.**

1. When a structure, other than a single-family residence, is enlarged or increased in capacity, or when a change in use creates an increase in the amount of off-street parking or loading area required, additional spaces shall be provided for only the enlargement or increased capacity as required by this Section. However, when such enlargement exceeds ten (10) percent of existing floor area over any five (5)-year

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period, additional spaces shall be provided so that the entire project (existing and proposed enlargement) complies with the parking requirements of this Section.

2. Requirements for uses not specifically listed herein shall be determined by the Planning Director, based upon the requirements for comparable uses and upon the particular characteristics of the use.
3. In any residential zone, a parking structure with the automobile entrance viewable from a public street shall be a garage. Such a garage shall be enclosed with an opaque garage door.
4. Required guest parking and loading areas shall be designated as such and restricted to such use.
5. Walls, fences and dense landscaping within parking areas shall be designed to allow for maximum visibility.
6. In the case of mixed uses, within a single lot or development, the total requirements for off-street parking and loading spaces shall be the sum of the requirements for each of the various uses. Parking and loading facilities for one use shall not be considered as providing such facilities for any other use.
7. Fractional space requirements shall be counted as the next largest whole space.
8. No area may be utilized and counted both as a required parking space and a required loading space.
9. The design and configuration of all new parking facilities shall adhere to all applicable provisions of Chapter 9.37 (Transportation Demand and Trip Reduction Measures).

(Ord. No. 51, Amended, 04/10/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 65, Amended, 11/08/86; Ord. No. 74, Amended, 10/14/87; Ord. No. 82, Amended, 05/11/88; Ord. No. 108, Amended, 07/24/90; Ord. No. 131, Amended, 04/14/93; Ord. No. 192-05, Amended, 3/9/05)

#### **9.19.040. Number of Parking Spaces Required.**

The following minimum number of parking spaces shall be provided for each use (where "sf." refers to square foot and "gfa." refers to gross floor area):

##### **A. Residential Uses**

Single-family including mobilehomes in a mobile home park and multi-family dwellings:

Spaces Required - Two (2) covered spaces for each dwelling unit with one or more bedrooms; one additional space for each accessory dwelling unit with at least one bedroom, in accordance with Section 9.14.070; plus guest parking (where required)

Apartment units:

Spaces Required - One covered and one uncovered space for each dwelling unit with two (2) or more bedrooms; one-half (½) covered spaces for each studio or one bedroom dwelling unit; plus guest parking

Guest parking for mobilehome parks:

Spaces Required - One-half (.5) spaces for each mobilehome dwelling unit

Covered space definition:

For purposes of this provision, "covered space" means an enclosed garage for single-family residences and means an enclosed garage or carport for mobilehomes or apartment units.

##### **B. Commercial Uses**

Restaurants, cafes, bars other eating and drinking establishments, and public assembly uses:

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Spaces Required - 1 for each 45 sf. of floor area accessible to customers (excluding restrooms), plus 1 for each 250 sf. of all other floor area

Medical and physical therapy offices:

Spaces Required - 1 for each 200 sf. of gfa.

Hotels and motels:

Spaces Required - 1 for each guest unit, plus requirements for related commercial uses

Mortuaries or funeral homes:

Spaces Required - 1 for each 5 fixed seats or 1 homes for each 45 sf. of non-fixed seating area in the main assembly or service chapel

Spectator entertainment:

Spaces Required - 1 for each 5 fixed seats, or 1 for every 35 sf. of non-fixed seating area, plus 1 space for each 250 square feet of general commercial area

Participant entertainment:

Spaces Required - 1 for each 21 sf. of gfa.

Bowling alleys:

Spaces Required - 3 for each lane, plus requirements for related commercial uses

Health clubs and spas:

Spaces Required - 1 for each 150 sf. of gfa., including any pool area

Game Courts:

Spaces Required - 1 for each player authorized to participate at one time on a court under the rules of the Amateur Athletic Union, plus required parking for spectator seating and associated commercial uses

Motor vehicle sales and service shops:

Spaces Required - 1 for each 1000 sf. of display or sales area of the first 10,000 sf., then 1 for each 5000 sf. thereafter; plus 1 for each 500 sf. of floor area within a building on the premises

Furniture stores:

Spaces Required - 1 for each 500 sf. of gfa.

Service stations:

Spaces Required - 1 for each pump island, plus 1 for each service bay

Golf courses:

Spaces Required - 8 for each hole, plus 1 for each 35 sf. of gfa. in the assembly building and 1 for each 250 sf. of gfa. within other commercial uses

Take-out only food:

Spaces Required - 1 space for each 250 sf. of gfa., plus 5 additional spaces

All other commercial uses not listed above 1 for each 250 sf. of gfa.

C. Business Park Uses

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General industrial, wholesaling, warehousing, manufacturing, and research and development:

Spaces Required - 1 for each 330 sf. of gfa.

Self-storage facilities:

Spaces Required - 1 for each employee, plus 1 for each 20,000 sf. of gfa. and 1 for each vehicle or boat storage space. A minimum of three spaces shall be provided for a project

D. Institutional Uses

Hospitals:

Spaces Required - 1.5 for each bed

Schools:

Spaces Required

Elementary - 1 for each classroom, plus 1 for each 5 fixed seats or 35 sf. in an auditorium

High School - 5 for each classroom, plus 1 for each 5 fixed seats or 35 sf. in an auditorium

Nursery School - 1 for each 10 children (maximum enrollment)

Churches, Temples, and similar religious facilities:

Spaces Required - 1 for each 4 fixed seats or 80 linear inches of bench seating, or 1 for each 28 square feet of nonfixed seating area within the principal sanctuary. Additional parking shall be required for related uses such as schools and day care centers unless alternating use of parking facilities is approved pursuant to Section 9.19.070

(Ord. No. 192-05, Amended, 3/9/05)

(Ord. No. 260-17, § 6, 1-10-2017; Ord. No. 285-21, § 10, 1-27-2021)

**9.19.050. Number of Handicapped Parking Spaces Required.**

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

Total Number of Parking Spaces	Number of Handicapped Parking Spaces Required
1-40	1
41-80	2
81-120	3
121-160	4
161-300	5
301-400	6
401-500	7
over 500	1 additional for each 200 additional spaces provided

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

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(Ord. No. 51, Amended, 04/10/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 65, Amended, 11/08/86; Ord. No. 74, Amended, 10/14/87; Ord. No. 82, Amended, 05/11/88; Ord. No. 108, Amended, 07/24/90)

**9.19.060. Number of Loading Spaces Required.**

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

1. Commercial and institutional uses, other than office uses:

Gross Floor Area	Spaces Required
Less than 5,000 sf.	None
5 - 20,000 sf.	One
Each additional 20,000 sf.	One Additional

2. Office uses:

Gross Floor Area	Spaces Required
Less than 20,000 sf.	None
20,000 - 40,000 sf.	One
Each additional 20,000 sf.	One Additional

3. Manufacturing, wholesale, warehousing and industrial uses:

Gross Floor Area	Spaces Required
Less than 20,000 sf.	One
Each additional 20,000 sf.	One Additional

(Ord. No. 51, Amended, 04/10/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 65, Amended, 11/08/86; Ord. No. 74, Amended, 10/14/87; Ord. No. 82, Amended, 05/11/88; Ord. No. 108, Amended, 07/24/90)

**9.19.070. Reduction of Requirements.**

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

1. That a sufficient number of spaces shall be provided to meet the greater parking demand of the alternating uses;
2. That satisfactory statements have been submitted by the parties operating such facilities, describing the nature of the uses and times when such uses operate so as to indicate the lack of conflict between them; and
3. That additional documents or agreements as may be deemed necessary in each particular case to assure provision for and the maintenance of the required parking spaces have been provided.

- B. Parking requirements for a secondary use within the same building as the primary use (for example, a restaurant in a hotel or a shop within a sport facility) may be reduced by up to one-half, upon the determination by the Commission that such a reduction is justified.
- C. Subject to approval of a Zoning Clearance, existing compact parking areas for nonresidential uses within the Commercial Planned Development (CPD), Commercial Recreation (CR) and Business Park (BP) Zones may be restriped to achieve standard, nine (9) foot parking stall width dimensions, provided that such parking areas shall maintain at least ninety-five (95) percent of the total number of parking stalls previously approved for the specific site. An approved reduction of up to five (5) percent of available on-site parking shall not effect the calculation of required parking for uses otherwise permitted within the specific zone.

(Ord. No. 51, Amended, 04/10/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 65, Amended, 11/08/86; Ord. No. 74, Amended, 10/14/87; Ord. No. 82, Amended, 05/11/88; Ord. No. 108, Amended, 07/24/90; Ord. No. 148-97, Amended, 6/11/97)

**9.19.080. Design Standards.**

A. Dimensional Requirements.

- 1. Minimum parking dimensions shall be as indicated in the following table and as depicted on the accompanying diagram.

Parking Angle (PA)	Stall Dimensions			Aisle Widths	
	Width (W)	Depth (D)	Length (L)	(A)	
				1-Way	2-Way
Parallel	9'	9'	24'	18'6"	20'
30 degree	9'	16'	18'	12'	20'
45 degree	9'	19'	18'	14'	20'
60 degree	9'	20'	18'	20'	20'
90 degree	9'	18'	18'	26'	26'

- 2. Any parking space located parallel to a wall or other solid barrier shall be widened an additional two (2) feet.
  - 3. An inside dimension of twenty (20) feet by twenty (20) feet shall be maintained, unobstructed, for a private two (2) car garage.
  - 4. Each loading space shall have an unobstructed minimum dimension of twelve (12) feet in width, forty (40) feet in length and fifteen (15) feet in height.
  - 5. Multi-storied parking structures, subterranean parking, parking decks and single row tuck-under parking is prohibited unless specifically authorized by the Commission as a variance from standards.
- B. Landscaping. Landscaping of parking areas shall be provided and maintained according to the following regulations, as well as those contained in Chapter 9.16 of this Article.

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1. A minimum of five (5) percent of any open parking and driveway areas containing parking spaces for at least ten (10) vehicles, and not more than twenty-one (21) vehicles, shall be landscaped. A minimum of ten (10) percent of any open parking and driveway areas containing more than twenty-one (21) parking spaces shall be landscaped. Such landscaped areas shall be distributed through the entire parking area as evenly as possible and as required by the Director. All such required landscaped areas shall be computed on the basis of the total amount of parking and driveway areas provided (except spaces provided for display purposes or for enclosed vehicle storage areas); however, the Director and Commission may allow any landscaped area which would be within an open service or work area, and not viewable from any perimeter street, to be relocated to a more functional location within the other open parking areas on such property provided such relocation does not decrease the total percentage of required interior landscaping.
  2. Landscaped areas shall be distributed throughout the entire parking area. One tree of at least fifteen (15) gallons in size shall be provided for every ten (10) parking spaces and located so as to visually disrupt long rows of parked vehicles (trees may be clustered).
  3. A minimum ten (10) foot wide landscape planter shall be provided adjacent to any public or private street wherever parking or circulation is generally located adjacent to such rights-of-way.
  4. Where vehicles are to be parked immediately adjacent to a public or private street, a decorative masonry wall of thirty (30) inches in height, measured from the finished surface of the parking area, bermed landscaping having the same height, or a combination thereof shall be provided.
  5. Landscaping shall be provided between a building and a contiguous parking area to the satisfaction of the Director.

C. Access.

1. Any parking area shall be provided with suitable maneuvering room so that all vehicles therein may enter an abutting street in a forward direction, except for detached single-family dwelling units.
2. Use of a required parking space shall not require more than two (2) vehicle maneuvers, except for parallel parking spaces.
3. No parking space shall be located so that a vehicle is required to maneuver within ten (10) feet of a vehicular entrance to the property.
4. No required parking space shall be located so as to require the moving of another vehicle in order to access the space.
5. Exits from parking lots shall be clearly posted with "stop" indicators (i.e., restraining lines).
6. Parking for the handicapped shall be so located that a handicapped person is not compelled to wheel or walk behind parked cars other than their own. Pedestrian ways which are accessible to the physically handicapped shall be provided from each such parking space to related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into any parking space. However, ramps located at the front of parking spaces for the physically handicapped may encroach into the length of such spaces when such encroachment does not limit a handicapped person's capability to leave or enter their vehicle.
7. Entrances to and vertical clearances within parking structures shall have a minimum vertical clearance of eight (8) feet two (2) inches where required for accessibility to parking spaces for the handicapped.

D. Driveways.

1. Access to one or more automobile storage spaces required by this Chapter shall be not less than ten (10) feet wide at any place.



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2. Driveway aprons located in front of enclosed garages shall have a depth no greater than ten (10) feet, unless constructed to a depth of twenty (20) feet or more.
- E. Surfacing. Parking and loading areas, as well as the maneuvering areas and driveways used for access thereto, shall be paved with:
1. Concrete surfacing to a minimum thickness of three and one-half (3.5) inches, with expansion joints as necessary; or
  2. Asphalt surfacing, rolled to a smooth, hard surface having a minimum thickness of one and one-half (1.5) inches after compaction, and laid over a base of crushed rock, gravel or other similar material compacted to a minimum thickness of four (4) inches. The requirement for said base may be modified if:
    - a. A qualified engineer, retained to furnish a job site soil analysis, finds that said base is unnecessary to ensure a firm and unyielding subgrade, equal, from the standpoint of the service, life and appearance of the asphaltic surfacing, to that provided if said base were required, and so states in writing, together with a copy of his findings and certification to such effect; or
    - b. Other available information provides similar evidence;
  3. Other alternative material that will provide at least the equivalent in service, life and appearance of the materials and standards which would be employed for development pursuant to subsection 1 or 2 of this Section.

The City Engineer, at the request of the Planning Director, shall review and report on the adequacy of paving where modification of base is proposed under subsection 2 or where alternative materials are proposed under subsection 3. The City Engineer may approve such modification or such alternative materials if, in his opinion, the evidence indicates compliance with subsections 2 or 3, as the case may be.

- F. Marking.
1. All parking spaces, except in a garage or carport containing two (2) or fewer parking spaces shall be striped in a manner clearly showing the layout of the intended parking stalls. Such striping shall be maintained in a clear and visible manner.
  2. The surface of each parking space for the handicapped shall have a surface identification sign duplicating the symbol of accessibility in blue paint, at least three (3) square feet in size.
- G. Wheel Stops. Wheel stops or continuous concrete curbing at least six (6) inches in height shall be provided for all parking spaces, except those established in a garage or carport. Required wheel stops adjacent to landscaped strips may be waived, provided that the width of the landscaped planters adjacent to the affected parking stalls be expanded by a minimum of two (2) feet.
- H. Lighting. Parking areas for other than single-family residences and vehicle sales areas designed to accommodate three (3) or more vehicles shall have lighting facilities capable of providing a minimum of 0.2 and an average of 0.8 foot candle maintained illumination with a uniformity ratio of 4:1 (average/minimum) at every point of the parking lot. Any illumination, including security lighting, shall be so arranged as to reflect away from adjoining properties and rights-of-way.
- I. Slope.
1. Parking areas used exclusively for parking and vehicle maneuvering shall be designed and improved with grades not to exceed a five (5) percent slope.
  2. Driveways used exclusively for ingress and egress or interior parking lot circulation shall be designed and improved with grades not to exceed twenty (20) percent slope.

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- 3. Surface slopes of parking spaces for the physically handicapped shall be the minimum possible and shall not exceed one-quarter inch per foot (2.083 percent slope) in any direction.
  - J. Drainage. All required off-street facilities for three (3) or more required parking spaces and all loading facilities shall be so designed that surface water will not drain over any sidewalk.
  - K. Screening.
    - 1. Parking areas for three (3) or more cars abutting residentially-zoned property shall be separated from such property by a landscaped strip with a minimum width of ten (10) feet, and a six (6) foot high solid fence or wall, located on the residential side of the landscaped strip. If said wall is not at least five (5) feet above the ground elevation of the parking lot, another wall shall be required immediately adjacent to the parking spaces which is five (5) feet high.
    - 2. A loading area adjoining a street or a required front yard shall be screened with a solid wall of a design subject to the approval of the Planning Director.
  - L. Speed Bumps. Speed bumps are prohibited.
  - M. Parking Lot Maintenance. Parking facilities including paved and landscaped areas for other than single-family residences, designed to accommodate three (3) or more vehicles, shall be maintained at all times in accordance with provisions of the Zoning Ordinance and conditions of an approved permit. Any alteration or modification to the parking facilities including established landscaping shall require prior review and issuance of a Zoning Clearance.
  - N. Bicycle Parking. Parking areas for other than single-family residences, designed to accommodate three (3) or more vehicles, shall provide a stationary bicycle rack or facility to secure the frame and both wheels of bicycles to the satisfaction of the City Planning Director.

(Ord. No. 51, Amended, 04/10/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 65, Amended, 11/08/86; Ord. No. 74, Amended, 10/14/87; Ord. No. 82, Amended, 05/11/88; Ord. No. 108, Amended, 07/24/90; Ord. No. 148-97, Amended, 6/11/97; Ord. No. 192-05, Amended, 3/9/05)

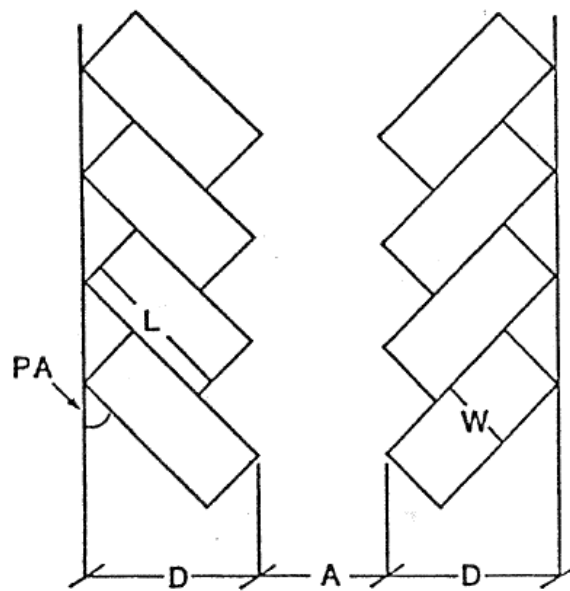
### **9.19.090. Location of Required Parking and Loading Spaces.**

- A. Required parking spaces within commercial and industrial zones shall be on the same lot or parcel of land and shall be located within four hundred (400) feet of the main structure they serve. Such distance shall be computed from the nearest point of the structure's public access to the nearest point of the parking area.
- B. Required parking for single-family dwellings shall be located on the same lot as the dwelling served, and shall not be located within a required front or side yard.
- C. Required parking for multifamily dwellings, apartments, and mobile homes in a mobile home park shall be located on the same lot as the dwelling served, or in the case of parking being located in a common area, not more than one hundred (100) feet from the dwelling served, and shall not be located within a required front or side yard.
- D. Required loading spaces shall be located immediately adjacent to the exterior wall of the building, but shall not be within the building. Such spaces shall not be located in any required front or side yard.
- E. Loading spaces shall be set back a minimum of twenty-five (25) feet from any residentially-zoned property.
- F. Loading spaces shall be so located and designed so that trucks shall not be required to back into a public street for ingress or egress. Truck maneuvering areas shall be provided where appropriate.
- G. Parking for commercial and industrial uses adjacent to residential uses shall be set back a distance equal to the building setback required by the adjoining residential property.

H. Parking spaces for the physically handicapped shall be located as near as practical to a primary entrance. If only one space is provided, it shall be fourteen (14) feet wide and striped to provide a nine (9) foot parking area and a five (5) foot loading and unloading area. When more than one space is provided, in lieu of providing a fourteen (14) foot wide space for each parking space, two (2) spaces can be provided within a twenty-three (23) foot wide area striped to provide a nine (9) foot parking area on each side of a five (5) foot loading and unloading area in the center. The minimum length of each parking space shall be eighteen (18) feet. These parking spaces shall be designed substantially in conformance with the diagrams contained in this Section.

(Ord. No. 51, Amended, 04/10/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 65, Amended, 11/08/86; Ord. No. 74, Amended, 10/14/87; Ord. No. 82, Amended, 05/11/88; Ord. No. 108, Amended, 07/24/90)

### MINIMUM PARKING DIMENSIONS



Where:

A - aisle width

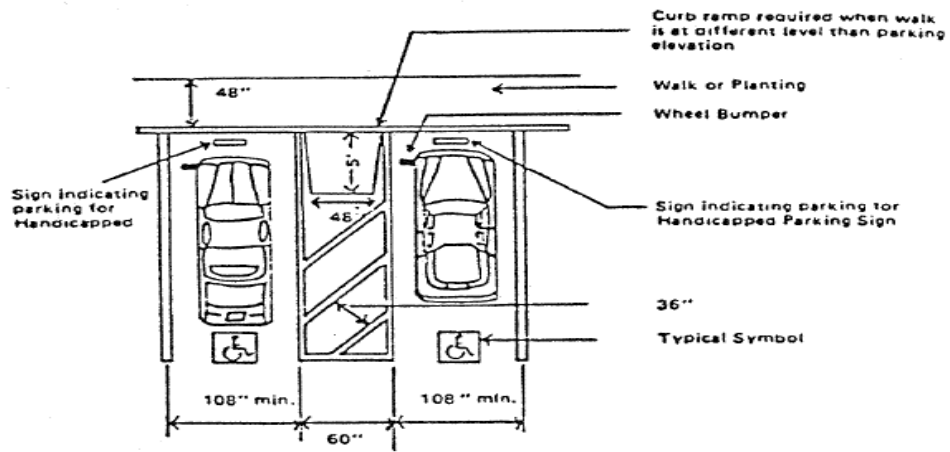
D - stall depth

L - stall length

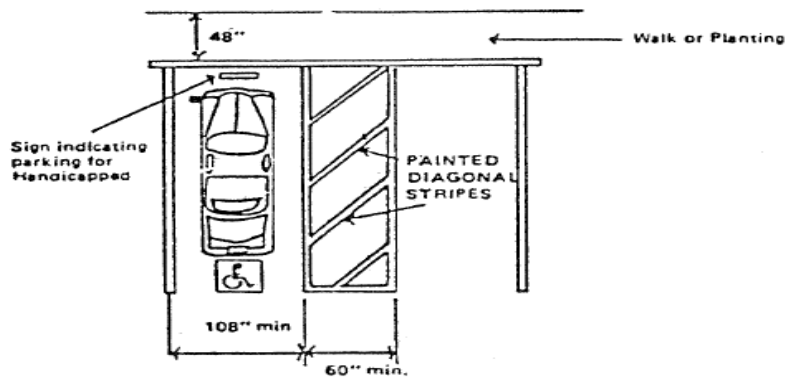
W - stall width

PA - parking angle

## DIMENSIONS AND STRIPING FOR PARKING FOR THE HANDICAPPED

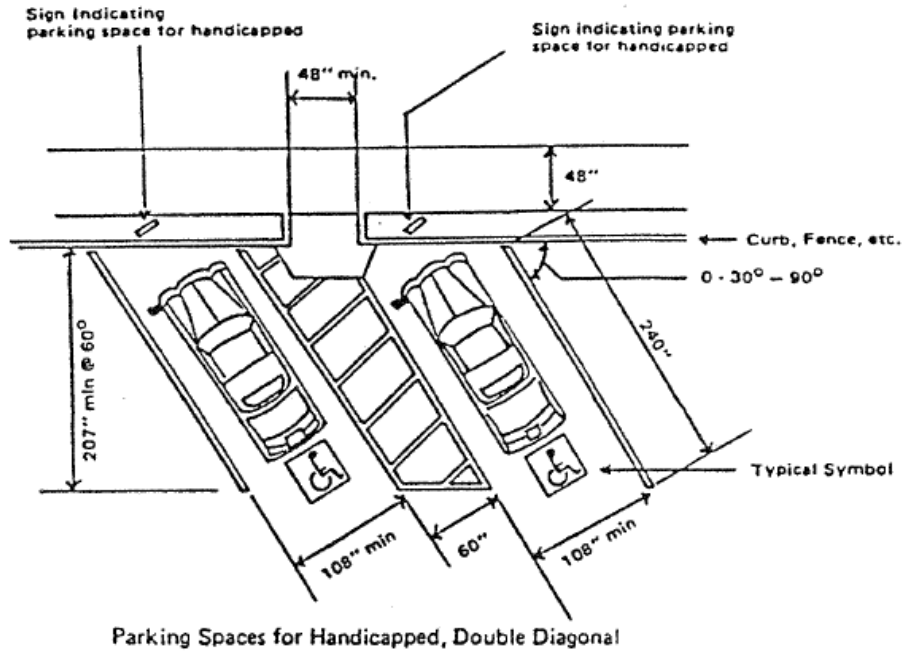


Parking Space for Handicapped, Double Type



Parking Space for Handicapped, Single Type

**DIMENSIONS AND STRIPING  
FOR PARKING FOR THE HANDICAPPED**



**INTERNATIONAL SYMBOL OF ACCESSIBILITY**



**CHAPTER 9.20. SERVICE STATION STANDARDS**

**9.20.010. Purpose.**

The purpose of these standards is to preserve the integrity and character of the area in which a service station is located and to assure its compatibility with nearby uses.

**9.20.020. Additional Conditional Use Permit Findings.**

The Commission may approve the establishment of a new service station or the enlargement or alteration of an established station only through the granting of a conditional use permit. In addition to the findings required by Chapter 9.25 of this Article, the Commission shall also make the following findings:

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1. That the proposed use will not substantially increase vehicular traffic on any street in the immediate vicinity.
  2. That the proposed use will not create increased traffic hazards to pedestrians when located near a school, church, theater, or other place of assembly.
  3. The aggregate merchandise display area on each pump island shall not exceed twelve (12) square feet and the products shall be located in a specially designed enclosed case.
  4. Motor vehicle products displayed along the front of the building and within thirty-six (36) inches of the building shall be limited to five (5) feet in height and not more than ten (10) feet in length.

(Ord. No. 192-05, Amended, 3/9/05)

#### **9.20.030. Location and Site Requirements.**

New service stations shall be permitted only at the intersections of arterials, except at their intersections with freeway off-ramps. When considering an application for a new station, a maximum of two (2) stations may be allowed at each intersection. The minimum parcel size shall be fifteen thousand (15,000) square feet, with a minimum frontage of one hundred fifty (150) feet.

#### **9.20.040. Definition of Permitted Uses.**

Service station uses shall be limited to the sale of motor fuels and the supplying of goods and services required in the operation and maintenance of motor vehicles. This shall include the sale of petroleum, and may also include the sale and servicing of tires, batteries and vehicle accessories, the performance of vehicle maintenance and repairs within an enclosed building, and the supplying of other incidental customer services and products related to vehicle care. The sale or rental of merchandise not related to the motoring public is prohibited unless approved as part of a conditional use permit. The following uses are prohibited: upholstery work, auto glass work, painting, welding, tire recapping, auto dismantling, body and fender work and machine work.

#### **9.20.050. Location of Activities.**

All activities and operations, including new and used merchandise, shall be conducted entirely within the enclosed service building, except as follows:

1. The dispensing of petroleum products, water, and air, from pump islands.
2. The provision of emergency service of a minor nature.
3. The sale of items via vending machines which may be placed next to the main building in a designated area not to exceed thirty-two (32) square feet and which must be screened from public view.

#### **9.20.060. Development Standards.**

Service stations shall be designed so that form and scale are integrated with adjacent development as well as the general character of the area. The station shall also be subject to the regulations of the zone in which it is located, as well as the following restrictions:

- A. Setbacks
  1. No building shall be situated less than ten (10) feet from the side and rear lines of adjacent lots where said lots are located in a residential zone.

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2. Pump islands shall be located a minimum of twenty (20) feet from a street property line, however, a canopy or roof structure over a pump island may encroach up to ten (10) feet within this distance.
- B. Access
1. There shall not be more than two (2) vehicular access points to any one street.
  2. There shall be a minimum distance of thirty (30) feet between curb cuts along a street frontage.
  3. No driveway may be located closer than five (5) feet to the end of a curb return nor closer than twenty (20) feet to a common property line.
  4. The width of a driveway may not exceed thirty (30) feet at the sidewalk.
- C. Parking
1. On-site parking shall be provided at one space for each pump island, plus one space for each service bay.
  2. Outside storage of motor vehicles is prohibited. For the purpose of this section, "outside storage" shall mean the parking of a motor vehicle in an unenclosed area of the service station for longer than twenty-four (24) hours, unless said vehicle is in the process of being serviced, in which case it may be parked for a period of seventy-two (72) hours.
  3. No vehicles may be parked on sidewalks, parkways, driveways or alleys.
  4. No vehicle may be parked on the premises for the purpose of offering same for sale.
  5. Parking shall be located so as to minimize visibility from roadways.
- D. Landscaping. Landscaping shall comprise a minimum of ten (10) percent of the service station site area, and shall be provided and maintained according to the following regulations, as well as those contained in Chapter 9.14 of this Article.
1. A minimum five (5) foot wide (inside dimension) raised planter area shall be provided along interior property lines. Where adjacent to a periphery wall, trees planted not more than sixteen (16) feet apart shall be included in the planter areas.
  2. A planter area of not less than two hundred (200) square feet shall be provided at the corner of two (2) intersecting streets.
  3. Dense landscaping shall not exceed a height of thirty (30) inches, except for landscaping located next to main structures and along interior property lines, and except trees that are placed so as not to impact sight distance and safety.
  4. A minimum of fifty (50) square feet of planter area shall be located along those portions of the main building fronting on a public street.
  5. Additional landscaping may be required to screen the service station from adjacent properties.
- E. Service Bays. Openings of service bays shall not face abutting public streets and shall be designed to minimize the visual intrusion onto abutting properties.
- F. Site Maintenance
1. No used or discarded automotive parts or equipment, or permanently disabled, junked or wrecked vehicles may be located outside the main building.
  2. A refuse storage area, completely enclosed with a masonry wall not less than five (5) feet high and a solid gated opening, and large enough to accommodate standard-sized commercial trash

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bins, shall be located on the rear portion of the property in such a manner as to be accessible to refuse collection vehicles.

3. That products will be displayed with consideration to their visual impacts.
- G. Lighting. All light sources, including canopy, perimeter, and flood shall be shielded or recessed within the roof canopy so that the service station shall be indirectly visible and light is deflected away from adjacent properties and public streets. Lighting shall not be of such a high intensity as to cause a traffic hazard or adversely affect adjoining properties. No luminaire shall be higher than fifteen (15) feet above finished grade.
  - H. Peripheral Wall
    1. Where a service station adjoins property in a residential zone, a six (6) foot high decorative masonry wall shall be constructed. The height of such wall shall be determined from the residential property. Materials, textures, colors and design of said wall shall be compatible with on-site development and adjacent properties.
    2. When the wall reaches the established front-yard setback line of a residentially-zoned lot abutting the service station, it shall decrease to a height of thirty (30) inches.
  - I. Restroom Screening. Restroom entrances viewable from adjacent properties or rights-of-way shall be concealed from view by planters or decorative screening.
  - J. Noise. Noise from bells, loudspeakers or other noise acting as a signal or communication device shall not be audible from residentially-zoned property.

(Ord. No. 192-05, Amended, 3/9/05)

## **CHAPTER 9.21. OAK TREE AND HERITAGE TREE PRESERVATION STANDARDS<sup>2</sup>**

### **9.21.010. Purpose.**

The City Council finds that oak trees and heritage trees are of significant aesthetic, ecological, and historical value for the City of Westlake Village and that the preservation and propagation of this unique, irreplaceable plant life is in the best interests of the residents of the City. The purpose of this Chapter is to protect such trees against indiscriminate removal and inappropriate maintenance so as to preserve the distinctive character of the City and allow for development in a manner consistent with the health and welfare of the community.

(Ord. No. 292-22, § 2, 6-8-2022)

### **9.21.020. Definitions.**

For the purposes of this Chapter, the following definitions shall apply:

- A. "Damage" means any act causing injury to the root system or other parts of a tree including but not limited to cutting, nailing, burning, application of toxic substances, operation of equipment or

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<sup>2</sup>Editor's note(s)—Ord. No. 292-22, § 2, adopted June 8, 2022, repealed and reenacted Chapter 9.21 to read as set out herein. Former Chapter 9.21, §§ 9.21.010—9.21.140, pertained to similar subject matter and derived from Ord. No. 82, adopted May 11, 1988; Ord. No. 192-05, adopted March 9, 2005; and Ord. No. 264-18, adopted June 13, 2018.



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machinery, or by paving, changing the natural grade, trenching, excavating, or building within five (5) feet beyond the dripline or fifteen (15) feet from the trunk, whichever is greater. In the case of a heritage tree, "damage" also means depriving the tree of any care or protection specified in the City Council's heritage tree designation resolution for the tree.

- B. "Heritage tree" means a tree designated by City Council resolution pursuant to Section 9.21.030 to be of special community value as an aesthetic, ecological, or historical resource.
- C. "Oak tree" means a deciduous or evergreen tree of the oak genus (*Quercus* sp.).
- D. "Protected tree" means either a designated heritage tree, or an oak tree that meets either of the following criteria:
  - 1. Is twelve and one half (12.5) inches or more in circumference (four (4) inches in diameter) as measured four and one-half (4.5) feet above mean natural grade.
  - 2. In the case of an oak with more than one trunk, has eighteen (18) inches or more in combined circumference (six (6) inches in diameter) for any two (2) trunks as measured four and one-half (4.5) feet above mean natural grade.
- E. "Qualified arborist" means an arborist certified by the International Society of Arboriculture.

(Ord. No. 292-22, § 2, 6-8-2022)

#### **9.21.030. Heritage Tree Designation.**

- A. The City Council may designate heritage trees, and may rescind a heritage tree designation, by resolution following a public hearing noticed pursuant to Chapter 9.32 of this Article. At least ten (10) days prior to the hearing date, the owner of the subject property shall be given written notice of the hearing by registered or certified mail, postage prepaid, return receipt requested.
- B. The City Council may make a heritage tree designation for a non-oak tree if it finds that the tree has special community value as an aesthetic, ecological, or historic resource. The findings supporting a heritage tree designation, and any special care or protection requirements, shall be set forth in the resolution making the designation.
- C. The Director shall prepare and maintain an inventory of heritage trees.

(Ord. No. 292-22, § 2, 6-8-2022)

#### **9.21.040. Exemptions.**

The provisions of this Chapter shall not apply to:

- A. A protected tree that is in a hazardous or dangerous condition and poses an imminent threat to life and property as determined by a qualified arborist. This exemption shall also apply to trees that are determined by a qualified arborist to be dead or dying.
- B. Alteration or removal of a protected tree that is deemed necessary by the City Engineer to protect, maintain, repair and/or provide clearance for existing private streets and public infrastructure, including public rights-of-way, public parks, and public utilities.
- C. Routine maintenance intended to ensure the continued health of a protected tree. "Routine maintenance" means the trimming of live tree branches less than four (4) inches in diameter at their widest point and the removal of deadwood. "Routine maintenance" does not include the removal of more than twenty percent (20%) of a protected tree canopy within one (1) year, and under no

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circumstances shall routine maintenance include lion tailing cuts, topping cuts, or cuts that leave branch stubs.

(Ord. No. 292-22, § 2, 6-8-2022)

### **9.21.050. Protected Tree Permit Requirement.**

Except as otherwise provided in Sections 9.21.040 and 9.21.060, no person shall alter, destroy, disfigure, remove, relocate, or otherwise damage on any protected tree on any lot or parcel of land within the City, unless a protected tree permit is approved by the City Council in accordance with the provisions of this Chapter.

(Ord. No. 292-22, § 2, 6-8-2022)

### **9.21.060. Administrative Tree Permit.**

- A. If proposed trimming or pruning of a protected tree consists of cutting live branches over four (4) inches in diameter but the proposed cuts will not adversely impact the health of the tree, as determined by a qualified arborist, the Director may approve such a request administratively without a public hearing. Additionally, if a proposed encroachment into the protected zone of a tree will not adversely impact the health of the tree, as determined by a qualified arborist, the Director may approve such a request administratively without a public hearing. The applicant shall be required to submit a permit application that meets all requirements of Section 9.21.080. Any person aggrieved by the decision of the Director on an administrative tree permit request may appeal such action to the City Council pursuant to the procedures enumerated in Chapter 9.32. Requests for the removal of any protected tree that do not meet the requirements of Section 9.21.040 will require approval by the City Council.
- B. Upon review of the administrative tree permit application, the Director shall render a decision. If the Director determines that the findings below cannot be met, the Director may deny the permit request or refer the request to the City Council. The application shall be approved if the tree report demonstrates, and the Director affirmatively finds, at least one of the following for each protected tree involved:
  - 1. The condition of the protected tree requires cutting to preserve its health, structure, and/or maintain its balance.
  - 2. The protected tree will not be harmed or damaged by a proposed encroachment, and any construction on the property can be accomplished without endangering the health of any other protected trees on the subject property.
  - 3. The requested cuts are necessary to protect existing development from damage from the protected tree, and the cuts will not adversely impact the health of the protected tree.

(Ord. No. 292-22, § 2, 6-8-2022)

### **9.21.070. Permit Application.**

- A. Consideration of any action described in Section 9.21.050 shall be initiated upon the filing of an application for a protected tree permit by the owner of the subject property or by the owner's authorized representative.
- B. Applications shall be submitted on a form provided by the City and shall be accompanied by the permit fee specified by City Council resolution and a tree report prepared by a qualified arborist. The City reserves the right to have a third-party qualified arborist peer review the tree report at the cost of the applicant.

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(Supp. No. 32)

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1. A tree report that proposes the alteration of a protected tree shall include:
    - a. A written evaluation of the health of the protected tree accompanied by annotated exhibits that document all significant defects; and
    - b. A detailed recommendation accompanied by annotated exhibits that describe all proposed cuts to the protected tree and why the cuts are necessary; and
    - c. An analysis of the anticipated impacts of the proposed cuts on the health of the protected tree.
  2. A tree report that proposes the removal of a protected tree shall include:
    - a. A written evaluation of the health of the protected tree accompanied by annotated exhibits that document all significant defects; and
    - b. A recommendation that details why removal of the tree is necessary.
- C. No application shall be filed or accepted if final action has been taken within one (1) year prior thereto on an application requesting the same or substantially the same permit.

(Ord. No. 292-22, § 2, 6-8-2022)

#### **9.21.080. Hearing and Notice.**

- A. When a complete protected tree permit application has been filed, notice of a public hearing for the requested permit shall be given in a manner consistent with the provisions of Sections 2.3.005 and 9.32.030 and Government Code Section 65091. The public hearing shall be conducted consistent with the provisions of Chapter 9.32 of this Article.
- B. In the event a protected tree permit application is submitted in conjunction with another entitlement application, the protected tree permit application shall be considered concurrently.

(Ord. No. 292-22, § 2, 6-8-2022)

#### **9.21.090. Findings and Decision.**

- A. Upon review of the application and consideration of the written and oral evidence received at the public hearing, the City Council shall render its decision. The application shall be approved if the applicant demonstrates, and the City Council affirmatively finds, any of the following for each protected tree involved:
  1. The alteration or removal of the protected tree cannot be reasonably avoided by redesigning the location or nature of any proposed improvements on the property which have caused the need to alter, remove, or encroach upon the protected tree.
  2. The alteration or removal of the protected tree is necessary in order to construct new required improvements to public infrastructure, including public rights-of-way, public parks, and public utilities.
  3. The alteration or removal of the protected tree is necessary because the tree has outgrown the space in which it was planted and is damaging, or will foreseeably damage, surrounding pavement or structures.
  4. The removal of the protected tree is necessary because, due to the poor health and/or structure of the tree, it is foreseeable that the tree will experience structural failure and the tree is in close proximity to existing structures and/or high pedestrian traffic areas.
- B. Removal or relocation of a protected tree shall not be permitted if it will result in soil erosion through the diversion or increased flow of surface waters that cannot be satisfactorily mitigated.

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- C. The approval of any application under this Section may be subject to such reasonable conditions as will promote the purpose of this Section, including but not limited to:
1. On-site replacement of a removed protected tree may be required, if deemed appropriate by the City Council, with trees of a suitable type, size, number, and at an appropriate location. In general, replacement trees should be at least a twenty-four (24) inch box, or larger, and should be placed at an appropriate ratio of one (1) to four (4) new trees for each protected tree removed. In considering whether replacement trees should be required, and the quantity and size of the replacement trees, the City Council shall consider, in addition to any other relevant factors: the vegetative character of the surrounding area; the aesthetic loss caused by the removal of a protected tree; the number of protected trees to be removed; the reason for the removal, including whether the tree was poorly maintained; and the number of protected trees to remain on the property.
  2. If on-site replacement of a removed protected tree cannot feasibly be provided, and the City Council determines that mitigation is appropriate, off-site replacement may be required.
  3. The preparation and implementation of a plan for the protection of trees or the planting of replacement trees may be required as part of mitigation. A tree protection plan may include the following, as applicable: installation of fencing; limitations on the type of equipment to be used near trees; corrective measures to remedy defects in trees; and adequate supervision by a qualified arborist. A replanting plan may include the following, as applicable: the posting of a bond to the satisfaction of the City to guarantee the survival of trees to be replaced or relocated for a period of five (5) years from the date that such trees are replaced or relocated and details regarding monitoring and irrigation to the satisfaction of the Director. If replacement trees die within the five (5) year monitoring period, new replacement trees shall be planted and the five (5) year monitoring period shall recommence.
  4. Recordation of covenants, conditions, and restrictions (CC&Rs), or a deed restriction providing information concerning the proper care, watering, and maintenance of protected trees on the subject property. The CC&Rs or deed restriction shall be in a form approved by the City Attorney.

(Ord. No. 292-22, § 2, 6-8-2022)

#### **9.21.100. Revocation.**

- A. Proceedings for the revocation of a protected tree permit may be initiated by the City Council. Upon initiation of a revocation, the City Council shall conduct a hearing with notice given in the same manner as set forth in Section 9.21.080 except that notice to the owner shall be by certified mail or personal service.
- B. After the hearing, the City Council shall revoke the permit if any of the following findings are made:
  1. Approval was obtained by fraud, deceit, or misrepresentation.
  2. The owner is not or has not been in compliance with the mitigation measures or conditions contained in the approval, or with the provisions and requirements of this Section.
- C. The decision of the City Council shall be final.

(Ord. No. 292-22, § 2, 6-8-2022)

#### **9.21.110. Modification of Conditions.**

After a protected tree permit has been approved, modification of the conditions imposed, including additions and deletions, may be considered by the City Council upon filing of a written application by the owner, or by the owner's authorized representative. Any such application for a modification shall be subject to the notice

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and hearing procedures set forth in Section 9.21.080. A modification of the permit may be granted upon a finding that the approved permit or a change of circumstances has created a substantial hardship for the owner and that any such modification will be in conformance with the requirements of this Chapter.

(Ord. No. 292-22, § 2, 6-8-2022)

### **9.21.120. Expiration.**

An approved protected tree permit that is not used within the time specified in the approval or, if no time is specified, within one (1) year after the granting of such approval, shall become automatically null and void and of no effect, except that where an application requesting an extension is filed prior to such expiration date, the Director for good cause shown may extend such time for a period of not to exceed one (1) year. The Director may attach to any such extension reasonable conditions necessitated by the delay in acting upon the permit. An action to attach conditions to an extension may be appealed in accordance with Chapter 9.32.

(Ord. No. 292-22, § 2, 6-8-2022)

### **9.21.130. Enforcement.**

- A. The Planning Department, through its code enforcement officers, shall enforce the provisions of this Chapter. The Director, or their designee, shall investigate any suspected violations of this Chapter.
- B. Whenever any activity is being performed in violation of the provisions of this Chapter, or an approved permit, the Director shall issue a written notice to the reasonable party to stop construction or work until the responsible party has corrected the violation and the Director determines that the construction or work may proceed.
- C. In interpreting the provisions of Section 1.2.005 as they apply to this Chapter, each individual protected tree damaged as defined in Section 9.21.020(A) shall be deemed a separate offense.
- D. Any person who damages a protected tree as defined in Section 9.21.020(A) on any parcel of land within the City without first obtaining approval of a permit pursuant to this Chapter shall be subject to the following remedies in addition to any available penalties set forth in Chapter 1.2:
  - 1. Suspension of concurrent development permit approvals until all corrective measures imposed by the City are satisfactorily completed.
  - 2. Completion of all corrective measures imposed by the City.
- E. Any person who damages a protected tree as defined in Section 9.21.020(A) on any parcel of land within the City without first obtaining approval of a permit may be required, at the City Council's discretion, to do one or more of the following:
  - 1. Perform annual monitoring of the damaged protected tree(s) using the services of a qualified arborist and submit annual reports prepared by a qualified arborist that evaluate the health of the damaged tree, including annotated exhibits that document the recovery progress of the subject tree(s).
  - 2. Replace the damaged protected tree(s) by the donation of one (1) or more oak or heritage trees of reasonable equivalent size and value to the damaged protected tree. The City Council shall determine the number and size of required donations.
  - 3. Replace the damaged protected tree(s) by replanting one (1) or more oak or heritage trees of reasonable equivalent size and value to the damaged protected tree. The City Council shall determine the number, size, and location of required replanting."

## **CHAPTER 9.22. NONCONFORMING BUILDINGS AND USES**

### **9.22.010. Purpose.**

It is the intent of these regulations to provide for the termination of nonconforming buildings and uses in order to promote the public health, safety and general welfare and to bring such buildings and uses into conformity with the goals and policies of the Westlake Village General Plan. This Section is intended to prevent the expansion of nonconforming uses and buildings, establish the circumstances under which they may be continued and provide for the removal, correction or change of such uses and buildings.

### **9.22.020. Nonconforming Buildings.**

A legal nonconforming building is a structure which lawfully existed prior to the effective date of applicable sections of this Article, but by reason of the adoption of this Article, or any amendment thereto fails to conform to the present requirements of the zoning district in which it is located.

A. General Requirements:

1. A nonconforming building which is damaged to an extent of one-half or more of its replacement cost immediately prior to such damage may be restored only if made to conform to all provisions of this Article. The replacement cost shall be determined by the Chief Building Official, whose decision may be appealed to the City Council.
2. Changes to interior partitions or other non-structural improvements and repairs may be made to a nonconforming building to the extent of not more than one-half its current replacement cost over any five (5) year period.
3. Structural elements may be modified where the Chief Building Official determines such modification is immediately necessary to protect the health and safety of the public or occupants of the nonconforming building or adjacent property, provided that said modifications do not exceed a cost equal to two (2) of the structure's present replacement value.
4. If the use of a nonconforming building is discontinued for a period of twenty-four (24) months or more, the building shall lose its nonconforming status, and shall thereafter be removed or altered to conform to the provisions of this Article.
5. A building or structure nonconforming due to parking standards may be occupied by any use permitted in the zone in which it is located having the same or a lesser parking requirement, subject to the limitations and conditions governing such use as specified in the zone.
6. A building or use nonconforming because of outdoor storage requirements shall be made to conform with such standards within ninety (90) days.

(Ord. No. 192-05, Amended, 3/9/05)

### **9.22.030. Nonconforming Uses.**

A legal nonconforming use is one which lawfully existed prior to the effective date of applicable chapters of this Article, but which is not now permitted or conditionally-permitted in the zone in which it is located.

A. General Requirements:

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1. Change of ownership, tenancy or management of a nonconforming use shall not affect its legal nonconforming status.
  2. A nonconforming use may be continued, provided that a nonconforming use which ceases for a period of thirty (30) days shall lose its nonconforming status, and the premises on which the nonconforming use was located shall from then on be used for conforming uses only.
  3. A lot or portion thereof occupied by a nonconforming use may be further developed by the addition of conforming uses and structures provided a variance request is approved by the Commission.
  4. Any nonconforming use which is nonconforming only because of the absence of a City-approved permit, shall be deemed a conforming use upon securing the approval of such permit.
  5. Any nonconforming use may be changed to a conforming use provided that all applicable permit requirements and standards of this Article are satisfied. If a nonconforming use is converted to a conforming use, the nonconforming use may not be resumed.
  6. Where a zone exception granted prior to November 5, 1971, may be granted as a variance under present provisions of this Article, it shall be deemed a variance.
  7. Where a zone exception granted prior to November 5, 1971, may be granted as a conditional use permit under present provisions of this Article, it shall be deemed a conditional use permit.
  8. Where a conditional use permit or variance or other approval has been granted prior to the incorporation of the City and may be granted under present provisions of this Article, it shall be deemed to continue subject to all the provisions of such grant.
  9. Where a special use permit has previously been granted, it shall be construed to mean a conditional use permit.

(Ord. No. 112, Amended, 06/12/91; Ord. No. 192-05, Amended, 3/9/05)

#### **9.22.040. Nonconforming Lots.**

Any lot, the area, dimensions or location of which was lawful on the effective date of this Article, but which fails by reason of such adoption or amendment to conform to the present requirements of the zoning district, shall be considered buildable for the purposes of this Article.

(Ord. No. 112, Amended, 06/12/91)

#### **9.22.050. Termination of Nonconforming Buildings and Uses.**

The following legal nonconforming buildings and uses shall be discontinued or removed or altered to conform to the provisions of this Article within the following time limits from the effective date of this Article, and upon the finding by the Director that the continuance of the nonconforming building or use for the specified time would not be detrimental to the public health, safety and general welfare:

1. A nonconforming use which does not occur within a structure - ninety (90) days;
2. A nonconforming use occurring within a structure having a replacement value of not more than one thousand five hundred dollars (\$1,500) - ninety (90) days;
3. Legal signs in existence on the effective date of this Article which are prohibited by the provisions of this Article, and which were in conformance with the regulations applicable to signs in existence prior

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to December 11, 1981, shall be removed or so altered as to conform to the provisions of this Article as follows:

Type of Sign	Requirement
Off-site subdivision directional signs	Shall be removed within thirty days from the date of conformance
Outdoor advertising signs	Shall be removed within three years from the date of nonconformance
All other signs	Legal signs in existence on the effective date of this Section which do not conform to the provisions of this Section by virtue of size, location, or color may continue to be maintained indefinitely without securing new approval under this Section. Any such nonconforming sign which is damaged may be restored to original condition provided that the cost of such restoration does not exceed fifty percent of the replacement value of the sign and that the restoration must be completed within ninety days from the date when the damage occurred. Upon change of occupancy, such signs shall be made to conform to the requirements of Section 9.18.

(Ord. No. 112, Amended, 06/12/91; Ord. No. 192-05, Amended, 3/9/05)

#### **9.22.060. Public Utility Exceptions.**

Nothing contained in this Section shall be construed or implied so as to require the removal of public utility buildings, structures, equipment or facilities, provided that there is no change of use and no enlargement of the land area devoted to such use.

#### **9.22.070. Building Permits Prohibited.**

When any nonconforming building or use is required to be eliminated pursuant to the provisions of this Section, no building permit shall thereafter be issued for further continuance, alteration or expansion of the nonconforming building or use. The issuance of said permit or certificate in error shall not be construed as allowing the continuation of the nonconforming building or use.

#### **9.22.080. Removal of Illegal Nonconforming Buildings and Uses.**

Nothing contained in this Section shall be construed or implied so as to allow for the continuation of illegal nonconforming buildings and uses. Said uses shall be removed immediately upon notification by the Director.

### **CHAPTER 9.23. ANIMALS**

#### **9.23.010. Purpose.**

The purpose of these standards is to provide for the keeping of animals and household pets in a manner compatible with community character and consistent with the health, safety, and general welfare of community residents.

(Ord. No. 58, Enacted, 08/14/85)



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### **9.23.020. Permitted Animals.**

The following animals are permitted, subject to the limitations set forth.

Household pets kept for personal use and enjoyment, such as dogs, cats, and other similar animals, provided that not more than four such animals, in any combination, over the age of four months are maintained on the premises.

Small birds such as ornamental and song birds, provided not more than three (3) such birds for each one thousand (1,000) square feet of land area are maintained on the premises.

Tropical fish, except CARIBE.

Other household pets, provided they are kept in a manner which does not constitute a nuisance nor pose a threat to community health, safety and welfare.

(Ord. No. 58, Enacted, 08/14/85)

### **9.23.030. Animals Subject to Director's Review.**

The following animals are permitted subject to approval of a plot plan by the Planning Director.

Apiaries, provided that no apiary shall be established or maintained on a parcel of land less than twenty (20) acres in size, and further provided that no apiary shall be established or maintained within one hundred fifty (150) feet of any public road, street or highway, nor within one thousand (1,000) feet of any residence, school, church or place of public assembly. The total number of boxes occupied by bees (included hives and colonies) shall not exceed four (4) per acre of land. A maximum of ten (10) such boxes may be clustered provided they are no closer than six hundred forty (640) feet from other occupied boxes, hives or colonies. A permanent functioning watering device, acceptable to the Los Angeles County apiary inspector, shall be provided for all boxes or clusters of boxes occupied by bees.

Horses, provided that a minimum lot size of fifteen thousand (15,000) square feet is required to maintain up to two (2) horses, and further provided that an additional ten thousand (10,000) square feet is required for each additional horse. When not being ridden or exercised, horses shall be maintained within barns, stalls, corrals, fenced pastures or other similar enclosures. Such enclosures shall not be located closer than thirty (30) feet from any residence or other structure intended for human habitation, other than the personal dwelling or residence of the owner or keeper thereof, nor closer than ten (10) feet from any property line.

Pigeons, provided that not more than three (3) pigeons, three months of age or older, are permitted for each one thousand (1,000) square feet of land area. Accessory buildings or structures incidental to the keeping of pigeons shall not be located closer than ten (10) feet from any property line, nor closer than fifteen (15) feet from any residence or other structure intended for human habitation, other than the personal dwelling or residence of the owner or keeper thereof.

Pigeons and similar birds shall be maintained and housed in a sanitary manner at all times.

Fowl, including but not limited to chickens, turkeys, peacocks, geese and ducks are permitted on parcels of fifteen thousand (15,000) square feet or larger, provided that not more than six (6) such fowl are maintained on the premises. Fowl shall be maintained within a fenced or similarly enclosed area, and further shall be maintained in a sanitary manner at all times. Such enclosures and accessory structures of buildings incidental to the keeping of fowl shall not be located closer than fifteen (15) feet from any residence or other structure intended for human habitation, other than the personal dwelling or residence of the owner or keeper thereof.

(Ord. No. 58, Enacted, 08/14/85; Ord. No. 192-05, Amended, 3/9/05)

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### **9.23.040. Prohibited Animals.**

Large animals, farm animals or livestock (except horses) such as pigs, hogs, cows, sheep, goats and wild animals are prohibited.

(Ord. No. 58, Enacted, 08/14/85)

### **9.23.050. Violations.**

Any person violating any provision of this Chapter shall be guilty of an infraction.

(Ord. No. 157-98, Amended, 6/24/98)

## **CHAPTER 9.24. WESTLAKE NORTH SPECIFIC PLAN**

### **9.24.010. Introduction.**

- A. **Subject Property.** The Westlake North Specific Plan encompasses an area approximately 129 acres in size, bordered by the Ventura Freeway on the south, Lindero Canyon Road on the west, Thousand Oaks Boulevard on the north, and the Westlake Village/Agoura Hills corporate boundary on the east. The U-shaped property surrounds the Valley Oaks Memorial Park on three sides. A 155-foot Southern California Edison Easement and 66Kv power line traverses the entire eastern perimeter of the parcel. The subject property is more specifically depicted by Exhibit 1.
- B. **Specific Plan Overview and Objectives.** This Specific Plan provides for the coordinated development of a mixed use project including hotel, restaurant, office, business park, commercial, high density residential and recreational open space uses. The Plan sets forth development standards and a design review process necessary to ensure that the long term development of Westlake North occurs in a manner that is compatible with surrounding land uses and consistent with the high quality of design established within the City of Westlake Village.

Exhibit 2 depicts a Conceptual Site Plan, illustrating the general distribution, location and orientation of future land uses. All future construction projects shall comply with development standards and criteria set forth herein for each Planning Area, as identified by Exhibit 3.

(Ord. No. 58, Enacted, 08/14/85; Ord. No. 97, Amended, 12/06/89)

### **9.24.020. Relation to General Plan.**

- A. **California Government Code.** The Westlake North Specific Plan has been prepared and adopted by ordinance in compliance with the requirements of the California Government Code (Sections 65450 through 65507), and addresses all issues and topics specified therein. As such, the Specific Plan constitutes a comprehensive program for implementing applicable goals and policies of the Westlake Village General Plan.
- B. **General Plan Consistency.** The General Plan of the City of Westlake Village designates the area covered by this Specific Plan for a mixture of General Commercial, Business Park, High Density Residential and Open Space uses as depicted by Exhibit 4. As required by Section 65454 of the California Government Code, the land use entitlements and development standards set forth in this Specific Plan are consistent with applicable goals, policies and programs of the Westlake Village General Plan. As further required by Section

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65455, all public works projects, tentative or parcel maps and zoning permits approved subsequent to the adoption of this Specific Plan shall be consistent with the regulations, standards and criteria set forth herein.

- C. City Zoning Ordinance. Unless otherwise provided by specific provisions of this Section, permitted land uses and activities within the area covered by this Specific Plan shall comply with all applicable requirements of Article 9 of the Westlake Village Municipal Code (Planning and Zoning Regulations).

(Ord. No. 58, Enacted, 08/14/85; Ord. No. 97, Amended, 12/06/89)

### 9.24.025. Planning Area C.

Conditions and requirements administratively imposed on Planning Area C in the implementation of this Chapter shall apply only to the extent such conditions and requirements are consistent with Development Agreement No. 10-001. This Section shall be of no further force or effect upon the expiration or termination of Development Agreement No. 10-001.

(Ord. No. 219-12, s;; 2, 5-23-2012)

### 9.24.030. General Development Regulations.

- A. Summary Chart. General building entitlements and development standards for each Planning Area of the Westlake North Specific Plan are as follows:

Planning Area	Gross/Net Acres*	Allowable Bldg. Sq. Footage*	Max. FAR Gross/Net Acres*	Max. Bldg. Height
A	10.4/7.2 acs	157,000	.35/.50	65 ft
B	15.7/12.25 acs	180,000	.30/.40	57 ft
C	21.51 (including SCE Easement)	244,000	0.26/0.35	41 ft
D	22.8/18.3 acs	404,000	.45/.55	57 ft
E	30.9/29.5 acs	297,000	.25/.35	35 ft
F	23.55/17.75 acs	250 DUs	14.1 DU/ac	35 ft
Park Site	4.3/4.0			
Totals	129/106.35 acs	1,414,000 sq. ft. + 250 DUs		

\* Net acreage excludes Loop Road, residual open space between Loop Road and Cemetery, and SCE easement.

\*\* Minor reallocation of Allowable Bldg. Sq. Footage may be permitted between Planning Areas provided that total Allowable Bldg. Sq. Footage is not increased.

- B. Design and Architecture

1. Standards and Criteria. Development within the Specific Plan area shall be subject to any and all architectural design standards and criteria imposed by the City, to the extent such standards and criteria do not preclude or conflict with the development entitlements set forth in Section A. above.
2. Design Review Required. All specific construction projects within the Westlake North Specific Plan Area shall be subject to the site/design review process set forth in Section 9.25 — Planned Development Permit.

C. Backbone Landscaping

1. Landscape Concept. The conceptual backbone landscape plan for the Westlake North Specific Plan is divided into seven components, including Project Entryways, the Loop Road, Lindero Canyon Road and Thousand Oaks Boulevard Frontage, the Freeway Frontage, the Cemetery Perimeter, the Residential/ Commercial Interface and the SCE Easement Area. Exhibit 5 indicates the location of conceptual landscape section drawings which follow as Exhibits 6 through 11.

Exhibits 6 through 11 are intended to illustrate required landscaping treatments and objectives at key locations. Prior to the issuance of grading permits within any portion of the Westlake North Specific Plan Area, detailed planting and irrigation plans for all backbone landscape components shall be submitted for City review and approval, and shall reflect the treatments and objectives described herein. Within 90 days of completion of rough grading within each Planning Area of the Specific Plan, backbone landscaping within the Planning Area shall be installed. The project landscape architect shall certify to the satisfaction of the City that said landscaping and irrigation has been installed in compliance with approved plans.

2. Plant Materials. Appropriate plant materials for each component of the Westlake North backbone landscape plan are listed below. Plant materials may be added or deleted from those listed below subject to review and approval by the City. Minimum tree size shall be fifteen gallon. Specimen trees at project entryways shall be 36-inch box or larger. Minimum shrub size shall be 5 gallon.

	Trees	Shrubs	Groundcover
Project Entryways:	Brachychyton	Bougainvillea	Agapanthus
	Pittosporum	Lantana	Gamolepis
	Plantanus	Pittosporum	Gazania
	Pyrus	Raphiolepis	Hemerocallis
	Quercus	Xylosma	Lantana
	Schinus		Pelargonium
Loop Road:	Eucalyptus	Escallonia	Hypericum
	Pittosporum	Lawn	
		Raphiolepis	
Lindero Thousand Oaks:	Callistemon	Acacia	Hypericum
	Eucalyptus	Eleagnus	
	Pittosporum	Pittosporum	
Freeway Frontage:	Eucalyptus	Acacia	Hypericum
	Pinus	Cotoneaster	

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	Quercus Sequoia	Eleagnus Pittosporum Pyracantha	
Cemetery Perimeter:	Eucalyptus	Carrisa  Raphiolepis	Hypericum  Lawn
Res/Comm Interface:	Eucalyptus	Carrisa	Hypericum
SCE Easement:	Pinus Pittosporum Eucalyptus	Hakea Pyracantha Carrisa	Hypericum
	Pinus Pittosporum	Hakea Pyracantha	

3. Site-specific Landscape Plans Required. As part of the design review process for site-specific construction projects required by Section 9.25 of this Article, detailed landscape and irrigation plans shall be submitted for City review and approval. Prior to the issuance of occupancy permits, the project landscape architect shall certify to the satisfaction of the City that all landscaping and irrigation have been installed in compliance with approved plans.

(Ord. No. 58, Enacted, 08/14/85; Ord. No. 97, Amended, 12/06/89)

(Ord. No. 219-12, § 3, 5-23-2012)

### **9.24.040. Planning Area Development Standards.**

#### **A. Planning Area A**

1. Permitted Uses
  - one, full service, 250 room hotel and accessory commercial uses
  - restaurants (excluding free standing fast food establishments)
  - office
  - professional, medical and financial services
2. Maximum Building Coverage (all structures excluding subterranean parking)
  - 35% (net area)
3. Maximum FAR
  - 0.50 (net area)
4. Maximum Building Height
  - Hotel: 55 feet (four stories maximum), plus 10 additional feet for sloped roof or approved architectural features

- Other Structures (excluding parking decks): 35 feet (two stories maximum)

5. Minimum Setbacks:

	Surface Parking	Hotel	Other Structures
Loop Road	20 ft.	30 ft.	30 ft.
Lindero Canyon	10 ft.	(*)	50 ft.
Ventura Freeway	(*)	(*)	(*)

(\* See Section 9.24.100(B)(1): Freeway Frontage - Setback/Height Standard. Hotel setback requirements from Freeway offramp right-of-way may be modified based upon specific site plan review.)

6. Minimum Building Separation

- 70 feet for first story, plus 10 additional feet for each additional story

7. Required Parking

- Parking required per Section 9.19 of this Article (Off-Street Parking and Loading Standards). Parking located adjacent to the project loop road to be screened from view by a landscaped berm, at least 42 inches in height
- One-level (Grade + 1 level) parking decks permitted subject to compliance with criteria set forth in Section 9.24.070(A): Parking Decks
- Subterranean parking permitted subject to compliance with criteria set forth in Section 9.24.070(B): Subterranean Parking

8. Specific Design Concerns. The following design concerns shall be addressed in the processing of specific Planned Development Permits for construction within Planning Area A.

- Oak trees shall be preserved to the greatest extent feasible within open, landscaped areas
- An open space, view corridor shall be maintained through the oak woodland/riparian area separating Planning Areas A and B as depicted on the Illustrative Site Plan
- Tilt-up construction shall be prohibited
- Hotel facilities shall be designed and oriented in such a manner to avoid a massive and overbearing appearance from adjacent public roadways
- Banquet facilities shall be provided within the hotel sufficient to accommodate gatherings of at least 300 people
- Shared parking by adjacent office and hotel uses shall be permitted subject to compliance with the applicable provisions of Section 9.19 of this Article (Off-Street Parking and Loading Standards)

B. Planning Area B

1. Permitted Uses

- office and accessory commercial uses
- professional, medical and financial services
- restaurants (excluding free standing fast food establishments)

2. Maximum Building Coverage (all structures excluding subterranean parking)
  - 35% (net area)
3. Maximum FAR
  - 0.40 (net area)
4. Maximum Building Height
  - Office: 47 feet (three stories maximum), plus 10 additional feet for sloped roof or approved architectural features
  - Restaurant and other structures (excluding parking decks: 35 feet (two stories)
5. Minimum Setbacks:

	Surface Parking	Parking Decks	Other Structures
Loop Road	20 ft.	30 ft.	30 ft.
Ventura Freeway	(*)	(*)	(*)

(\*) See Section 9.24.100(B)(1): Freeway Frontage - Setback/Height Standard

6. Minimum Building Separation
  - 70 feet for first story, plus 10 additional feet for each additional story
  - reduced separation may be approved for "paired" or "clustered" buildings sharing a common entry court, or where such clustering substantially increases visible, landscaped open space areas
7. Required Parking
  - Parking required per Section 9.19 of this Article (Off-Street Parking and Loading Standards). Parking located adjacent to the project loop road to be screened from view by a landscaped berm, at least 42 inches in height. Landscaped setbacks shall not be required between parking areas on abutting lots, where such parking areas have been commonly designed and share mutual access and egress rights
  - One-level (Grade + 1 level) parking decks permitted subject to compliance with criteria set forth in Section 9.24.070(A): Parking Decks
  - Subterranean parking permitted subject to compliance with criteria set forth in Section 9.24.070(B): Subterranean Parking
8. Specific Design Concerns. The following design concerns shall be address in the processing of specific Planned Development Permits for construction within Planning Area B.
  - Office buildings shall be designed and oriented in a manner that avoids a long, planar appearance from the adjacent freeway corridor
  - Entrances to tuck-under and/or subgrade parking shall be screened from view by bermed landscaping to the satisfaction of the City
  - Tilt-up construction shall be prohibited
  - Shared parking by adjacent office and restaurant uses shall be permitted subject to compliance with the applicable provisions of Section 9.19 of this Article (Off-Street Parking and Loading Standards)

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C. Planning Area C

1. Permitted Uses

- general retail services
- personal and convenience services
- medical services
- consumer repair services
- dining establishments (excluding free standing fast food establishments, except with the issuance of a Conditional Use Permit)
- professional, business and financial services
- such other permitted uses as set forth in Section 9.08.020 of this Article (CPD Zone)

2. Conditionally Permitted Uses

- such conditionally permitted uses as set forth in Section 9.08.030 of this Article (CPD Zone)

3. Maximum Building Coverage

- 0.35 (net area)

4. Maximum FAR

- 0.35 (net area)

5. Maximum Building Height

- 41 feet, excluding architectural "tower" elements, which shall not exceed 52 feet.

6. Minimum Setbacks

	Parking	Structures
Russell Ranch Road	10 ft.	20 ft.
Ventura Freeway	-	20 ft.

7. Required Parking. A minimum of nine hundred seventy-five (975) parking spaces are required. If compact spaces are provided then a minimum of one thousand five (1,005) parking spaces are required. Compact parking spaces, of a minimum length of sixteen (16) feet and a minimum width of eight (8) feet, may be utilized for no more than thirty (30) percent of the number of spaces provided, subject to the review and approval of the City Council. Valet parking shall be provided for all sit down, table service restaurant uses to the satisfaction of the City, if determined necessary by the Planning Director. Parking located adjacent to Russell Ranch Road or the Ventura Freeway shall be screened from view by landscaping, a landscaped berm, or decorative masonry wall (or combination thereof) at least forty-two (42) inches in height measured from the parking lot elevation. Landscaped areas shall not be required between parking areas on abutting lots, where such parking areas have been commonly designed and share mutual access and egress rights.

8. Specific Design Concerns. The following design concerns shall be addressed in the processing of specific Planned Development Permits for construction within Planning Area C.

- All new buildings shall reflect authentic, high quality design including the use of appropriate materials, colors, facade and roof treatments, landscape and hardscape improvements, decorative lighting, and pedestrian amenities.



- Delivery access driveways, loading areas, and other commercial service activities at the northerly and easterly perimeters of the subject site shall be effectively screened from adjacent residential areas and office uses by a decorative masonry wall, at least six (6) feet in height as measured from the driveway surface, in combination with trees and other appropriate landscaping.
- A landscape or masonry screen shall be maintained between any parking areas and the Ventura Freeway.
- Subject to approval of the Southern California Edison Company, landscape improvements shall be installed within the SCE Easement Area as necessary to achieve a neat and well maintained appearance.

9. Anchor Store. For purposes of these development standards, the term "anchor store" means a retail use sixty thousand (60,000) square feet or more in size. In issuing a planned development permit for any anchor store on Planning Area C, the City shall classify the permitted retail use according to the following categories: (i) discount retail; (ii) electronics retail; (iii) furniture retail; (iv) general retail; (v) grocery retail; and (vi) home improvement retail. For illustrative purposes only, the following are examples of each retail use category:

Category	Examples
Discount Retail	Costco, Sam's Club, Walmart
Electronics Retail	Best Buy, Fry's, Radio Shack
Furniture Retail	Ethan Allen, Ikea, Living Spaces
General Retail	Nordstrom, J.C. Penney, Sears, Target
Grocery Retail	Albertsons, Ralphs, Vons
Home Improvement Retail	Do It Center, Home Depot, Lowe's

An anchor store authorized by an existing planned development permit shall not be replaced with an anchor store that is a different retail use category unless a new planned development permit for the substitute retail use category is first obtained pursuant to Chapter 9.25 of this Article (Planned Development Permits).

D. Planning Area D

1. Permitted Uses
  - office and accessory commercial uses
  - professional, medical and financial services
  - business park, R & D and light industrial uses (excluding outdoor storage) as provided for by Section 9.10.020 of this Article (BP Zone - Permitted Uses)
  - wholesale trade
2. Maximum Building Coverage (all structures excluding subterranean parking)
  - 35% (net area)
3. Maximum FAR
  - 0.55 (net area)
4. Maximum Building Height
  - 47 feet (three stories maximum), plus 10 additional feet for sloped roof or approved architectural features
5. Minimum Setbacks:

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	Surface Parking	Parking Decks	Other Structures
Loop Road	20 ft.	30 ft.	30 ft.
Residential Area	10 ft.	30 ft.	140 ft.
Cemetery	10 ft.	30 ft.	50 ft.
SCE Easement	0 ft.	20 ft.	50 ft.

6. Minimum Building Separation

- 70 feet for first story, plus 10 additional feet for each additional story
- Reduced separation may be approved for "paired" or "clustered" buildings sharing a common entry court, or where such clustering substantially increases visible landscaped open space areas

7. Required Parking

- Parking required per Section 9.19 of this Article (Off-Street Parking and Loading Standards). Parking located adjacent to the project loop road to be screened from view by a landscaped berm, at least 42 inches in height. Landscaped setbacks shall not be required between parking areas on abutting lots where such parking areas have been commonly designed and share mutual access and egress rights
- One-level (Grade + 1 level) parking decks permitted subject to compliance with criteria set forth in Section 9.24.070(A): Parking Decks
- Subterranean parking permitted subject to compliance with criteria set forth in Section 9.24.070(B)

8. Specific Design Concerns. The following design concerns shall be addressed in the processing of specific Planned Development Permits for construction within Planning Area D.

- Buildings within Planning Area D shall be designed and oriented so as to respect the privacy and serenity of adjacent cemetery uses
- Subject to approval by the Southern California Edison Company, a decorative concrete block wall and appropriate landscaping shall be installed along the easterly boundary of Planning Area D in order to mitigate visual impacts of business park development on adjacent residential properties
- Subject to approval of the Southern California Edison Company, landscaping shall be installed within the SCE Easement Area as necessary to achieve a neat and well maintained appearance
- A landscaped berm and decorative concrete block wall shall be constructed along the interface of Planning Area F and adjacent development lots within Planning Area D, sufficient to provide positive separation and visual screening between residential and business park areas
- Parking lot lighting within the eastern portion of Planning Area D shall be designed and shielded as necessary to avoid adverse impacts on adjacent residential neighborhoods

E. Planning Area E

1. Permitted Uses

- general retail services
- personal and convenience services
- medical services

- consumer repair services
  - dining establishments
  - professional, business and financial services
  - such other permitted and conditionally permitted uses as set forth in Section 9.08.020 and 9.08.030 of this Article (CPD Zone)
2. Maximum Building Coverage
    - 35% (net area)
  3. Maximum FAR
    - 0.35 (net area)
  4. Maximum Building Height
    - 35 feet (two stories maximum)
  5. Minimum Setbacks:

	Surface Parking	Buildings
Lindero Canyon Rd.	10 feet	30 feet
Thousand Oaks Blvd.	20 feet	30 feet
Loop Road	20 feet	30 feet
Residential Area	10 feet	40 feet
Business Park	10 feet	40 feet
Cemetery	10 feet	35 feet

6. Minimum Building Separation
  - 70 feet (free standing buildings only - excluding commercial buildings sharing common walls)
7. Required Parking
  - Parking required per Section 9.19 of this Article (Off-Street Parking and Loading Standards). Parking adjacent to Lindero Canyon Road and/or Thousand Oaks Boulevard to be screened from view by a landscaped berm, at least 42 inches in height. Landscaped setbacks shall not be required between parking areas on abutting lots where such parking areas have been commonly designed and share mutual access and egress rights
8. Specific Design Concerns. The following design concerns shall be address in the processing of specific Planned Development Permits within Planning Area E.
  - The signalized entry to Planning Area E from Thousand Oaks Boulevard shall be designed in a manner that provides separate and distinctive entrances to adjacent commercial and residential areas
  - Generous landscaped setback area, in excess of the minimum setbacks set forth above shall be required at the intersection of Thousand Oaks Boulevard and Lindero Canyon Road
  - Freestanding anchor tenant building(s) located south of the Loop Road shall be designed and landscaped in such a manner to avoid a massive, box-like appearance

- A meandering, two way bikeway, at least 12 feet in width, shall be provided along the east side of Lindero Canyon Road within a 20-foot wide, landscaped easement
- Storefronts shall be adequately separated from parking areas and aisles by landscaped areas and covered pedestrian paseos
- Building architecture shall reflect an Early California Spanish theme
- The interface between commercial and residential areas shall be designed to address and mitigate noise and visual impacts
- Fast food drive through facilities shall be designed and oriented so as to avoid traffic conflict points within off-street parking areas. Such drive through facilities shall include stacking lane capacity sufficient to accommodate seven automobiles, and shall be screened with appropriate landscaping

F. Planning Area F

1. Permitted Uses

- townhome, condominium dwelling units

2. Maximum Building Coverage

- 50% (net area, except that common recreation buildings may be excluded from the building coverage limitation)

3. Maximum Density

- 14.1 dwelling units per net acre (250 DUs maximum)

4. Maximum Building Height

- 35 feet (two stories maximum, except that enclosed tuck-under parking may be permitted)

5. Minimum Setbacks

	Surface Parking	Buildings
Thousand Oaks Blvd.	30 feet	35 feet
Loop Road	20 feet	30 feet
Commercial (Area E)	15 feet	30 feet
Business Park (Area D)	15 feet	30 feet
SCE Easement Area	0 feet	20 feet
Park/Playing Fields	10 feet	20 feet

6. Minimum Building Separation

- As established by conditions of approval for required Planned Development Permit

7. Required Parking

- Two enclosed, attached parking spaces for each one or two bedroom dwelling unit
- Two enclosed, attached parking spaces, and one unenclosed parking space for each three bedroom dwelling unit

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- Plus, one guest parking space for each dwelling unit
8. Specific Design Concerns. The following design concerns shall be addressed in the processing of the Planned Development Permit authorizing construction within Planning Area F.
- Adequate on-site circulation shall be provided, including two primary points of access and egress
  - Decorative fencing or wall shall be provided at the perimeter of the subject site
  - On-site oak trees shall be preserved to the maximum extent feasible
  - On-site recreation facilities shall be provided sufficient to accommodate the needs of residents and their guests
  - Compatibility between residential uses and adjacent commercial and business park areas shall be achieved through the use of decorative walls, berms, lush landscaping and grade differentials
  - Effective drainage and desiltation devices shall be incorporated into the project plan to protect Lake Lindero from adverse impacts both during and after project construction
  - Prior to the recordation of a condominium tract map, CC&Rs shall be prepared and submitted for review and approval by the City. Said CC&Rs shall establish a homeowners association responsible for maintenance of common areas and facilities within the residential area, and shall otherwise conform to applicable provisions of Section 9.06.100 of this Article (RPD Design Standards)

(Ord. No. 58, Enacted, 08/14/85; Ord. No. 97, Amended, 12/06/89)

(Ord. No. 219-12, § 4, 5-23-2012; Ord. No. 223-13, § 2, 1-23-2013)

#### **9.24.050. Infrastructure.**

- A. Circulation Plan. The Circulation Plan component of the Westlake North Specific Plan includes a conceptual alignment for the major loop road collector street, as well as typical roadway sections. This collector street shall be a dedicated public roadway, with a minimum 82-foot right-of-way. Typical sections (Exhibit 12) reflect a median divided roadway, with two travel lanes in each direction. The roadway shall be designed and improved in compliance with all City standards for public streets. The improved roadway shall be completed and offered for dedication to the satisfaction of the City upon the completion of rough grading within each Planning Area of the Specific Plan.

The Plan further includes a 12-foot wide bikeway, extending along the western perimeter of the subject property, i.e., Lindero Canyon Road, from the westbound Lindero Canyon freeway offramp to Thousand Oaks Boulevard. The bikeway shall be improved within a publicly dedicated, landscaped easement, 20 feet in width. Said improvements shall meet all applicable City requirements.

- B. Drainage. Prior to the issuance of any and all grading permits within the Westlake North Specific Plan area, interim erosion control plans shall be submitted for City review and approval. Such plans shall include all necessary features and measures, including but not limited to temporary desiltation basins, storm drain protection devices and interim planting programs, designed to minimize adverse impacts on Westlake Lake and Lake Lindero. Approved interim measures shall be installed and maintained by the developer until permanent drainage facilities and siltation protection devices are constructed in compliance with plans reviewed and approved the City and the Los Angeles County Flood Control District. Permanent drainage facilities shall be maintained by the developer until accepted for maintenance by the Los Angeles County Flood Control District.

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The project developer(s) shall further agree to remedy any adverse impact on Westlake Lake and Lake Lindero resulting from grading and construction within the Westlake North Specific Plan area. The form and content of such agreement(s) shall be subject to City review and approval.

- C. Utilities. The Utilities Concept Plan (Exhibit 13) depicts the backbone system of utilities serving the Westlake North Specific Plan area, and is further elaborated below.

Water: Existing water mains currently serve development surrounding the Specific Plan Area, including a 16-inch main within the Lindero Canyon Road right-of-way and a 14-inch main within the Thousand Oaks Boulevard right-of-way. The ultimate size and location of lines serving the Specific Plan area may vary slightly from that indicated on the Utilities Concept Plan as precise water system requirements are determined by engineering design studies. Final water distribution system design shall be subject to review and approval by the City and the Las Virgenes Municipal Water District.

Reclaimed water shall be used to irrigate landscaped areas. The use of reclaimed water shall comply with all applicable governmental agency requirements.

Wastewater: The existing wastewater collection system shall be extended and expanded to serve all portions of the Specific Plan Area. The precise size and location of collector lines will be based upon the specific needs of each planning area. Final plans for the wastewater collection system shall be subject to review and approval by the City and the Las Virgenes Municipal Water District.

Electricity: Westlake North is within the service jurisdiction of the Southern California Edison Company, and will be served by the existing, underground electrical system located within the Lindero Canyon Road right-of-way. The existing system will be extended into the Loop Street and other easement areas as required to conform to final development plans within the Specific Plan area.

Prior to the issuance of occupancy permits within any portion of the Specific Plan area, the existing above ground electrical lines located along the east side of Lindero Canyon Road shall be placed underground, and all related utility poles shall be removed.

Natural Gas: The Specific Plan area is within the service jurisdiction of the Southern California Gas Company. Natural gas service will be extended from existing distribution lines within the rights-of-way of Lindero Canyon Road and Thousand Oaks Boulevard via the Loop Road and other easement areas in conformance with final project development plans.

Telephone: The Pacific Bell Telephone Company will provide service to the Specific Plan area via the existing underground system located in the west parkway of Lindero Canyon Road and the south parkway of Thousand Oaks Boulevard. This underground system will be extended in the Loop Road and other easement areas in conformance with final project development plans.

Television: An existing branch of the Ventura County Cablevision distribution system extends along Thousand Oaks Boulevard adjacent to the Specific Plan area. The system will be extended within streets and easement areas as necessary to serve the subject property in accordance with the requirements of the Franchise Agreement.

(Ord. No. 58, Enacted, 08/14/85; Ord. No. 97, Amended, 12/06/89)

### **9.24.060. Signage.**

- A. Except as otherwise stated in this section, all signage within the Specific Plan Area shall be regulated by the provisions of Section 9.18 of this Article (Signs).
- B. Specific signage programs shall be submitted for each Planning Area, and shall be subject to City review and approval. Signage plans for specific development projects shall conform to City approved Sign Programs.

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- C. A single off-site directional sign is permitted for the benefit of the retail project at Planning Area C. This sign shall be placed at the northeast corner of Lindero Canyon Road and Russell Ranch Road (Loop Road) on private property within Planning Area A. Acquisition of the consent to the placement this sign from the property owner of Planning Area A is the responsibility of the developer of Planning Area C. This provision does not obligate the owner of Planning Area A to provide consent to the placement.

(Ord. No. 58, Enacted, 08/14/85; Ord. No. 97, Amended, 12/06/89)

(Ord. No. 219-12, § 5, 5-23-2012)

### **9.24.070. Structured Parking.**

- A. Parking Decks. Where permitted, parking decks shall conform to the following design requirements.
1. The lowest level of a permitted parking deck shall be recessed one half level below grade, or screened with a landscaped berm (including trees) one half level in height.
  2. Visible decked parking areas shall be landscaped in accordance with City landscape requirements for off-street parking.
  3. Parking decks shall be designed with perimeter planters installed on the top deck to allow cascading landscaping to screen exposed side wall facades.
  4. Parking decks shall be of a material and color compatible with adjacent structures. Color shall diminish the visual mass of the structure and shall be either integral or applied to the surface (top) level of all decks in order to reduce glare and minimize visual obtrusion.
  5. Parking decks shall be designed to screen automobile grills from view.
- B. Subterranean Parking. Where permitted, subterranean parking shall conform to the following design requirements.
1. Subterranean parking structures shall maintain a minimum vertical clearance of 9 feet, 2 inches, and shall be fully equipped with a fire suppression sprinkler system.
  2. Access/egress ramps shall not exceed a maximum slope of 12%, with top and bottom transitional ramps not exceeding 7 ½% slope.
  3. Security surveillance and emergency telephone service shall be installed to the satisfaction of the City.
  4. Elevator waiting areas shall be design in such a manner to maximize public safety and security.
  5. Interior lighting shall be maintained at minimum level of 3 foot candle, evenly distributed throughout the intended area of illumination.
  6. Mechanical ventilation shall be installed in compliance with all building code requirements.

(Ord. No. 58, Enacted, 08/14/85; Ord. No. 97, Amended, 12/06/89)

### **9.24.080. Oak Trees.**

- A. Oak Tree Protection Program. The purpose of the Oak Tree Protection Program is to ensure that site alterations within the Westlake North Specific Plan Area do not adversely affect oak trees intended to be preserved. Prior to the issuance of grading and/or site specific development permits, an Oak Tree Protection Program will be required. All necessary mitigation will take place in accordance with Section 9.21 - Oak Tree

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Preservation Standards. The required program shall be prepared by a qualified arborist and shall contain the following provisions.

1. Grading, trenching and construction shall be prohibited within the dripline, or within ten feet of the trunk of any oak tree, whichever is greater.
  2. No landscaping or irrigation shall be installed within ten feet of any oak tree trunk.
  3. Drainage shall be directed away from the trunks of oak trees to ensure that water will not stand at the root crown.
  4. Structures in the vicinity of oak trees shall be designed and oriented to avoid the need for excessive pruning.
  5. Oak trees within a construction area shall be protected from damage by the installation of temporary barriers or fencing at the dripline.
  6. Equipment, building materials, debris and/or excess soil shall not be stored within the dripline of any oak tree.
  7. Trenches for utilities or irrigation shall be routed outside the dripline wherever possible. Trenches necessary within the dripline shall be hand excavated.
  8. Any roots greater than one inch in diameter that are damaged during construction shall be cut back to healthy wood and appropriately treated.
  9. All areas where roots are exposed as a result of trenching or grading shall be watered and covered immediately with mulch or appropriate protection.
  10. No oak tree shall be pruned substantially to alter its size or formation, except as necessary to mitigate potential safety hazards.
  11. Oaks shall be maintained free of dead or diseased wood.
  12. Supplemental irrigation shall be required as necessary to provide adequate water to oak trees in areas impacted by development. Said water shall be applied no closer than ten feet from the trunk.
  13. Insect and disease control measures shall be performed as necessary by a qualified arborist or plant pathologist.
  14. All grading and construction activity adjacent to a protected tree shall be supervised by a qualified, on-site arborist.
- B. Oak Tree Plan. The Westlake North Oak Tree Plan (Exhibit 14) identifies those trees to be retained and protected, as well as those authorized for removal.

(Ord. No. 58, Enacted, 08/14/85; Ord. No. 97, Amended, 12/06/89)

#### **9.24.090. Park/Playing Fields.**

Prior to the issuance of occupancy permits for any dwelling unit within Planning Area F, a 4.0 acre (net) park shall be improved and dedicated to the City. Improvements shall be constructed in compliance with a Park Improvement and Landscaping Plan, submitted to and approved by the City. Minimum improvements shall include:

- turf playing field area, sufficient in size to accommodate overlapping softball and senior high school level soccer fields;
- softball diamond backstop and fencing as necessary to protect spectator areas;
- landscaped picnic areas, including appurtenant tables, benches and trash receptacles;



- vita course and associated exercise stations;
- landscaped off-street parking areas sufficient to accommodate anticipated parking demand; and,
- perimeter fencing and night security lighting as required by the City.

Final park improvement plans shall reflect the general development concept depicted by Exhibit 15.

(Ord. No. 58, Enacted, 08/14/85; Ord. No. 97, Amended, 12/06/89)

### **9.24.100. Special Areas.**

A. SCE Easement Area. Subject to approval by the Southern California Edison Company, the Easement Area shall be landscaped as necessary to achieve a neat and well maintained appearance. Decorative security fencing or landscaped barriers shall be installed as necessary to deter trespass by unauthorized individuals and vehicles. New development adjacent to the Easement Area shall be arranged and oriented in a manner that facilitates normal police and/or security service patrol and surveillance.

B. Freeway Frontage

1. Setback/Height Standard

- Minimum parking setback: 30 feet (Parking areas adjacent to freeway shall be screened by a landscaped berm, at least 42 inches in height. Entrances to tuck-under parking and subgrade parking decks shall be suitably screened with earthen berms and landscaping.)
- Minimum building setback (including parking decks):

first floor 100 feet

second floor 120 feet

third floor & above 140 feet

2. Building Orientation. Building facades shall be undulated to avoid long, planar surfaces. Primary building elevations shall be oriented at an angle (not parallel) to the freeway.

C. Cemetery Perimeter. A decorative masonry wall/wrought iron fence and landscape buffer shall be installed along the entire interface of the Westlake North Specific Plan Area and adjacent cemetery. Details of the wall, fencing and landscape buffer shall be shown on the required backbone landscape plan, and shall be subject to review and approval by the City. In conjunction with rough grading and construction of the loop road servicing the Specific Plan area, required walls and landscaped buffers shall be installed along the effected cemetery perimeter in compliance with approved plan, and shall thereafter be maintained by the property owner.

(Ord. No. 58, Enacted, 08/14/85; Ord. No. 97, Amended, 12/06/89)

### **9.24.110. Modification of Standards.**

Development standards set forth in this Section governing construction projects within each Planning Area of the Westlake North Specific Plan Area may be modified upon request by a project applicant if it is determined by the City Council of the City of Westlake Village, after a duly noticed public hearing, that:

1. Imposition of one or more of the applicable development standards set forth herein would prevent or substantially frustrate achievement of development entitlements otherwise authorized by this Specific Plan;

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2. Modified standards, imposed as conditions of approval of a Planned Development Permit, will achieve a high quality of project design consistent with the intent of this Specific Plan;
  3. Approval of the requested Modification will not be contrary to, or in conflict with the general purposes and intent of this Specific Plan, nor with goals, policies and programs of the Westlake Village General Plan; and,
  4. Approval of the requested Modification will not be detrimental to the public interest, safety, health or general welfare, and will not be detrimental or injurious to property or improvements located adjacent to, or within the same vicinity as the property for which said Modification is granted.

(Ord. No. 58, Enacted, 08/14/85; Ord. No. 97, Amended, 12/06/89)

#### **9.24.120. Conditions, Covenants & Restrictions (CC&R's) Required.**

- A. Master CC&R's. Prior to the recordation of a tract map within the Specific Plan area, master CC&Rs applicable to all privately held parcels within the Specific Plan area shall be prepared and submitted for City review and approval. The master CC&Rs shall include the following provisions in addition to other applicable standards and guidelines set forth elsewhere herein.
  1. A property owners association shall be formed and shall be responsible for maintenance of common landscaped areas and overall enforcement of master CC&R provisions. The association or individual property owners within the Specific Plan area shall not, without the express written approval of the City, amend the approved Declaration of Conditions, Covenants and Restrictions, as related to maintenance requirements, assessments and management of the association.
  2. The City and the Carlton Browne Company and its successors, shall have the right, but not the duty, to enter upon private property for the purpose of performing maintenance and repairs in the event the association fails to do so or correcting or abating any nuisance or violation of State Law or the Westlake Village Municipal Code.
  3. A procedure shall be established for the collection of costs incurred by the City in performing any of the acts authorized by the master CC&Rs.
  4. The City shall have the right, but not the duty, to enforce the provisions contained in the master CC&Rs as a third-party beneficiary to them, or in connection with the maintenance, repair or utilization of any easement or other property rights held by the City, either upon, appurtenant to, or nearby the Specific Plan area.
  5. The City shall be entitled to an award of reasonable legal expenses in any action to enforce the provisions of the master CC&Rs.
  6. The master CC&Rs shall set forth all other provisions that are necessary and reasonable for ensuring compliance with this Specific Plan and other applicable provisions of the Westlake Village Municipal Code.
- B. Site-Specific CC&Rs. Site-specific CC&Rs may be required as a condition of approval for each Planned Development Permit authorizing development within the Specific Plan area. If required, said site-specific CC&Rs shall be prepared and submitted for City review and approval prior to the issuance of building permits.

(Ord. No. 58, Enacted, 08/14/85; Ord. No. 97, Amended, 12/06/89)

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### **9.24.130. Mitigation Reporting and Monitoring Program.**

- A. Purpose. This Mitigation Reporting and Monitoring program is intended to provide reasonable assurance that the Westlake North Specific Plan project complies with the adopted mitigation measures and project revisions during implementation of the project.
- B. Effective Period. The program shall be in force and effect at all times during implementation of the development projects contemplated within the Westlake North Specific Plan. The program shall not expire until final occupancy clearance for the last project within Westlake North has been granted and the last off-site mitigation measure identified in the Final EIR has been implemented.
- C. Applicant's Reporting Duties. The applicant shall prepare and submit to the City written status reports demonstrating good faith compliance with those conditions of project approval which have been identified as mitigation measures. These reports shall be submitted to the Planning Director semi-annually. The Planning Director shall specify more frequent reporting intervals when warranted based upon any of the following situations:
  - 1. The project is in an active development phase, or
  - 2. Seasonal environmental conditions require more frequent reporting, or
  - 3. Specific project activities, such as grading or Oak Tree removal and relocation, require more frequent reporting, or
  - 4. The Planning Director has reason to believe there is threatened or actual non-compliance with mitigation measures, or
  - 5. The City Council, in the exercise of its judgment, determines that more frequent reporting is necessary or desirable.
- D. City's Monitoring Duties. The Planning Director or his or her designee shall independently review and take reasonable steps to verify the applicant's efforts to comply with identified mitigation measures. Such actions shall include, at a minimum, arranging and conducting site inspections by the public officials with jurisdiction over the mitigation measure and/or impact, preparation of written reports or memoranda as needed to document mitigation measure compliance, and preparing periodic compliance reports to the City Council.
- E. Enforcement. The applicant shall comply with all adopted mitigation measures. In the event the City determines, based upon substantial evidence, that there has been non-compliance with any adopted mitigation measure, it shall notify the applicant of the situation and direct that immediate steps be taken to cure the non-compliance. In the event the applicant fails to comply with such notice, the City shall take all available legal steps to compel the applicant to comply with the adopted mitigation measures, including, but not limited to, actions to enforce building code provisions, actions to revoke or suspend permits, and referral of the matter to the Attorney General and District Attorney, if appropriate.

(Ord. No. 58, Enacted, 08/14/85; Ord. No. 97, Amended, 12/06/89)



ILLUSTRATIVE SITE PLAN

EXHIBIT "2"



STATISTICAL SUMMARY	BLDG. SQ. FT.
LAND USE	
GENERAL COMMERCIAL	697,561
BUSINESS PARK	584,000
RESIDENTIAL (250 D.U.)	-
TOTAL	1,281,561

(Ord. No. 219-12, 5-23-2012)

PLANNING AREAS

EXHIBIT "3"



(Ord. No. 219-12, 5-23-2012)

(Supp. No. 32)

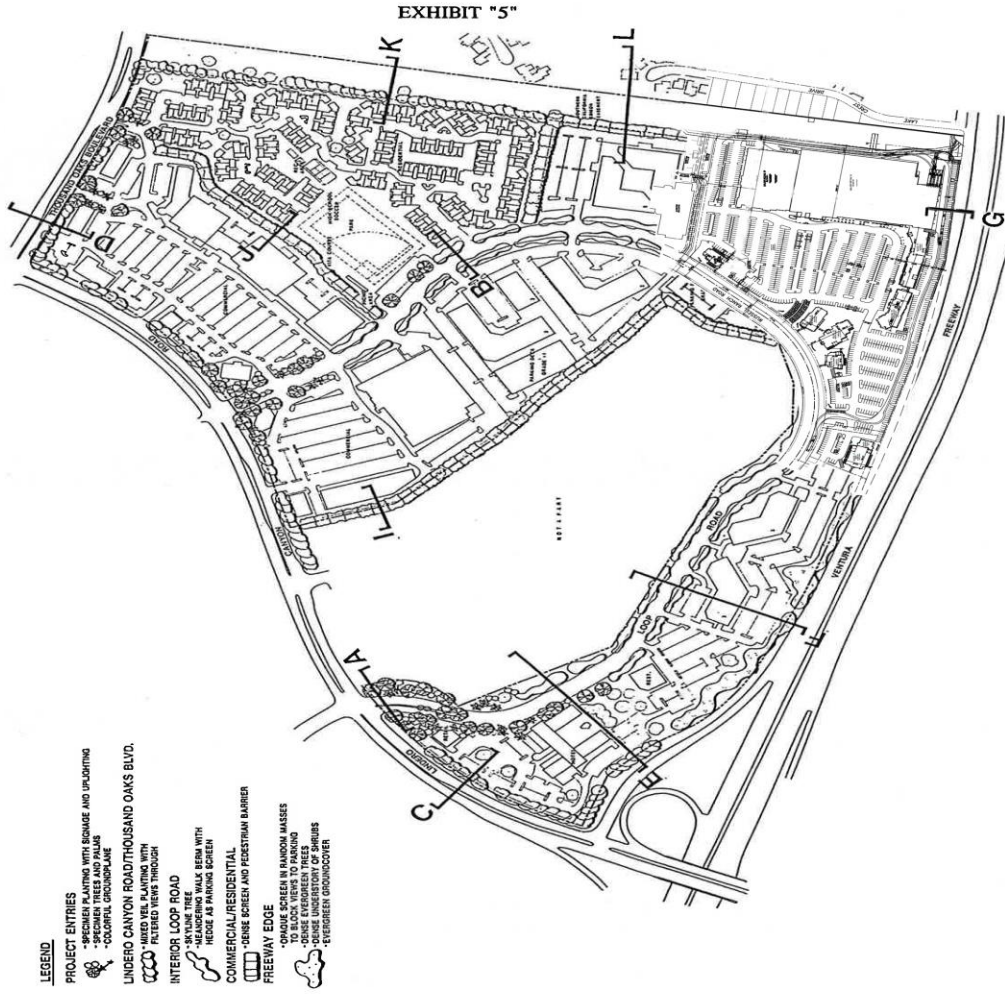
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ZONING REGULATIONS  
EXHIBIT "4"





LANDSCAPE CONCEPT/SECTION KEY



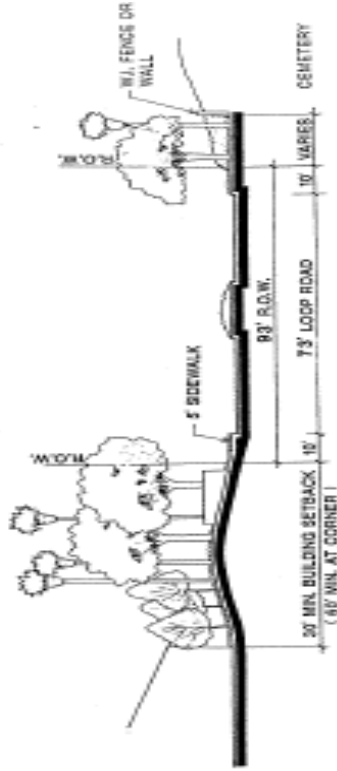
(Ord. No. 219-12, 5-23-2012)



# LANDSCAPE SECTIONS

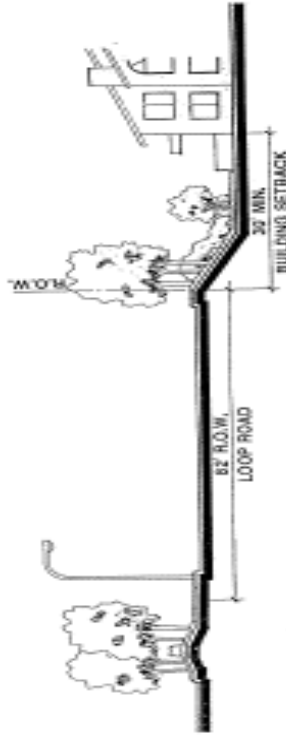
## The Project Entries

Project entries occur on Lindero Canyon Road and Thousand Oaks Boulevard and will have a common theme. The large areas devoted to landscaping will add to the impressiveness of the entrances into Westlake North. Background trees will frame the entries, and specimen trees, flowering shrubs and groundcovers will make a colorful setting for monument signs.



A Lindero Canyon Road Entry

## EXHIBIT "6"



B Loop Road at Residential Edge

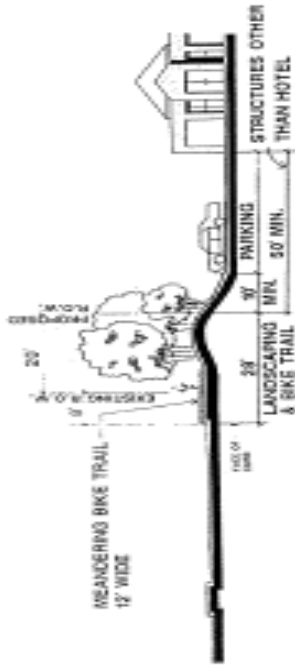
## The Loop Road

This landscape along the Loop Road provides a unifying landscape theme for all of Westlake North. Bold masses of trees and a simple groundplane will dominate. A concrete walk will be located adjacent to the street. Parking will be concealed by 42 inch berm with shrub masses at the top.

# LANDSCAPE SECTIONS

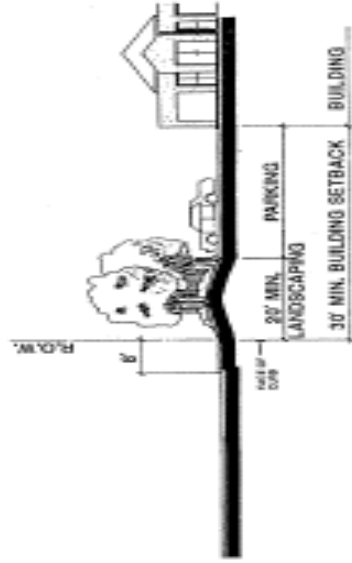
## The Lindero Canyon Road and Thousand Oaks Boulevard Frontage

This area will be generously landscaped with a mix of tree types to frame views into the commercial development. A 12' wide bikeway will meander adjacent to Lindero Canyon Road. Parking areas will be screened by shrub masses.



C Lindero Canyon Road

## EXHIBIT "7"



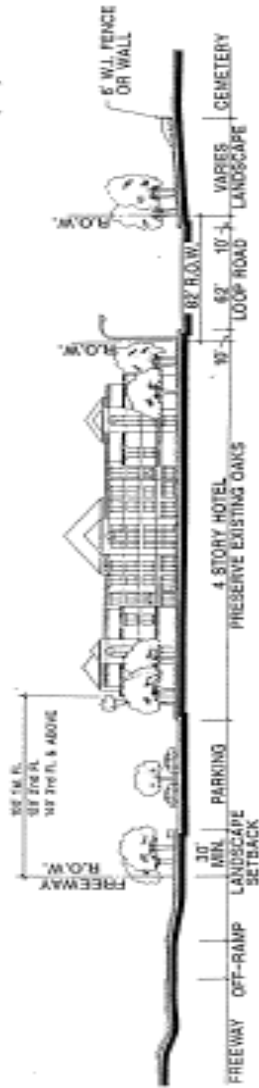
D Thousand Oaks Boulevard

# LANDSCAPE SECTIONS

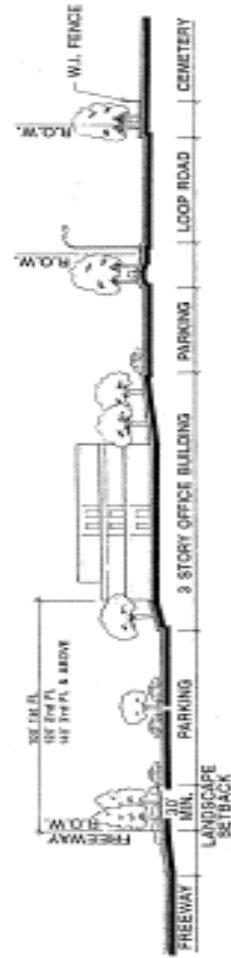
## The Freeway Edge

The image most people will have of Westlake North will be what they see of the project from the Ventura Freeway. Great care will be taken to ensure the landscaping enhances that image. Large masses of trees will be utilized to screen parking areas from view. In contrast, the area between the buildings and the freeway will be predominantly open landscaping allowing freeway travelers a view into the project.

EXHIBIT \*8\*



E Freeway Off-ramp through Hotel



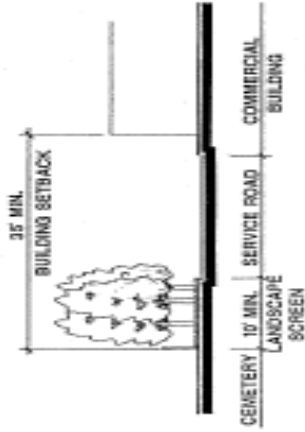
F Freeway through 3 Story Office Building



LANDSCAPE SECTIONS

The Cemetery Boundary

Access will be restricted by a six foot masonry wall or ornamental iron fence. Trees will be planted between the service road and the wall or fence.

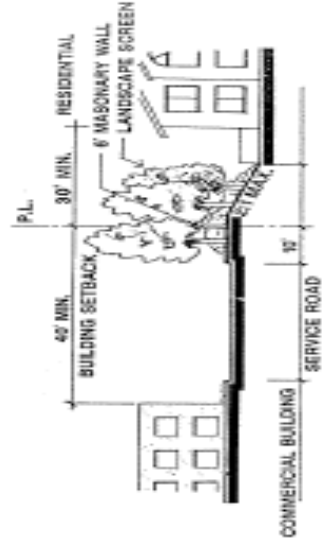


I Commercial/Cemetery Edge

EXHIBIT "10"

The Commercial/Residential Edge

The screening between these two areas will take advantage of the grade change. A concrete wall and the generous use of plant materials will further define the separation.

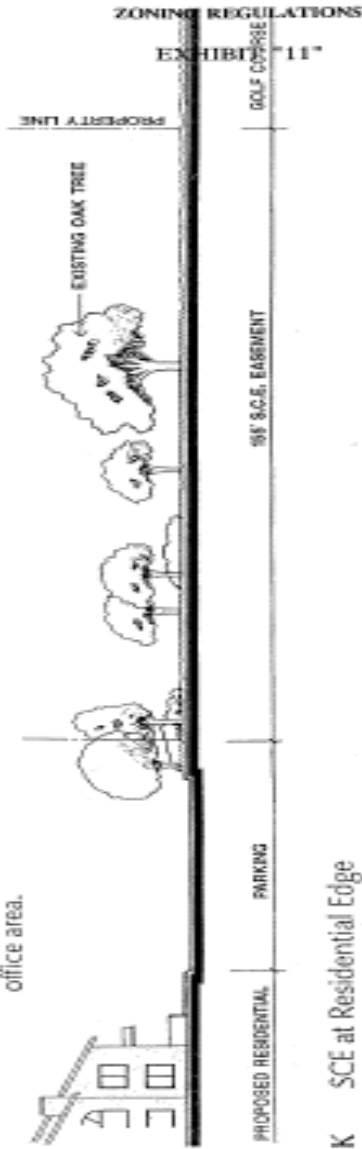


J Commercial/Residential Edge

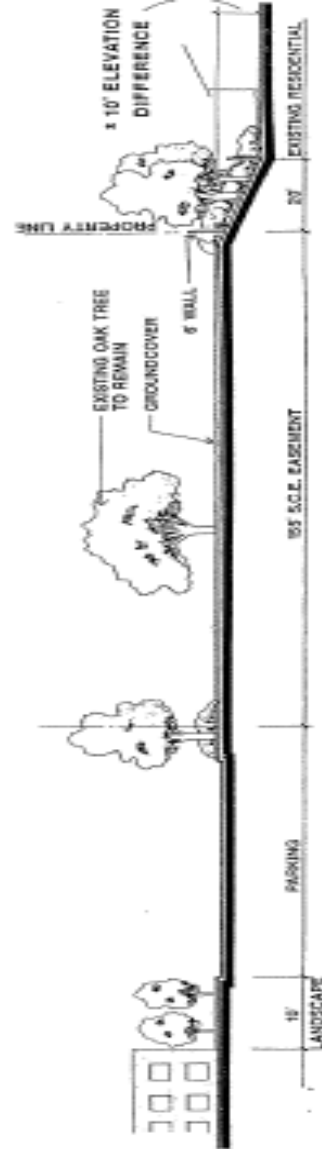
# LANDSCAPE SECTIONS

## The East Boundary

Existing natural and irrigated landscape will remain in the 155' easement. A dense buffer planting in the landscape setback adjacent to the new development will discourage pedestrian access and will soften the new building mass. A dense screen buffer will also be created at the office area.



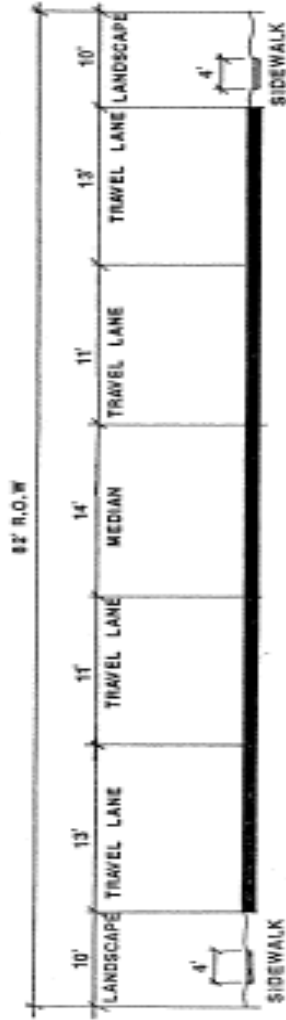
K SCE at Residential Edge



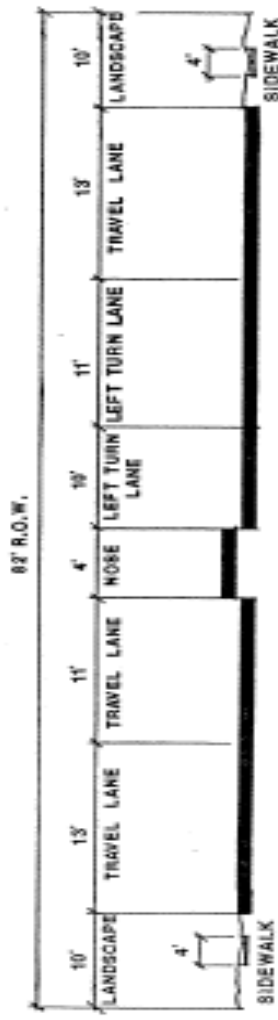
L SCE at Business Park Edge

LOOP ROAD SECTIONS

EXHIBIT \*12\*



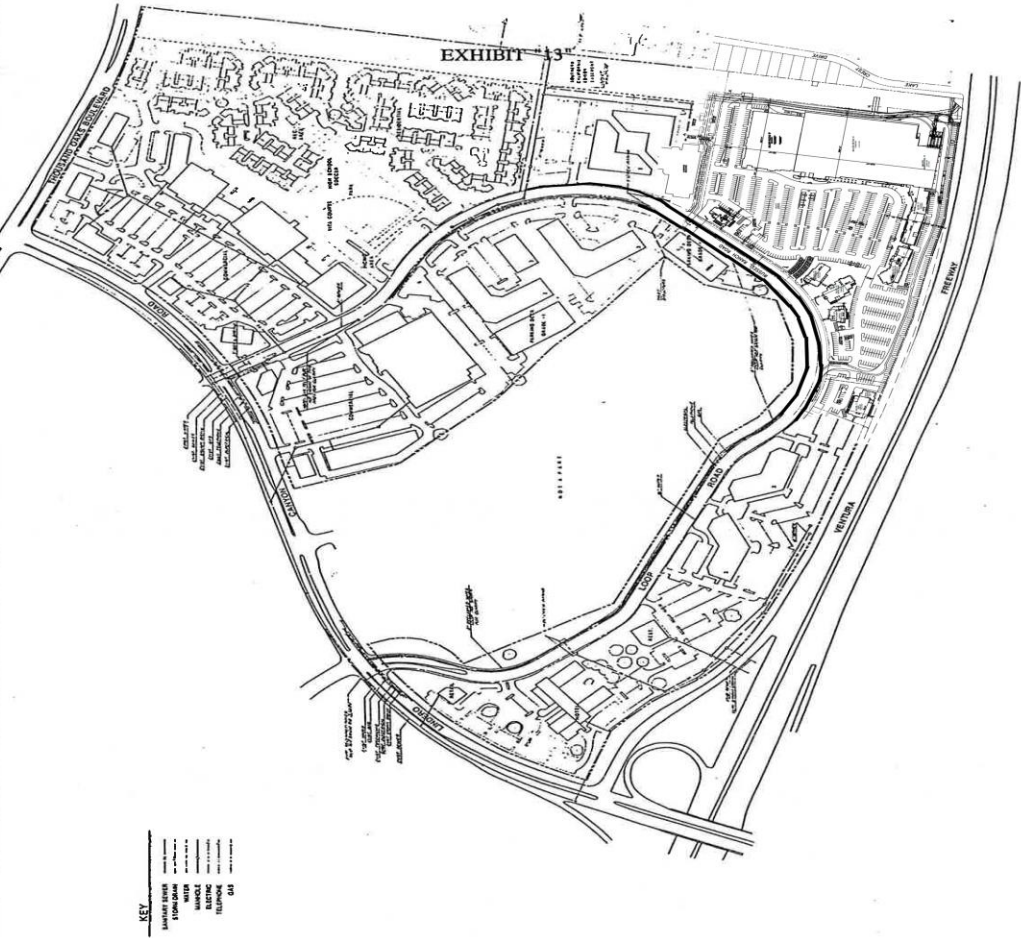
Typical Loop Road Section



Loop Road Section at North Project Entry

\*NOTE: AT SOUTH PROJECT ENTRY, ADD 1 ADDITIONAL 11' WIDE TRAVEL LANE EXITING, GIVING TOTAL RIGHT OF WAY OF 93'.

UTILITIES CONCEPT PLAN



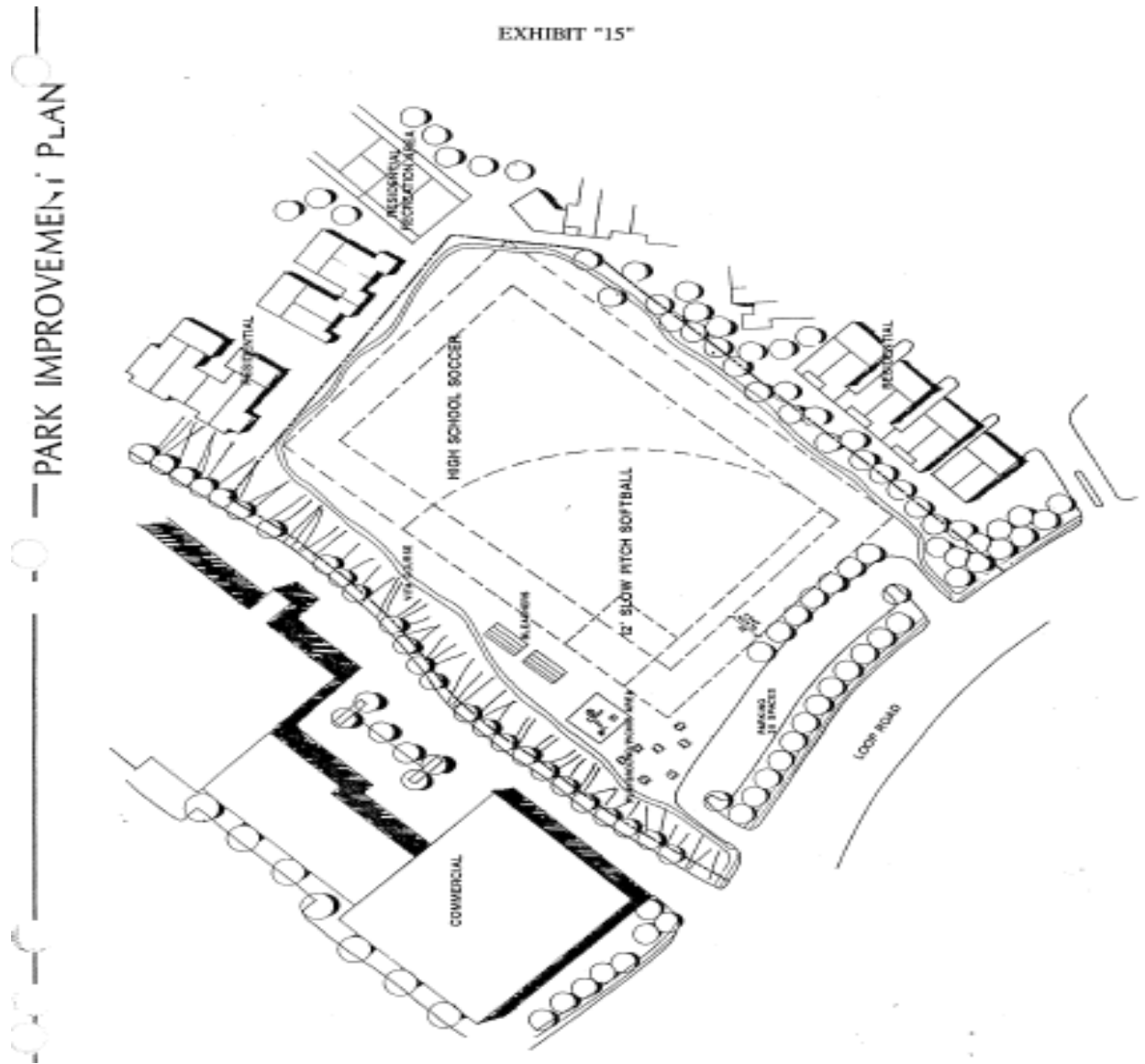
(Ord. No. 219-12, 5-23-2012)

(Supp. No. 32)

Created: 2023-03-10 11:02:26 [EST]







**9.25.010. Purpose.**

The planned development permit process is intended to protect the integrity and character of the residential, commercial and industrial areas of the City through the application of the provisions of this Chapter, consistent with the objectives, policies, general land uses and programs of the Westlake Village General Plan. At the time of application for a planned development permit, a review of the location, design, configuration and impact of the proposed use shall be conducted by comparing such use to established standards. This review shall determine whether the permit should be approved by weighing the public need for and the benefit to be derived from the use against the impacts it may cause.

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(Ord. No. 51, Amended, 04/10/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Renumbered, 08/14/85, 9-1-23-010; Ord. No. 82, Amended, 05/11/88; Ord. No. 108, Amended, 07/24/90; Ord. No. 192-05, Amended, 3/9/05)

### **9.25.020. Applicability.**

A planned development permit shall be required for all new uses and structures within the R1, RPD and MHP Zone, however, none shall be required for alterations to an existing single-family home.

A planned development permit shall be required for proposed additions to a single-family home in excess of one thousand (1000) square feet or fifty (50) percent of the total area of such home, whichever is less.

A planned development permit shall be required under the following circumstances for property within the CPD, CR, BP, OS and PI Zones:

1. For a new structure.
2. For significant enlargements or significant exterior alterations of an existing structure for which a planned development permit has never been issued.
3. For any change in use of a structure or a parcel of land for which a planned development permit has never been issued.
4. For temporary structures, in conjunction with existing, permanent facilities and occupying the same lot or parcel as said permanent facilities.

A change of use which is similar in nature to a previously-permitted use or an exterior alteration which maintains the same architectural character or theme and minor additions not to exceed five hundred (500) square feet which maintain the same architectural character or theme may be allowed through the issuance of a zone clearance, subject to the approval of the Planning Director and City Manager.

(Ord. No. 51, Amended, 04/10/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Renumbered, 08/14/85, 9-1-23-020; Ord. No. 82, Amended, 05/11/88; Ord. No. 108, Amended, 07/24/90)

### **9.25.030. Application.**

Application for a planned development permit shall be made according to Chapter 9.35 of this Article.

(Ord. No. 51, Amended, 04/10/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Renumbered, 08/14/85, 9-1-23-030; Ord. No. 82, Amended, 05/11/88; Ord. No. 108, Amended, 07/24/90; Ord. No. 192-05, Amended, 3/9/05)

### **9.25.040. Review and Approval.**

All planned development permits shall be subject to approval, modification or rejection by the Commission.

(Ord. No. 51, Amended, 04/10/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Renumbered, 08/14/85, 9-1-23-040; Ord. No. 82, Amended, 05/11/88; Ord. No. 108, Amended, 07/24/90; Ord. No. 192-05, Amended, 3/9/05)

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### **9.25.050. Hearing and Notice.**

Upon receipt in proper form of a planned development permit application, a public hearing shall be set and a notice of such hearing given in a manner consistent with the requirements contained in Chapter 9.32 of this Article.

(Ord. No. 51, Amended, 04/10/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Renumbered, 08/14/85, 9-1-23-050; Ord. No. 82, Amended, 05/11/88; Ord. No. 108, Amended, 07/24/90; Ord. No. 192-05, Amended, 3/9/05)

### **9.25.060. Conditions of Approval.**

The final decision-making body may impose such conditions on a planned development permit as are necessary to protect the public health, safety and welfare. Furthermore, the final decision-making body shall impose specific development conditions relating to both on- and off-site improvements (i.e., streets, traffic control devices, street lighting, fire hydrants, etc.) upon a planned development permit as it finds are reasonable and necessary to carry out the purpose and requirements of the respective zone.

(Ord. No. 51, Amended, 04/10/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Renumbered, 08/14/85, 9-1-23-060; Ord. No. 82, Amended, 05/11/88; Ord. No. 108, Amended, 07/24/90)

### **9.25.070. Building Bulk.**

The Building Bulk provisions prescribed in the various zones shall not apply to uses approved as part of a planned development permit. In granting a planned development permit, the Commission shall prescribe the setbacks and related landscape requirements, or maximum lot coverage. Where the Commission fails to specify said setbacks and related landscape requirements, or maximum lot coverage, those provisions applicable to principle permitted uses in the specific zone shall be deemed to be so specified. The Commission may prescribe maximum heights lower than otherwise allowed in the zone, but heights greater than permitted in the zone may be allowed only upon approval of a variance under Chapter 9.27.

(Ord. No. 51, Amended, 04/10/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Renumbered, 08/14/85, 9-1-23-070; Ord. No. 82, Amended, 05/11/88; Ord. No. 108, Amended, 07/24/90; Ord. No. 192-05, Amended, 3/9/05)

### **9.25.080. Findings.**

Following a public hearing on a planned development permit application, the decision-making body vested with the authority for final determination may approve the application only if the findings of fact below can be made in a positive manner.

1. The proposed use is one permitted within the subject zone and complies with all of the applicable provisions of this Article.
2. With the application of appropriate conditions, the proposed use would not impair the integrity and character of the zone in which it is to be located.
3. With the application of appropriate conditions, the subject site would be physically suitable for the type of land use being proposed.
4. With the application of appropriate conditions, the proposed use would be compatible with existing and future land uses within the zone and the general area in which the proposed use is to be located.

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5. With the application of appropriate conditions, there would be adequate provisions for water, sanitation and public utilities and services to insure that the proposed use would not be detrimental to public health and safety.
  6. With the application of appropriate conditions, there would be adequate provisions for public access to serve the subject proposal.
  7. With the application of appropriate conditions, the proposed use would be consistent with the objectives, policies, general land uses and programs of the Westlake Village General Plan.
  8. With the application of appropriate conditions, the proposed use would not be detrimental to the public interest, health, safety, convenience or welfare.

(Ord. No. 51, Amended, 04/10/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Renumbered, 08/14/85, 9-1-23-080; Ord. No. 82, Amended, 05/11/88; Ord. No. 108, Amended, 07/24/90)

#### **9.25.090. Compliance with Conditions of Approval.**

To ensure continued compliance with the provisions of this Section, each approved planned development permit shall contain a condition requiring a specific time limit for use inauguration. One or more extensions of time for use inauguration may be requested by the applicant in the same manner prescribed for obtaining a planned development permit.

(Ord. No. 51, Amended, 04/10/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Renumbered, 08/14/85, 9-1-23-090; Ord. No. 82, Amended, 05/11/88; Ord. No. 108, Amended, 07/24/90)

#### **9.25.100. Use of Property Before Final Decision.**

No permit shall be issued for any use involved in an application for approval of a planned development permit until and unless the planned development permit has been approved on a final basis.

(Ord. No. 51, Amended, 04/10/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Renumbered, 08/14/85, 9-1-23-100; Ord. No. 82, Amended, 05/11/88; Ord. No. 108, Amended, 07/24/90)

#### **9.25.110. Expiration of Permit For Non-Use.**

A planned development permit shall be considered to have expired if the use for which the permit was granted ceased or was suspended for twelve (12) or more successive calendar months. The Commission may extend the approval of a permit for an additional twelve (12) months following a public hearing.

(Ord. No. 51, Amended, 04/10/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Renumbered, 08/14/85, 9-1-23-110; Ord. No. 82, Amended, 05/11/88; Ord. No. 108, Amended, 07/24/90)

#### **9.25.120. Revocation or Modification.**

The City may initiate and the Commission shall hold a public hearing upon the question of revocation or modification of a planned development permit granted pursuant to the provisions of this Section. Notice of such hearing shall be given pursuant to Chapter 9.32 of this Article and shall be served in writing either in person or by registered mail on the owner of the property for which such planned development permit was granted at least ten (10) days prior to such public hearing.

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A planned development permit may be revoked or modified if the City Council finds that one or more of the following conditions exists:

1. The planned development permit was obtained in a fraudulent manner.
2. One or more of the conditions of the planned development permit have not been complied with.
3. A public nuisance exists.

In addition, after a Planned Development Permit has been granted, modification of the conditions of the permit, including additions or deletions, may be considered upon filing of an application by the owner of the subject property or his authorized representative. Consideration shall only be given to those matters raised in the application including any mitigation measure or condition associated therewith. Modification shall only be granted if the Commission finds, after a public hearing, that the modification is consistent with the provisions of the Section and will not be detrimental to the public health, safety and welfare.

(Ord. No. 51, Amended, 04/10/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Renumbered, 08/14/85, 9-1-23-120; Ord. No. 82, Amended, 05/11/88; Ord. No. 108, Amended, 07/24/90; Ord. No. 192-05, Amended, 3/9/05)

## **CHAPTER 9.26. CONDITIONAL USE PERMITS**

### **9.26.010. Purpose.**

Conditional uses are those uses which have a special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. Therefore, a conditional use permit is required for such uses in order to allow a timely evaluation of the proposed use, consistent with the overall aesthetics of the community and to ensure proper integration with other existing or permitted uses in the same zone or zones and with existing or permitted uses on properties in the surrounding area. At the time of application, a review of the location, design, configuration and impact of the proposed use shall be conducted by comparing such use to fixed and established standards. This review shall determine whether the proposed use should be permitted by weighing the public need for the benefit to be derived from the use against the impact which it may cause.

(Ord. No. 51, Amended, 04/10/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Renumbered, 08/14/85, 9-1-24-010; Ord. No. 108, Amended, 07/24/90; Ord. No. 123, Amended, 04/08/92)

### **9.26.020. Application.**

Application for a conditional use permit shall be filed according to Chapter 9.35 of this Article.

(Ord. No. 51, Amended, 04/10/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Renumbered, 08/14/85, 9-1-24-020; Ord. No. 108, Amended, 07/24/90; Ord. No. 123, Amended, 04/08/92)

### **9.26.030. Hearing and Notice.**

Except as required in Section 9.26.090, upon receipt in proper form of a conditional use permit application, a public hearing shall be set and notice of such hearing shall be given in a manner consistent with the requirements contained in Chapter 9.32 of this Article.

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(Ord. No. 51, Amended, 04/10/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Renumbered, 08/14/85, 9-1-24-030; Ord. No. 108, Amended, 07/24/90; Ord. No. 123, Amended, 04/08/92; Ord. No. 145U-97, Amended, 1/8/97; Ord. No. 145-97, Amended, 2/12/97)

### **9.26.040. Conditions of Approval.**

The final decision-making body may impose such conditions on a conditional use permit as are necessary to protect the public peace, health, safety and welfare.

(Ord. No. 51, Amended, 04/10/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Renumbered, 08/14/85, 9-1-24-040; Ord. No. 108, Amended, 07/24/90; Ord. No. 123, Amended, 04/08/92)

### **9.26.050. Building Bulk.**

The Building Bulk provisions prescribed in the various zones shall not apply to uses approved by conditional use permit. In granting a conditional use permit, the Commission shall prescribe the setbacks and related landscape requirements, or maximum lot coverage. Where the Commission fails to specify said setbacks and related landscape requirements, or maximum lot coverage, those provisions applicable to principal permitted uses in the specific zone shall be deemed to be so specified. The Commission may prescribe maximum heights lower than otherwise allowed in the zone but heights greater than permitted in the zone may be allowed only upon approval of a variance under Chapter 9.27.

(Ord. No. 51, Amended, 04/10/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Renumbered, 08/14/85, 9-1-24-050; Ord. No. 108, Amended, 07/24/90; Ord. No. 123, Amended, 04/08/92)

### **9.26.060. Findings.**

Following a public hearing on the conditional use permit application, the City Council shall record its decision in writing and shall recite therein the findings of fact upon which it bases its decision.

The Council may approve and/or modify a conditional use permit application in whole or in part, with or without conditions, only after it makes all of the following findings of fact in a positive manner:

1. The proposed use is one conditionally permitted within the subject zone and complies with all of the applicable provisions of this Article.
2. The proposed use would not impair the integrity and character of the zone in which it is to be located.
3. The subject site is physically suitable for the type of land use being proposed.
4. The proposed use would be compatible with existing and future land uses within the zone and the general area in which the proposed use is to be located.
5. There would be adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.
6. There would be adequate provisions for public access to serve the subject proposal.
7. The proposed use is consistent with the objectives, policies, general land uses and programs of the Westlake Village General Plan.
8. The proposed use would not be detrimental to the public interest, peace, health, safety, convenience or welfare.

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(Ord. No. 51, Amended, 04/10/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Renumbered, 08/14/85, 9-1-24-060; Ord. No. 108, Amended, 07/24/90; Ord. No. 123, Amended, 04/08/92)

**9.26.070. Findings—Adult Businesses.**

(Ord. No. 51, Amended, 04/10/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Renumbered, 08/14/85, 9-1-24-070; Ord. No. 108, Amended, 07/24/90; Ord. No. 123, Amended, 04/08/92; Ord. No. 166-00, Repealed, 9/27/00)

**9.26.080. Findings—Satellite Dish Antennae.**

The City Council may approve and/or modify a conditional use permit application for the installation of a satellite dish antenna in whole or in part, with or without conditions, only after making the following findings of fact:

- A. For a ground mounted dish antenna, the height of the antenna, measured from the finished grade to the highest point of the antenna, does not exceed eight (8) feet, except as necessary to adequately receive or transmit electromagnetic waves.
- B. For a roof mounted dish antenna, the antenna is located in a roof well or at a location screened by a parapet wall and/or other architecturally matching screening so as to substantially reduce the visual impact of the dish antenna.
- C. For a dish antenna located on a parcel adjacent to a public street, the antenna is substantially screened from view from any point within such adjacent public street.
- D. The dish antenna is color coordinated to harmonize with dominant background materials and colors of the main structure.
- E. For a ground mounted dish antenna, the antenna is enclosed with fences, walls, mature plant materials, or earth berms of appropriate height for screening, aesthetic, and security purposes and in such a manner so as to eliminate or substantially obscure visibility of the antenna from public streets and adjacent properties without impairing reception or transmission of electromagnetic waves. Plant materials are of a type and variety capable of growing within one year to adequately screen and obscure the visibility of the antenna.
- F. Support structures and security fencing/walls are screened through the addition of architectural features and/or landscaping that harmonize with the existing elements and characteristics of the subject property.
- G. The dish antenna does not exceed a diameter of six (6) feet, unless greater size is necessary in order to adequately receive or transmit electromagnetic waves.

(Ord. No. 51, Amended, 04/10/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Renumbered, 08/14/85, 9-1-24-080; Ord. No. 108, Amended, 07/24/90; Ord. No. 123, Amended, 04/08/92)

**9.26.090. Findings—Large Family Day Care Homes.**

- A. For large family day care homes as defined in Section 9.2.020 of this Code, the following findings, standards, and procedure shall apply:



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1. Findings. A large family day care home shall be permitted within a detached single-family dwelling, in the R-1 Zone or the RPD Zone, pursuant to a conditional use permit if the City Council determines that the day care home meets the following standards and requirements:
    - a. There shall be a minimum distance of three hundred (300) feet between the subject property on which the large family day care home is located and the nearest lot or parcel containing a licensed child care facility.
    - b. In order to reduce noise impacts from the operation of the day care home, all open space areas used for child care purposes, shall be located within the side and/or rear yard of the subject residence and shall be enclosed with a solid masonry wall. The masonry wall shall be six (6) feet in height along side and rear lot lines. This requirement may be waived or modified by the City Council if the Council finds that the masonry wall is not necessary to reduce noise levels in a particular instance, due to the location, topography, or other physical characteristics or improvements of the subject site or adjacent sites, or due to adjacent noise receptors which are not sensitive to the levels of noise which may be expected from a large family day care home. A self-latching gate shall be installed to allow egress from the rear yard area to the front of the subject residence. In addition, the operation of the large family day care home shall comply with all applicable noise regulations of this Code, including those contained in Article 4.
    - c. In addition to the parking otherwise required for a single-family home, one paved parking space shall be provided for each nonresident employee, nonresident aide and any other nonresident person engaged in the operation of the large family day care home. Such spaces shall not be located in front yard setback areas, except that driveway areas may be used for parking area. The parking spaces shall conform to the requirements of Section 9.19.080.
    - d. The City Council shall determine that loading and unloading of children may be accomplished without significantly restricting traffic flow.
  2. Procedure. Any application for a conditional use permit to operate a large family day care home shall be filed with the City in a form acceptable to the City. Notwithstanding any other provision of this Chapter, such application shall be processed pursuant to the following procedures:
    - a. Notice. Not less than ten (10) days prior to the date on which the City Council shall review the application, notice of the application shall be mailed, by United States mail, postage prepaid, to all owners shown on the last equalized assessment roll as owning real property within one hundred (100) feet of the exterior boundaries of the subject property.
    - b. Hearing. No public hearing on the application shall be held unless a hearing is requested by the applicant or by any other interested party.

(Ord. No. 145U-97, Enacted, 1/8/97; Ord. No. 145-97, Amended, 2/12/97)

### **9.26.100. Findings—Amateur Radio Antennae.**

- A. Prior to the placement of an amateur radio antenna within a residential or nonresidential zone district, the City Council must find that, based upon the evidence presented at a duly noticed public hearing, the federal interest in placement of the antenna to promote amateur radio operations outweighs the legitimate interests of the local community in restricting the placement of exterior antenna. In making this determination, the City Council shall consider the federal interests in amateur radio communications, including without limitation, the provision of emergency communications, the advancement of radio art, and the ability of amateur radio to enhance international goodwill. The City Council shall also consider the unique characteristics of the proposed antenna and the site on which it is located, as well as the antenna's potential visual and operational impacts upon the surrounding neighborhood.

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- B. In approving an amateur radio antenna, the City Council may impose conditions regulating the placement, design, configuration, height and use of said antenna in order to minimize potential aesthetic and operational impacts. The City Council must find that such conditions of approval constitute the minimum practicable regulation to protect the legitimate interests of the local community.
  - C. The City Council shall not deny an application for approval of an amateur radio antenna unless the City Council has first determined that: (1) the antenna cannot be reasonably accommodated due to its adverse impact on the legitimate interests of the local community; and that (2) the City has made a reasonable attempt to negotiate with the applicant a satisfactory solution to potential adverse impacts, but such negotiations have not been successful.

(Ord. No. 140-96, Amended, 05/22/96; Ord. No. 145U-97, Amended, 1/8/97; Ord. No. 145-97, Amended, 2/12/97)

### **9.26.110. Time Limitations on Operation.**

To assure continued compliance with the provisions of this Chapter, each approved conditional use permit shall contain a condition requiring a specific time limit of operation. To allow for continued operation, the applicant may secure one or more extensions of time in the same manner prescribed for obtaining a conditional use permit.

(Ord. No. 51, Amended, 04/10/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Renumbered, 08/14/85, 9-1-24-090; Ord. No. 108, Amended, 07/24/90; Ord. No. 123, Amended, 04/08/92; Ord. No. 140-96, Amended, 05/22/96; Ord. No. 145U-97, Amended, 1/8/97; Ord. No. 145-97, Amended, 2/12/97; Ord. No. 192-05, Amended, 3/9/05)

### **9.26.120. Expiration of Permit for Non-Use.**

A conditional use permit shall be considered to have expired if the use for which the permit was granted ceased or was suspended for twelve (12) or more successive calendar months. The Commission may extend the approval for an additional twelve (12) months following a public hearing.

(Ord. No. 51, Amended, 04/10/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Renumbered, 08/14/85, 9-1-24-100; Ord. No. 108, Amended, 07/24/90; Ord. No. 123, Amended, 04/08/92; Ord. No. 140-96, Amended, 05/22/96; Ord. No. 145U-97, Amended, 1/8/97; Ord. No. 145-97, Amended, 2/12/97)

### **9.26.130. Use of Property Before Final Decision.**

No permits shall be issued for any use involved in an application for approval of a conditional use permit until, and unless, the same shall have become final.

(Ord. No. 51, Amended, 04/10/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Renumbered, 08/14/85, 9-1-24-110; Ord. No. 108, Amended, 07/24/90; Ord. No. 123, Amended, 04/08/92; Ord. No. 140-96, Amended, 05/22/96; Ord. No. 145U-97, Amended, 1/8/97; Ord. No. 145-97, Amended, 2/12/97)

### **9.26.140. Revocation or Modification.**

The City may initiate and the Commission shall hold a public hearing upon the question of revocation or modification of a conditional use permit granted under or pursuant to the provisions of this Chapter. Notice of such hearing shall be given pursuant to Chapter 9.32 of this Article and shall be served in writing either in person or by registered mail on the owner of the property for which such conditional use permit was granted at least fourteen (14) days prior to such public hearing.

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A conditional use permit may be revoked or modified by the Council if it finds that one or more of the following conditions exists:

1. The conditional use permit was obtained in a fraudulent manner.
2. One or more of the conditions of the conditional use permit have not been complied with.
3. A public nuisance exists.

In addition, after a conditional use permit has been granted, modification of the conditions of the permit, including additions or deletions, may be considered upon filing of an application by the owner of the subject property or the owner's authorized representative. Consideration shall only be given to those matters raised in the application including any mitigation measure or condition associated therewith. Modification shall only be granted if the Commission finds, after a public hearing, that the modification is consistent with the provisions of this Article and will not be detrimental to the public health, safety and welfare.

(Ord. No. 51, Amended, 04/10/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Renumbered, 08/14/85, 9-1-24-120; Ord. No. 108, Amended, 07/24/90; Ord. No. 123, Amended, 04/08/92; Ord. No. 140-96, Amended, 05/22/96; Ord. No. 145U-97, Amended, 1/8/97; Ord. No. 145-97, Amended, 2/12/97; Ord. No. 192-05, Amended, 3/9/05)

### **9.26.150. Consistency with Hazardous Waste Management Plan.**

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

(Ord. No. 51, Amended, 04/10/84; Ord. No. 53, Amended, 06/13/84; Ord. No. 56, Amended, 04/10/85; Ord. No. 58, Renumbered, 08/14/85, 9-1-24-130; Ord. No. 108, Amended, 07/24/90; Ord. No. 123, Amended, 04/08/92; Ord. No. 140-96, Amended, 05/22/96; Ord. No. 145U-97, Amended, 1/8/97; Ord. No. 145-97, Amended, 2/12/97)

## **CHAPTER 9.27. VARIANCES**

### **9.27.010. Purpose.**

These provisions are intended to relieve the owner of property from an inability to make reasonable use of his property in the same manner that other property of like character in the same vicinity and zone can be used. A variance shall not be granted which confers a special privilege inconsistent with the limitations upon other properties in the same vicinity and zone in which the subject property is situated or which authorizes a use or activity which is not otherwise expressly authorized by the zoning regulations governing the parcel of property.

(Ord. No. 51, Amended, 04/10/84; Ord. No. 58, Renumbered, 08/14/85, 9.25.010; Ord. No. 108, Amended, 07/24/90)

### **9.27.020. Application.**

Application for a variance shall be filed in a manner consistent with the requirements contained in Chapter 9.35 of this Article.

(Ord. No. 58, Renumbered, 08/14/85, 9.25.020; Ord. No. 108, Amended, 07/24/90; Ord. No. 192-05, Amended, 3/9/05)

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### **9.27.030. Applicability.**

All applications for variances shall be subject to approval or rejection by the Planning Commission.  
(Ord. No. 58, Renumbered, 08/14/85, 9.25.030; Ord. No. 108, Amended, 07/24/90)

### **9.27.040. Hearings and Notice.**

Upon receipt in proper form of a variance application, a public hearing shall be set and notice of such hearing given in a manner consistent with Chapter 9.32 of this Article.

(Ord. No. 51, repealed, 04/10/84; Ord. No. 58, Renumbered, 08/14/85, 9.25.040; Ord. No. 108, Amended, 07/24/90; Ord. No. 192-05, Amended, 3/9/05)

### **9.27.050. Findings.**

Following a public hearing, the Commission shall record the decision in writing and shall recite therein the findings of fact upon which such decision is based.

The Commission may approve and/or modify an application in whole or in part, with or without conditions, only after making all of the following findings of fact in a positive manner:

1. There are special circumstances or exceptional characteristics applicable to the property involved, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.
2. The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone in which the property is located.
3. The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Article nor to the goals and programs of the General Plan.
4. The variance request is consistent with the purpose and intent of the zone in which the site is located.
5. The subject site is physically suitable for the proposed variance.
6. There are adequate provisions for water, sanitation and public utilities and services to ensure that the proposed variance would not be detrimental to public peace, health and safety.
7. There will be adequate provisions for public access to serve the use authorized by the variance.

(Ord. No. 58, Renumbered, 08/14/85, 9.25.050; Ord. No. 108, Amended, 07/24/90; Ord. No. 192-05, Amended, 3/9/05)

### **9.27.060. Use of Property Before Final Decision.**

No permits shall be issued for any use involved in an application for approval of a variance until, and unless, the same shall have become final.

(Ord. No. 58, Renumbered, 08/14/85, 9.25.060; Ord. No. 108, Amended, 07/24/90; Ord. No. 192-05, Amended, 3/9/05)

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### **9.27.070. Revocation or Modification.**

The City may initiate and the Commission shall hold a public hearing upon the question of revocation or modification of a variance granted under or pursuant to the provisions of this Chapter. Notice of such hearing shall be given pursuant to Chapter 9.32 of this Article and shall be served in writing either in person or by registered mail on the owner of the property for which such variance was granted at least fourteen (14) days prior to such public hearing.

A variance may be revoked or modified by the Council if it finds that one or more of the following conditions exists:

1. The variance was obtained in a fraudulent manner.
2. One or more of the conditions of the variance have not been complied with.
3. A public nuisance exists.

In addition, after a variance has been granted, modification of the conditions of the permit, including additions or deletions, may be considered upon filing of an application by the owner of the subject property or the owner's authorized representative. Consideration shall only be given to those matters raised in the application including any mitigation measure or condition associated therewith. Modification shall only be granted if the Commission finds, after a public hearing, that the modification is consistent with the provisions of this Article and will not be detrimental to the public health, safety and welfare.

(Ord. No. 53, Amended, 06/13/84; Ord. No. 58, Renumbered, 08/14/85, 9.25.070; Ord. No. 108, Amended, 07/24/90; Ord. No. 192-05, Amended, 3/9/05)

### **9.27.080. Consistency with Hazardous Waste Management.**

Variance decisions shall be consistent with the portions of the County of Los Angeles Hazardous Waste Management Plan (App. November 30, 1989) relating to siting and siting criteria for hazardous waste facilities.

(Ord. No. 58, Renumbered, 08/14/85, 9-1-25-080; Ord. No. 108, Amended, 07/24/90)

## **CHAPTER 9.28. HOME OCCUPATIONS**

### **9.28.010. Purpose.**

These provisions are intended to allow the conduct of home enterprises which are incidental to and compatible with surrounding residential uses. A home occupation is gainful employment engaged in by the occupant(s) of a dwelling. A home occupation shall not require frequent customer access or have associated characteristics which would reduce the residents' enjoyment of their neighborhood. This Chapter shall not abrogate, annul or impede enforcement by homeowner associations Covenants, Conditions and Restrictions of record or amendments thereto that prohibit home occupations.

(Ord. No. 58, Renumbered, 08/14/85, 9.26.010; Ord. No. 192-05, Amended, 3/9/05)

### **9.28.020. Operating Standards.**

Home occupations shall comply with the following operating standards:

1. The home occupation shall not alter the appearance of the dwelling unit.

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2. There shall be no sales of goods or displays of goods on the premises.
  3. There shall be no advertising which identifies the home occupation by street address.
  4. Up to fifty (50) square feet of a garage may be used for home occupation purposes, however, such use shall not interfere with the maintenance of required parking. The garage door shall remain closed during operation of the home occupation. No portion of an accessory structure except a garage shall be used for home occupation purposes.
  5. No vehicle larger than a three-quarter ton truck may be used in connection with a home occupation.
  6. Parking for vehicles used in connection with the home occupation shall be provided on-site in addition to parking required for the residence. Such parking shall not be located in any required yard.
  7. The home occupation shall not encroach into any required parking, yard, or open space area.
  8. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises nor use utilities in amounts greater than normally provided for residential use.
  9. No use shall create or cause noise, dust, vibration, smell, smoke, glare, electrical or electronic interference or other hazards or nuisances.
  10. No employees other than residents of the dwelling shall be allowed in connection with a home occupation (baby-sitters or domestic servants are not considered employees of a home occupation).
  11. Clients or customers shall not visit the home occupation between the hours of 9:00 p.m. and 7:00 a.m.
  12. There shall be no more than two (2) clients or customers on the premises at any one time.
  13. Where the person conducting the home occupation serves as an agent or intermediary between outside suppliers and outside customers, all articles, except for samples, shall be received, stored and sold to customers at an off-premise location.
  14. There shall be no use of material or mechanical equipment not recognized as being part of a normal household or hobby use.
  15. The home occupation shall generate no pedestrian or vehicular traffic through the delivery of goods or materials.

(Ord. No. 58, Renumbered, 08/14/85, 9.26.02)

### **9.28.030. Prohibited Home Occupation Uses.**

The following uses, either by operation or nature, are not incidental to or compatible with residential activities and shall therefore not be permitted as home occupations:

1. Industrial uses.
2. Automotive repair (body or mechanical), upholstery and painting.
3. Barber and beauty services.
4. Carpentry and cabinet making.
5. Welding and machining.
6. Medical offices, clinics and laboratories, including, but not limited to, psychologists, chiropractors and dentists.
7. Adult businesses, including massage parlors and the making of adult movies.

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8. Sale of firearms, including engaging in activities as a "gun dealer," as defined in Section 6.3.005 of this Code.

(Ord. No. 58, Renumbered, 08/14/85, 9.26.030; Ord. No. 166-00, Amended, 9/27/00)

## **CHAPTER 9.29. TEMPORARY USE PERMITS**

### **9.29.010. Purpose.**

The temporary use permit is intended to allow for the short-term placement of activities in temporary facilities or outside of buildings. These activities shall be regulated so as to avoid incompatibility between such uses and surrounding areas.

(Ord. No. 48, Amended, 03/14/84; Ord. No. 58, Renumbered, 08/14/85, 9.27.010; Ord. No. 82, Amended, 05/11/88)

### **9.29.020. Permitted Uses.**

A temporary use permit may be issued by the Planning Director for the following uses:

1. Real estate sales offices for approved development projects.
2. Christmas tree sale lots; however, a permit shall not be required when such sales are in conjunction with an established commercial business holding a valid City business license. Such activity shall be permitted for a period not to exceed thirty (30) consecutive calendar days.
3. Other seasonal products sales, such as pumpkins, when the latter is in compliance with the Municipal Code.
4. Circuses and carnivals, subject to compliance with the Municipal Code.
5. Parades, subject to compliance with the Municipal Code.
6. Fairs, festivals and concerts, when not held within premises designed to accommodate such events, such as auditoriums, stadiums or other public assembly facilities.
7. On- and off-site contractors' construction yards and offices uses; however, temporary use permit shall not be required when such activities have been approved by a planned development permit.
8. Similar temporary uses which, in the opinion of the Director, are compatible with the zone and surrounding land uses.
9. Construction trailers used as a caretaker's residence during construction.
10. Construction activity involving additions to or exterior remodeling of existing single family residences, which in the opinion of the Director, could adversely impact adjacent residential properties.

(Ord. No. 48, Amended, 03/14/84; Ord. No. 58, Renumbered, 08/14/85, 9.27.020; Ord. No. 82, Amended, 05/11/88; Ord. No. 192-05, Amended, 3/9/05)

### **9.29.030. Required Permits.**

A temporary use permit approved by the Director shall be required for all uses listed in this Chapter, issued prior to the commencement of the use unless otherwise noted. A permit shall not be required for events which

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occur in theaters, meeting halls or other permanent public assembly facilities. Temporary uses may be subject to additional permits, other departmental approvals and licenses and inspections as required by any applicable laws or regulations. Applications for said permits shall be secured and filed with the City pursuant to Chapter 9.35 of this Article. Applications must be filed at least fourteen (14) days prior to the requested event so that the Planning Director will have adequate time to process said request.

(Ord. No. 48, Amended, 03/14/84; Ord. No. 58, Renumbered, 08/14/85, 9.27.030; Ord. No. 82, Amended, 05/11/88; Ord. No. 192-05, Amended, 3/9/05)

#### **9.29.040. Findings.**

The Director may approve a temporary use permit application only when all of the following findings of fact can be made in a positive manner:

1. That the operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
2. That the proposed site is adequate in size and shape to accommodate the temporary use.
3. That the proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate.
4. That adequate temporary parking to accommodate vehicular traffic to be generated by such use will be available either on-site, on-street or at alternate locations acceptable to the Director.
5. That the use would not jeopardize the public peace, safety or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.

(Ord. No. 48, Amended, 03/14/84; Ord. No. 58, Renumbered, 08/14/85, 9.27.040; Ord. No. 82, Amended, 05/11/88)

#### **9.29.050. Conditions of Approval.**

In approving an application for a temporary use permit, the Director may impose such conditions as are deemed necessary to insure that the permit will be in accord with the findings required by Section 9.29.040. These conditions may involve any pertinent factors affecting the operation of the temporary use, and may include but are not limited to:

1. Provision of temporary parking facilities, including vehicular access and egress.
2. Regulation of nuisance factors such as, but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat.
3. Regulation of temporary buildings, structures and facilities, including placement, height and size, location of equipment and open space, including buffer areas and other yards.
4. Provision of sanitary and medical facilities.
5. Provision of solid waste collection and disposal.
6. Provision of security and safety measures.
7. Regulation of signs.



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8. Regulation of operating hours and days, including limitation of the duration of the temporary use to a shorter time period than that requested.
  9. Submission of a performance bond or other surety devices to ensure that any temporary facilities or structures used for such proposed temporary use will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition.
  10. Submission of a site plan indicating any information required by this Chapter.
  11. Requirement that the approval of the temporary use permit is contingent upon compliance with applicable provisions of other ordinances.
  12. Provision of adequate insurance.
  13. Such other conditions which will ensure the operation of the proposed temporary use in an orderly and efficient manner and in accord with the intent and purpose of this Chapter.

(Ord. No. 48, Amended, 03/14/84; Ord. No. 58, Renumbered, 08/14/85, 9.27.050; Ord. No. 82, Amended, 05/11/88; Ord. No. 192-05, Amended, 3/9/05)

### **9.29.060. Revocation.**

A temporary use permit may be revoked if the Director finds that one or more of the following conditions exists:

1. The temporary use permit was obtained in a fraudulent manner.
2. One or more conditions of the temporary use permit have not been complied with.

(Ord. No. 48, Amended, 03/14/84; Ord. No. 58, Renumbered, 08/14/85, 9.27.060; Ord. No. 82, Amended, 05/11/88)

## **CHAPTER 9.30. ZONING MAP AMENDMENTS**

### **9.30.010. Purpose.**

The City Council may amend the Official Zoning Map of the City of Westlake Village whenever required by public necessity, convenience and general welfare.

(Ord. No. 58, Renumbered, 08/14/85, 9.28.010; Ord. No. 108, Amended, 07/24/90)

### **9.30.020. Initiation.**

An amendment to the Official Zoning Map may be initiated in the following manner:

1. A resolution of intention or minute order of the City Council; or
2. An application from any other person or agency pursuant to Chapter 9.35 of this Article.

(Ord. No. 58, Renumbered, 08/14/85, 9.28.020; Ord. No. 108, Amended, 07/24/90; Ord. No. 192-05, Amended, 3/9/05)

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### **9.30.030. Hearing and Notice.**

Upon receipt in proper form of a zoning map amendment application or initiation of an amendment by the Council, and following an investigation, public hearings shall be set and notice of such hearings given in a manner consistent with the requirements contained in Chapter 9.32 of this Article.

(Ord. No. 58, Renumbered, 08/14/85, 9.28.030; Ord. No. 108, Amended, 07/24/90; Ord. No. 192-05, Amended, 3/9/05)

### **9.30.040. Consistency with Hazardous Waste Management.**

Zoning map amendments shall be consistent with the portions of the County of Los Angeles Hazardous Waste Management Plan (App. November 30, 1989) relating to siting and siting criteria for hazardous waste facilities.

## **CHAPTER 9.31. ZONING TEXT AMENDMENTS**

### **9.31.010. Purpose.**

The City Council may amend this Article whenever required by public necessity, convenience and general welfare.

(Ord. No. 58, Renumbered, 08/14/85, 9.29.010)

### **9.31.020. Initiation.**

An amendment to this Article may be initiated in the following manner:

1. A resolution of intention or minute order of the City Council; or
2. An application from any other person or agency pursuant to Chapter 9.35 of this Article.

(Ord. No. 58, Renumbered, 08/14/85, 9.29.020; Ord. No. 192-05, Amended, 3/9/05)

### **9.31.030. Hearing and Notice.**

Upon receipt in proper form of a zoning text amendment application or initiation of an amendment by the Council, and following an investigation, public hearings shall be set and notice of such hearings given in a manner consistent with the requirements contained in Chapter 9.32 of this Article.

(Ord. No. 58, Renumbered, 08/14/85, 9.29.030; Ord. No. 192-05, Amended, 3/9/05)

## **CHAPTER 9.32. HEARINGS AND APPEALS**

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### **9.32.010. Purpose.**

These provisions are intended to specify procedures for public hearings and to provide recourse in the event that any person is aggrieved by any requirement, decision or determination in the administration or enforcement of this Article.

(Ord. No. 58, Renumbered, 08/14/85, 9.30.010)

### **9.32.020. Application Processing.**

Applications shall be reviewed and processed in a manner consistent with the provisions of California Government Code Sections 65920 through 65944 to the extent such provisions are applicable.

(Ord. No. 58, Renumbered, 08/14/85, 9.30.020; Ord. No. 192-05, Amended, 3/9/05)

### **9.32.030. Notice of Public Hearings.**

- A. Notice of public hearings for a proposed zoning ordinance or proposed amendment to a zoning ordinance shall be given in a manner consistent with the provisions of California Government Code Sections 65854 and 65856.
- B. Notice of public hearings for a proposed adoption of or amendment to a General Plan shall be given in a manner consistent with the provisions of California Government Code Section 65355.
- C. Notice of public hearings for planned development permits, conditional use permits, or variances, or revocations or modifications to planned development permits, conditional use permits, or variances, shall be given in a manner consistent with the provisions of California Government Code Section 65905. Notice shall also be given by posting a sign on the subject site describing the nature of the proposed project and identifying the time and date of the scheduled public hearing. The size, dimension and design of the required on-site signage shall be determined by the Planning Director.
- D. Notice of public hearings for any permit or action not listed above shall be given in a manner consistent with the provisions of California Government Code Section 65090.
- E. Nothing in this Section shall preclude the City from requiring public notification in excess of the above-referenced requirements.

(Ord. No. 53, Amended, 06/13/84; Ord. No. 58, Renumbered, 08/14/85, 9.30.030; Ord. No. 150-97, Amended, 7/30/97; Ord. No. 192-05, Amended, 3/9/05)

### **9.32.040. Hearing Procedure.**

Public hearings as provided for in this Article shall be held at the time and place for which notice has been given as required in this Chapter. A brief summary of all pertinent testimony offered at a public hearing, together with the names and addresses of all persons testifying shall be recorded and made a part of the permanent file of the case. Any such hearings may be continued provided that prior to the adjournment or recess thereof, the chairperson announces the time and place to which such hearings will be continued.

(Ord. No. 58, Renumbered, 08/14/85, 9.30.040; Ord. No. 192-05, Amended, 3/9/05)

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### **9.32.050. Notice of Decision.**

Within ten (10) days after a decision has been made regarding an application for which a public hearing is required, notice of the decision and any conditions of approval shall be mailed to the applicant at the address shown upon the application.

(Ord. No. 58, Renumbered, 08/14/85, 9.30.050)

### **9.32.060. Effective Date.**

Variances, modifications, conditional use permits and planned development permits shall become effective ten (10) days following the approval by the appropriate review authority. Zoning map amendments and zoning text amendments shall become effective thirty (30) days following adoption by the City Council. No permit or license shall be issued for any use involved in an application for approval of a permit until, and unless, the same shall have become final.

(Ord. No. 58, Renumbered, 08/14/85, 9.30.060)

### **9.32.070. Appeal of Action.**

Any person aggrieved by any determination, interpretation, decision, judgment or similar action taken by the Planning Director or City staff under the provisions of this Article may appeal such action to the City Council.

(Ord. No. 58, Renumbered, 08/14/85, 9.30.070)

### **9.32.080. Filing of Appeals.**

Appeals shall be addressed to the City Council on a form prescribed by the City, and shall state the basis of the appeal. An appeal of any action shall be filed with the City Clerk within ten (10) days following the notice of decision from which an appeal is made. Appeals shall be accompanied by the filing fee as specified in Chapter 9.35 of this Article.

(Ord. No. 58, Renumbered, 08/14/85, 9.30.080)

### **9.32.090. Notice of Appeal Hearings.**

Public notice of an appeal hearing shall conform to the manner in which the original notice was given.

(Ord. No. 58, Renumbered, 08/14/85, 9.30.090)

### **9.32.100. Decision on Appeal.**

An action appealed to the Council shall be stayed pending a decision by the Council. The appeal hearing shall be a de novo hearing. The criteria governing the appeal hearing shall be the same as applied for the original decision. In the event of a tie vote by the Council, the appeal shall be denied and the original decision shall be effective.

(Ord. No. 58, Renumbered, 08/14/85, 9.30.100; Ord. No. 192-05, Amended, 3/9/05)

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### **9.32.110. Reapplication.**

An application or appeal denied by the City Council shall be deemed to be denied with prejudice unless specifically stated to be without prejudice. If an application or appeal is denied with prejudice by the Council, no further application for the denied request may be filed in the ensuing twelve (12) months except as otherwise provided for by the Council.

(Ord. No. 58, Renumbered, 08/14/85, 9.30.110)

## **CHAPTER 9.33. ENFORCEMENT OF PROVISIONS**

### **9.33.010. Purpose.**

Enforcement of the provisions of this Article and any entitlements granted by the City shall be diligently pursued in order to provide for their effective administration, to ensure compliance with any conditions of approval, to promote the City's planning efforts and to protect the public health, safety and welfare.

(Ord. No. 51, Amended, 04/10/84; Ord. No. 58, Renumbered, 08/14/85, 9.31.010)

### **9.33.020. Responsibility.**

The City Manager shall be responsible for monitoring and enforcing the conditions and standards imposed on all land use entitlements granted by the City and this Article. Any use which is established, operated, erected, moved, altered, enlarged or maintained, contrary to the provisions of this Article, is hereby declared to be unlawful and shall be subject to the remedies and penalties set forth in Chapter 1.2 of this Code, and/or revocation procedures initiated pursuant to the following Chapters contained in this Article:

Chapter 9.25 - Planned Development Permits

Chapter 9.26 - Conditional Use Permits

Chapter 9.27 - Variances

Chapter 9.28 - Home Occupations

Chapter 9.29 - Temporary Use Permits

(Ord. No. 51, Amended, 04/10/84; Ord. No. 58, Renumbered, 08/14/85, 9.31.020; Ord. No. 192-05, Amended, 3/9/05)

## **CHAPTER 9.34. LANGUAGE**

### **9.34.010. Purpose.**

This Chapter is intended to facilitate interpretation of the provisions of this Article by providing for a consistency of language use and by clarifying terms used in the Article.

(Ord. No. 58, Renumbered, 08/14/85, 9.32.010)

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### **9.34.020. Construction.**

When used in this Article, the words "shall," "will," and "is to" are always mandatory and not discretionary. The words "should" or "may" are permissive.

(Ord. No. 58, Renumbered, 08/14/85, 9.32.020)

### **9.34.030. Time of Day.**

Whenever a certain hour or time of day is specified in this Article or any permit, condition of approval or notice issued or given as set forth in this Article, such hour shall be Standard Time or Daylight Savings Time, whichever is in current use in the City.

(Ord. No. 58, Renumbered, 08/14/85, 9.32.030)

### **9.34.040. Number of Days.**

Whenever a number of days is specified in this Article or any permit, conditions of approval, or notice issued or given as set forth in this Article, such number of days shall be deemed to be consecutive calendar days, unless the number of days is specifically identified as business days.

(Ord. No. 58, Renumbered, 08/14/85, 9.32.040)

### **9.34.050. Rounding of Quantities.**

Whenever this Article requires consideration of distances, parking spaces or other aspects of development or the physical environment expressed in numerical quantities which are fractions of whole numbers, such numbers are to be rounded to the nearest highest whole number when the fraction is one-half or more, and to the next lowest whole number when the fraction is less than one-half, except as otherwise noted in this Article. In the case of the number of dwelling units, the numerical quantities which are fractions of whole numbers shall be rounded to the next lowest whole number in all such instances except that density bonus calculations shall be performed as required by State law.

(Ord. No. 58, Renumbered, 08/14/85, 9.32.050; Ord. No. 192-05, Amended, 3/9/05)

## **CHAPTER 9.35. APPLICATIONS AND FEES**

### **9.35.010. Purpose.**

These provisions are intended to prescribe the filing of applications for permits, amendments and approvals when required by this Article.

(Ord. No. 58, Renumbered, 08/14/85, 9.33.010)

### **9.35.020. Filing.**

Application for permits, amendments and approvals shall be filed with the City on an application form provided by the City together with all required plans and maps. Such application shall be made by the owner(s) of

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the property for which the permit is sought, an authorized agent or owner in escrow with written authorization. The lessee of a parcel of land upon which a permit is sought may file an application provided that it is accompanied by written approval of such filing by the owner of such property.

(Ord. No. 58, Renumbered, 08/14/85, 9.33.020)

### **9.35.021. Existing Violations.**

No application pursuant to this title shall be accepted for processing if there is an existing violation of the Municipal Code on the affected lot or building until the violation is corrected. However, the application may be accepted and processed if the Planning Director determines that the accepting and processing of the application is necessary to correct the existing violation.

(Ord. No. 222-12, § 1, 12-12-2012)

### **9.35.030. Supplemental Reports.**

As part of a development application for a site located within or adjacent to a biologically-significant habitat or within a cultural reconnaissance area as identified in the General Plan, an analysis prepared by a qualified biologist or archaeologist (subject to City approval) shall be submitted which evaluates potential project impacts on affected habitats and communities, and recommends measures to mitigate the impacts.

As part of a development application for a site which supports oak trees, a tree report shall be submitted in a form consistent with the requirements of Chapter 9.21 of this Article.

(Ord. No. 58, Renumbered, 08/14/85, 9.33.030; Ord. No. 192-05, Amended, 3/9/05)

### **9.35.040. Fee Schedule.**

The City Council shall, by resolution, establish a fee schedule for permits, approvals and other matters pertaining to this Article. The fee schedule may include deposit requirements as necessary or appropriate to defray the expense incurred by the City in utilizing consultant firms to assist with processing of particular categories of applications. The fee schedule may be adjusted administratively on an annual basis to reflect consumer price index changes, and may otherwise be modified only by resolution of the City Council. Until all applicable fees and deposits have been paid in full, no action shall be taken on any application, appeal or other matter pertaining to this Article.

(Ord. No. 58, Renumbered, 08/14/85, 9.33.040)

(Ord. No. 227-13, § 2, 10-23-2013)

Editor's note(s)—Ord. No. 227-13, § 2, adopted Oct. 23, 2013, changed the title of § 9.35.040 from "Fees" to "Fee Schedule."

### **9.35.045. Deposit Use and Replenishment.**

- A. A deposit submitted pursuant to the fee schedule shall be used solely to defray the expense incurred by the City in utilizing consultant firms to assist with processing the subject application.
- B. In the event that a deposit is depleted to the twenty percent (20%) level or below, the Planning Director shall notify the applicant and require that the deposit be replenished to the original level. If the deposit is not fully

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replenished within thirty (30) days of such notice, no further action shall be taken on the subject application until the replenishment has occurred.

- C. Upon completion of application processing or withdrawal of the application, any unused portion of the deposit shall be refunded to the applicant.

(Ord. No. 227-13, § 3, 10-23-2013)

### **9.35.050. Double Fee Penalty.**

Notwithstanding Section 9.35.040, as a penalty for violation of law, the fee for a permit required by this Article shall be double the amount prescribed by the schedule of fees whenever a person applies for such permit after having commenced the use for which the permit is required. In instances where no fee is required to apply for a permit, the penalty to be paid shall be two hundred and fifty dollars (\$250.00). Payment of such double fee shall not excuse further noncompliance with this Article or preclude the imposition of penalties pursuant to Chapter 1.2 of this Code or any other applicable law.

(Ord. No. 222-12, § 2, 12-12-2012)

## **CHAPTER 9.36. INTERPRETATION**

### **9.36.010. Purpose.**

These procedures are intended to ensure the consistent interpretation and application of the provisions of this Article.

(Ord. No. 58, Renumbered, 08/14/85, 9.34.010)

### **9.36.020. Procedure.**

Any interested party affected by the interpretation of the provisions of this Article by the City staff may request a review of the decision by the City Council. Such request shall be filed in writing with the City, stating specifically the Article provision(s) in question, together with any such information as may be required to assist in the review of the matter. In its review of the interpretation, the Council shall consider the purpose and intent, as well as the letter, of the pertinent provision(s), and shall affirm, modify, or reverse said interpretation.

(Ord. No. 58, Renumbered, 08/14/85, 9.34.020)

## **CHAPTER 9.37. TRANSPORTATION DEMAND AND TRIP REDUCTION MEASURES**

### **9.37.010. Applicability.**

Prior to occupancy of any development project, the developer shall provide, at a minimum, the transportation demand management and trip reduction measures required by this Chapter. All facilities and improvements required by this Chapter shall be maintained by the property owner in a state of good repair and in compliance with the requirements of this Chapter.

(Ord. No. 131, Enacted, 04/14/93; Ord. No. 192-05, Amended, 3/9/05)



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### 9.37.020. Development Standards.

- A. Prior to occupancy of a nonresidential development that equals or exceeds twenty-five thousand (25,000) square feet of gross floor area, the developer shall provide the following to the satisfaction of the City:
1. A bulletin board, display case, or kiosk displaying transportation information located in a prominent area accessible to employees. Such information shall include, but is not limited to, the following:
    - a. Current maps, routes and schedules for public transit routes serving the site;
    - b. Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operators;
    - c. Ridesharing promotional material supplied by commuter-oriented organizations;
    - d. Bicycle route and facility information, including regional/local bicycle maps and bicycle safety information;
    - e. A listing of facilities available for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians at the site.
- B. Prior to occupancy of a nonresidential development that equals or exceeds fifty thousand (50,000) square feet of gross floor area, the developer shall comply with the requirements of subsection A of this Section, and shall comply with the following additional requirements to the satisfaction of the City:
1. Not less than ten (10) percent of employee parking shall be located as close as is practical to the employee entrance(s), and shall be reserved for use by potential carpool/vanpool vehicles, without displacing handicapped and customer parking needs. This preferential carpool/vanpool parking shall be identified on the site plan upon application for a building permit, to the satisfaction of the City. A statement that preferential carpool/vanpool spaces for employees are available and a description of the method for obtaining such spaces must be included on the transportation information board required by subsection A of this Section. The required spaces will be signed or striped as demand warrants; provided that at all times at least one space for projects of fifty thousand (50,000) square feet to one hundred thousand (100,000) square feet and two (2) spaces for projects over one hundred thousand (100,000) square feet will be signed or striped for carpool/vanpool vehicles.
  2. Preferential parking spaces reserved for vanpools must be accessible to vanpool vehicles. When located within a parking structure, a minimum vertical interior clearance of seven feet and two inches (7'2") shall be provided for those spaces and accessways to be used by such vehicles. Adequate turning radii and parking space dimensions shall also be included in vanpool parking areas to the satisfaction of the City.
  3. Bicycle racks or other secure bicycle parking shall be provided to accommodate four (4) bicycles for the first fifty thousand (50,000) square feet of gross floor area and one bicycle for each additional fifty thousand (50,000) square feet of gross floor area. If such calculations result in a fraction of one-half or higher, then the fraction shall be rounded up to the nearest whole number. Secure bicycle parking may consist of a fully enclosed space or locker accessible only to the owner or operator of the bicycle, which protects the bicycle from inclement weather. Specific facilities and their location (e.g., provision of racks, lockers, or locked room) shall be provided to the satisfaction of the City.
- C. Prior to occupancy of any nonresidential development that equals or exceeds one hundred thousand (100,000) square feet of gross floor area, the developer shall comply with the requirements of subsections A and B of this Section and shall comply with the following requirements to the satisfaction of the City:
1. The development shall include a safe and convenient zone in which vanpool and carpool vehicles may deliver or board their passengers.

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2. The development shall include sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development.
  3. If determined necessary by the City to mitigate a project impact, the developer shall provide bus stop improvements to the satisfaction of the City. The City will consult with the local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, said bus stops and entrances shall be designed to provide safe and efficient access to nearby transit stations/stops.
  4. The developer shall provide safe and convenient access from the external circulation system to bicycle parking facilities onsite.

(Ord. No. 131, Enacted, 04/14/93)

### **9.37.030. Minor Modifications.**

At the discretion of the City, minor modifications to the minimum requirements of this Chapter for individual projects may be considered if:

- A. A TDM strategy required by Section 9.37.020 of this Chapter will not be appropriate due to special circumstances relating to the project, including, but not limited to, the location or configuration of the project, the availability of existing TDM strategies, or other specific factors which will make infeasible or reduce the effectiveness of a TDM strategy required by Section 9.37.020 of this Chapter.
- B. Alternative TDM strategies commensurate with the nature and trip generating characteristics of the proposed facility are feasible.

Any modification from the requirements of Section 9.37.020 of this Chapter must be conditioned upon the substitution of an alternative TDM strategy.

(Ord. No. 131, Enacted, 04/14/93; Ord. No. 192-05, Amended, 3/9/05)

### **9.37.040. Review of Transit Impacts.**

Prior to approval of any development project for which an Environmental Impact Report (EIR) will be prepared pursuant to the requirements of the California Environmental Quality Act (CEQA), the City or the E.I.R. preparer shall consult with regional and municipal fixed-route transit operators providing service to the project. In addition, the E.I.R. preparer shall use the "Transit Impact Review Work sheet," contained in the Los Angeles County Congestion Management Program Manual, or similar worksheets to assess impacts. Pursuant to the provisions of CEQA, transit operators providing service to the City or the project shall be sent a Notice of Preparation (NOP) for all contemplated EIR's and shall, as part of the NOP process, be given opportunity to comment on the impacts of the project, to identify recommended transit service or capital improvements which may be required as a result of the project, and to recommend mitigation measures which minimize automobile trips on the Congestion Management Plan network. Impacts and recommended mitigation measures identified by the transit operator shall be evaluated in the Draft Environmental Impact Report prepared for the project. Related mitigation measures adopted shall be monitored through the mitigation monitoring requirements of CEQA.

Phased development projects, development projects subject to a development agreement, or development projects requiring subsequent approvals for which an E.I.R. has been certified prior to the effective date of this Section, need not repeat the NOP process as long as no significant changes are made to the project which would require preparation of a Subsequent or Supplemental E.I.R. It shall remain the discretion of the lead agency to determine when a project is substantially changed and requires a Subsequent or Supplemental E.I.R.

(Ord. No. 131, Enacted, 04/14/93)

## CHAPTER 9.38. ADULT ENTERTAINMENT BUSINESSES

### 9.38.010. Permit Approval or Denial.

- A. Decisions to approve or deny a zone clearance for an adult entertainment business shall be made by the Director without a public hearing. The Director shall, within thirty (30) City business days of the filing of an application, approve and issue the zone clearance if there are no grounds for denial; otherwise the zone clearance shall be denied. Notice of the approval or denial of the zone clearance shall be given to the applicant in writing by first class mail, postage prepaid, deposited in the course of transmission with the United States Postal Service on the date of such decision. If the application is denied, the Director shall attach to the notice a statement of the reasons for the denial. The times set forth in this Section shall not be extended except upon written consent of the applicant.
- B. If the Director determines that the applicant has failed to complete the application, then the Director shall promptly notify the applicant of such fact and, upon request of the applicant, shall return the application. As a courtesy to the applicant, upon request of the applicant, the Director shall grant the applicant an extension of time of ten (10) calendar days to complete the application. The time period for granting or denying the requested permit shall be stayed during the period in which the applicant is granted an extension of time. Unless the applicant requests an extension of time pursuant to this subsection, nothing in this subsection shall be construed to relieve the Director of the duty to make a decision within the time limits set forth in subsection (A) of this Section.
- C. The following circumstances constitute grounds for denial of a zone clearance for an adult entertainment business:
  - 1. The applicant has failed to complete the application;
  - 2. The applicant has knowingly made any false, misleading, or fraudulent statement of material fact in the application or in any report or document required to be filed with the application;
  - 3. The applicant is under eighteen (18) years of age;
  - 4. The proposed business does not comply with the location restrictions of this Article;
  - 5. The applicant proposes to conduct more than one type of adult entertainment business, as such types are defined in this Article, within a single building, structure or facility;
  - 6. The applicant has had an adult entertainment regulatory permit revoked by the City within the previous twelve (12) month period.

(Ord. No. 166-00, Enacted, 9/27/00)

### 9.38.020. Appeals.

- A. Any interested person may appeal the Director's issuance or denial of a zone clearance for an adult entertainment business to the Hearing Officer in accordance with the provisions of this Section. For purposes of this Section, "Hearing Officer" means the City Manager or the City Manager's designee.
- B. A written appeal must be filed with the City Clerk within ten (10) calendar days after the decision of the Director; provided, however, that if the ten (10) days expires on a date that the City is not open for business,

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then the appeal period shall be extended to the next City business day. Failure to file a timely appeal petition deprives the Hearing Officer of jurisdiction to hear the appeal.

- C. The appeal must indicate in what way the appellant contends the Director's decision was an abuse of discretion or must provide extenuating circumstances that the appellant contends would justify reversal or modification of the Director's decision.
- D. The Hearing Officer shall conduct a hearing and take the matter under submission for decision no later than thirty (30) City business days following the timely filing of an appeal, unless the applicant and appellant (if different than the applicant) consent in writing to an extension. At least ten (10) calendar days prior to such hearing, written notice thereof shall be mailed to the applicant and appellant (if different than the applicant) by U.S. mail with a proof of service attached.
- E. Hearings shall be conducted in accordance with procedures established by the Hearing Officer. All parties involved shall have a right to: (1) offer testimonial and documentary evidence bearing on the issues; (2) be represented by counsel; and (3) confront and cross-examine witnesses. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing under this subsection may be continued for a reasonable time for the convenience of a party or a witness.
- F. Unless otherwise specifically provided bylaw, in any hearing under this Section the burden is on the appellant to prove that the determination of the Director that is being appealed is an abuse of discretion or is unreasonable due to extenuating circumstances.
- G. The Hearing Officer shall, within forty-five (45) City business days from the filing of the appeal, render a written decision supported by findings. The time period set forth in this Section shall not be extended except upon written consent of the appellant and the applicant (if different than the appellant). The decision of the Hearing Officer shall be final. On the date of the Hearing Officer's decision, notice of the decision and a copy thereof shall be mailed by first-class mail, postage prepaid, to the appellant and the applicant (if different than the appellant). Such notice shall contain the substance of the following statement: "You are hereby notified that the time within which judicial review of this decision may be sought is governed by California Code of Civil Procedure Section 1094.8."
- H. The appellant may seek judicial review of the Hearing Officer's decision in accordance with Section 1.4.010 of this Code or as otherwise permitted by law.

(Ord. No. 166-00, Enacted, 9/27/00)

## **CHAPTER 9.39. ART IN PUBLIC PLACES**

### **9.39.010. Title.**

This Chapter shall be known as the "Art in Public Places Ordinance."

(Ord. No. 199-06, Enacted, 9/27/06)

(Ord. No. 266-18, § 2, 10-28-2018)

### **9.39.020. Definitions.**

For the purposes of this Chapter, the following words and phrases shall have the following meanings:

- A. "Appropriately maintained" means maintained in conformance with the City's art in public places policy.

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- B. "Artwork" means an original creation of physical art. Artwork includes without limitation a fountain, mobile, mosaic, mural, painting, sculpture or tapestry. An artwork may be realized through such mediums as bronze, ceramic tile, concrete, stained glass, steel, or wood. An artwork shall not include objects that are mass-produced with a standard design.
  - C. "Artwork value" means the cost of the following (as applicable) in connection with an artwork: design, acquisition, construction, and installation. Artwork value shall not include utility and maintenance costs related to the operation and preservation of an artwork.
  - D. "Committee" means the City Council's Environmental Committee.
  - E. "Development project" means a construction or modification of a building.
  - F. "Director" means the director of planning or such person's designee.
  - G. "In-lieu art fee" means a fee in the amount of 1.25 percent of the project cost as calculated at the time building permit fees are assessed.
  - H. "Project cost" means the total value of a development project, excluding the land value, as indicated on the building permit issued by the City for the project.
  - I. "Public artwork" means an artwork that is either: (1) donated to the City for display on City property; or (2) installed on private property in a publicly accessible location.
  - J. "Public artwork requirement" means the requirement, imposed by this Chapter, of providing a public artwork or paying an in-lieu art fee.
  - K. "Publicly accessible" means located on an area open to the general public without charge and clearly visible from an adjacent public property such as a sidewalk or street.

(Ord. No. 199-06, Enacted, 9/27/06)

(Ord. No. 266-18, § 2, 10-28-2018)

### **9.39.030. Implementation of Chapter.**

- A. The procedures prescribed by this Chapter for review and approval of public artwork shall be conducted concurrently with any applicable procedures prescribed by Article 9 of this Code for review and approval of development permits.
- B. The director shall establish an art in public places policy that specifies application, review, maintenance, and other requirements deemed necessary for implementation of this Chapter. The director may amend such policy as deemed appropriate.

(Ord. No. 199-06, Enacted, 9/27/06)

(Ord. No. 266-18, § 2, 10-28-2018)

### **9.39.040. Art in Public Places Restricted Fund.**

- A. There is hereby established in the City a fund known as the "art in public places restricted fund." Such fund shall be a depository for in-lieu art fees, public art-related grant funds, public art-related monetary donations to the City, public art-related monetary donations to the Westlake Village Community Foundation transferred to the City, and general fund moneys appropriated by the City Council.

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- B. The art in public places fund shall be maintained by the Finance Director and shall be utilized for the following purposes:
1. Design, acquisition, installation, improvement, maintenance, and insurance of public artwork displayed on City property. Public artwork acquired with money from the art in public places fund shall be the property of the City.
  2. Offering of performing arts or art education programs for the community. Such programs shall not be paid for with in-lieu art fees.
  3. Public art incorporated into streetscape beautification projects.

(Ord. No. 199-06, Enacted, 9/27/06)

(Ord. No. 266-18, § 2, 10-28-2018)

### **9.39.050. Applicability of Public Artwork Requirement.**

- A. Except as provided in subsection B of this Section, the public artwork requirement shall apply to commercial, industrial, office, or other nonresidential development projects with a project cost of at least one hundred thousand dollars (\$100,000) for which a building permit is required.
- B. The following development projects shall be exempt from the public artwork requirement:
1. Public agency development projects.
  2. Reconstruction of buildings that have been damaged by fire, flood, wind, earthquake, or other calamity.

(Ord. No. 199-06, Enacted, 9/27/06)

(Ord. No. 266-18, § 2, 10-28-2018)

### **9.39.060. Satisfaction of Public Artwork Requirement.**

- A. For nonresidential projects having a project cost of at least one hundred thousand dollars (\$100,000), the public art requirement shall be satisfied by completing one of the following actions in accordance with this Chapter:
1. Donation of a public artwork to the City, having a minimum artwork value equal to one percent of the project cost as calculated at the time building permit fees are assessed;
  2. Installation of a public artwork on private property. Such artwork shall have a minimum artwork value equal to one percent of the project cost as calculated at the time building permit fees are assessed;
  3. Payment of an in-lieu art fee in the amount of 1.25 percent of project cost as calculated at the time building permit fees are assessed.
- B. If the artwork value of a public artwork approved by the City Council to satisfy the requirements set forth in subsections (A)(1) and (A)(2) of this Section is less than one percent of the project cost as calculated at the time building permit fees are assessed, then the difference shall be paid to the City and deposited in the art in public places restricted fund.

(Ord. No. 199-06, Enacted, 9/27/06)

(Ord. No. 266-18, § 2, 10-28-2018)

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### **9.39.070. Procedure for Donation or Installation of Public Artwork.**

- A. An application for donation of a public artwork to the City, or for installation of a public artwork on private property, shall be processed in accordance with the art in public places policy.
- B. Prior to issuance of a building permit for the development project, a security shall be deposited with the director to guarantee the donation or installation of the approved public artwork. Such security shall be a bond, letter of credit, or other form satisfactory to the director and the City Attorney. The amount of such security shall be the amount of the in-lieu art fee that would be applicable to the development project. The security shall be released upon the donation or installation of the approved public artwork.
- C. An approved public artwork shall be delivered to the City or installed on private property prior to issuance of an occupancy permit for the development project.
- D. Prior to installing a public artwork on private property to satisfy the public artwork requirement, the property owner shall execute and record with the County Recorder a City Attorney-approved covenant. Such covenant shall require the property owner and successors thereof to do the following:
  - 1. Keep the public artwork appropriately maintained;
  - 2. Allow City representatives to enter upon the property upon reasonable written notice to perform necessary repairs to the public artwork at the property owner's expense when the public artwork is not appropriately maintained;
  - 3. Indemnify, defend, and hold harmless the City, its officers, employees, and agents from any claim, demand, damage, liability, loss, cost or expense attributable to the public artwork.

(Ord. No. 199-06, Enacted, 9/27/06)

(Ord. No. 266-18, § 2, 10-28-2018)

### **9.39.080. Procedure for Payment of In-Lieu Art Fee.**

Payment of the in-lieu art fee shall be made prior to the issuance of a grading or building permit for the subject development project unless an alternative deadline is approved by the City Council.

(Ord. No. 199-06, Enacted, 9/27/06)

(Ord. No. 266-18, § 2, 10-28-2018)

### **9.39.090. Maintenance of Public Artwork on Private Property.**

Public artwork installed on private property to satisfy the public artwork requirement shall be appropriately maintained and insured by the property owner. The insurance shall be in an amount equal to or greater than the artwork value, and shall provide coverage against loss or damage (including vandalism) of the public artwork.

(Ord. No. 199-06, Enacted, 9/27/06)

(Ord. No. 266-18, § 2, 10-28-2018)

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### **9.39.100. Removal or Alteration of Public Artwork on Private Property.**

Public artwork installed on private property to satisfy the public artwork requirement shall not be removed or altered without the prior approval of the City Council. In addition to any other applicable penalty, violation of this Section may render the property owner liable for payment of the in-lieu art fee that would have been applicable to the subject development project, and may result in revocation of the occupancy permit issued for the subject development project. Prior to any imposition of in-lieu art fee liability or occupancy permit revocation pursuant to this Section, the City shall afford the property owner notice and an opportunity for a hearing.

(Ord. No. 199-06, Enacted, 9/27/06)

(Ord. No. 266-18, § 2, 10-28-2018)

## **Chapter 9.40. BUILDING DEMOLITION**

### **9.40.010. Definitions.**

For the purposes of this Chapter, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

"Building Superintendent" shall mean the Building Superintendent of the Building and Safety Division of the Los Angeles County Department of Public Works.

"Department" shall mean the City Planning Department.

"Owner" shall mean any person or persons having legal title to real property, which includes the right to possess and use that property.

"Real property" shall mean any improved or unimproved real property including all buildings, structures, or other improvement thereon.

"Vacant property" shall mean all or a portion of a private residential, commercial or industrial real property, including yards and other exterior areas, improved with buildings, structures, or other forms of development, that is not used or legally occupied after demolition of a building, structure, or other form of development on the real property and where the owner does not seek, in addition to the demolition permit, either (i) a building permit to authorize construction of a replacement building or structure, or restore a partially demolished building or structure to a habitable condition, or (ii) approval from the Director or the City Council for an alternative use of the real property that does not require a building permit.

(Ord. No. 213U-11, § 3, 9-14-2011)

### **9.40.020. Restrictions on Demolition and Removal of Buildings.**

- A. The Building Superintendent shall not issue a demolition permit to allow the demolition of all or a portion of a principal building or accessory structure, or the removal of all or a portion of a principal building or accessory structure, unless:
1. A building permit is also issued at the same time to authorize construction of a replacement building or structure, or to restore a partially demolished building or structure to a habitable condition; or
  2. The City Council or the Director has granted approval or conditional approval for an alternative use of the real property that does not require a building permit; or



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3. A landscaping, fencing and maintenance agreement for vacant property, in a form prepared by the Director and the City Attorney, has been executed by the owner and the City, and submitted in accordance with the requirements of this Section.
- B. The landscaping, fencing and maintenance agreement for vacant property required pursuant to subsection (A)(3) of this Section shall, at minimum, address the following terms and conditions as deemed necessary by the Director and the City Attorney:
1. A requirement that the owner inspect the vacant property on at least a monthly basis to prevent or identify nuisance conditions as described in Section 4.8.010 of this Code and any other violations of this Code.
  2. A requirement that the owner secure the vacant property to make it inaccessible to unauthorized persons at all times.
  3. A requirement that the owner install new landscaping (including vegetation such as trees, shrubs, hedges and plants), hardscape materials (including ornamental walls, fences or other barriers), and irrigation systems in portions of exterior areas of a vacant property within fifteen (15) days of the demolition or removal of the building or structure from the real property (unless the Planning Director authorizes a longer installation period) to mitigate potential blighting impacts and to deter unauthorized entries, dumping, and activities on the property.
  4. A requirement that the vacant property be surrounded by, or have installed adjacent to the property boundaries, a minimum six-foot (6') high fence or hedge acceptable to the Director, or other alternative barrier acceptable to the Director, that is adequate to protect the public safety and welfare, unless the Director determines that the installation of fencing, hedges or other barriers will be detrimental to the public safety and welfare. Any fencing required under this subparagraph (B)(4) shall comply with Section 9.14.050 of this Code and may additionally require screening if the Director finds it necessary in order to protect the safety, streetscape and overall appearance of the site.
  5. A requirement that the owner post and maintain "No Trespassing" signs at the vacant property as required and approved by the City so the Los Angeles County Sheriff's Department is authorized to remove and/or arrest all unauthorized persons from the vacant property.
  6. Any additional conditions the Director deems reasonably necessary to protect the public health, safety and welfare.
- C. Cash security deposit.
1. In addition to requirements set forth in subsection (A)(3) of this Section and the requirements of the Building Superintendent pursuant to the Los Angeles County Code, as a condition of issuance of a demolition permit, the applicant shall tender a cash security deposit in an amount of five thousand dollars (\$5,000) or such lesser amount determined by the Planning Director. The cash security deposit shall guarantee the provision of landscaping, fencing and maintenance of the vacant property in accordance with the agreement described in subsection (A)(3) of this Section.
  2. The cash security deposit shall be subject to deduction by the City for the following charges:
    - a. The cost to the City for the Director's time in connection with an initial inspection of the real property that confirms the owner's failure to maintain the real property, or a portion thereof, in compliance with a landscaping, fencing and maintenance agreement; the Director's time to issue one or more correction or violation notices; the Director's time in communicating with the owner, or agents thereof, about correction and violation notices; and the Director's time in to reinspect the real property until the maintenance of a vacant property in compliance with a landscaping, fencing and maintenance agreement. All time expended by the Director for these

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activities shall be charged at a rate determined by a resolution of the City Council and shall not exceed the City's reasonable administrative costs.

- b. The cost to the City for the Director's time to exercise the administrative procedures in Chapter 4.8 of this Code in order to establish the City's right to abate nuisance conditions on the real property. All time expended by the Director for these activities shall be charged at a rate determined by a resolution of the City Council and shall not exceed the City's reasonable administrative costs.
  - c. The costs that are incurred by the City to enter and abate nuisance conditions on the real property with City or contract forces pursuant to an abatement warrant from the Los Angeles Superior Court. For such charges, including any claim for attorney's fees, against the security deposit, the City shall first comply with Sections 4.8.100 and 4.8.110 of the Code.
3. An owner shall replace any charge the City has taken from the cash security deposit within ten (10) days of receipt of the Director's written notice to the owner of a charge against the cash security deposit (unless the Planning Director authorizes a longer payment period for good cause). The notice shall be addressed to the owner of the property as shown on the latest tax assessment roll at the owner's last known address and shall be delivered by depositing a copy of the notice in the United States mail, postage paid, or personally delivering a copy of the notice to the owner. Failure of an owner to receive this notice shall not waive or excuse the owner's obligation to replace a charge the City has taken from the cash security deposit.
  4. The Director shall refund an unused prorated portion of the cash security deposit to an owner upon:
    - a. The reuse or reoccupancy of the real property, thereby rendering it no longer vacant; or
    - b. The sale of the vacant property to bona fide purchaser for value.
  5. The tender of the cash security deposit, or the tender of replacement monies for charges against the cash security deposit, does not excuse or waive an owner's failure to comply with any provision of this Chapter. The City reserves the right to exercise any or all of its remedies against an owner in connection with a violation of this Chapter.

(Ord. No. 213U-11, § 3, 9-14-2011)

#### **9.40.030>9.40.030. Exemptions.**

Notwithstanding any other provision of this Article, the requirements set forth in Section 9.40.020 of this Chapter shall not apply to the following:

- A. The demolition of any accessory structure in the R-1 zone or RPD Zone;
- B. The demolition or relocation of any publicly owned building or structure;
- C. Improvements confined to the interior of a building or structure;
- D. The storefront remodel of a commercial building, if plans for the storefront remodel have been approved by the Planning Director for submittal to the City Council, and the applicant has posted a bond in a form and amount satisfactory to the Planning Director, or other security satisfactory to the Planning Director, to guarantee the safe completion of the demolition, the restoration of the site into a safe condition, and the completion of the storefront in a manner that, in the opinion of the Planning Director, is sufficient to maintain and protect the safety, streetscape and overall appearance of the site and the areas adjacent to the site;
- E. The demolition of any building where one or more of the following exceptions applies:

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1. Prior to the issuance of the demolition permit, the Planning Director determines that an exception is necessary because it is compelled by public safety due to an imminent hazardous condition requiring immediate demolition of the building;
  2. Prior to the issuance of the demolition permit, and pursuant to an application and noticed public hearing under this Section, the City Council grants an exception based upon a finding that a proposed interim use, other than a use requiring a building permit, satisfies a public need, and bonding satisfactory to the City, or other adequate security acceptable to the City, is provided to ensure the safe completion of the demolition and the construction of the proposed interim use of the site approved by the City Council;
  3. Prior to the issuance of the demolition permit, a determination is made by an appropriate government body or agency that there are hazardous materials on or beneath the surface of the subject property which require, as part of a remedial plan approved by an appropriate government body or agency, the demolition of the building before any permit and/or financing to improve the property can be obtained.

(Ord. No. 213U-11, § 3, 9-14-2011)

## **CHAPTER 9.41. REASONABLE ACCOMMODATION PROCEDURE FOR DISABLED PERSONS**

### **9.41.010. Purpose.**

The purpose of this Chapter is to provide a procedure for the granting of reasonable accommodations to afford disabled persons an opportunity to use and enjoy housing equal to that of non-disabled persons.

(Ord. No. 229-13, § 7, 12-11-2013)

### **9.41.020. Applicability.**

- A. A request for a reasonable accommodation may be made by any disabled person, his/her representative, or a developer or provider of housing for disabled persons, when the application of a zoning law, building code provision, or other land use regulation, policy, or practice acts as a barrier to a disabled person's equal opportunity to use and enjoy housing.
- B. A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities in order to afford a disabled person an equal opportunity to use and enjoy housing in accordance with the Fair Housing Laws.
- C. A reasonable accommodation may be granted in compliance with this chapter without the need for the approval of a variance.

(Ord. No. 229-13, § 7, 12-11-2013)

### **9.41.030. Application Procedure.**

- A. Application. Requests for reasonable accommodation shall be submitted on an application form provided by the Planning Department, or in the form of a letter, to the Planning Director and shall contain the following information:

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1. The applicant's name, address and telephone number.
  2. Address of the property for which the request is being made.
  3. The current actual use of the property.
  4. The zoning law, building code provision, or other land use regulation, policy, or practice from which reasonable accommodation is being requested; and
  5. An explanation of why the specified zoning law, building code provision, or other land use regulation, policy, or practice is denying or will deny a disabled person equal opportunity to use and enjoy the dwelling.
  6. The basis for the claim that the Fair Housing Laws apply to the applicant and evidence satisfactory to the City supporting the claim which may include a letter from a medical doctor or licensed health care professional, a disabled license, or any other appropriate evidence.
  7. A detailed explanation of why the accommodation is reasonable and necessary to afford the disabled person an equal opportunity to use and enjoy the dwelling.
- B. Review with Other Land Use Applications. If the project for which the reasonable accommodation request is being made also requires some other discretionary approval (e.g., conditional use permit, planned development permit, etc.), then the applicant shall file the application for such discretionary approval(s) together with the reasonable accommodation application.

(Ord. No. 229-13, § 7, 12-11-2013)

#### **9.41.040. Review Authority.**

- A. Planning Director. Reasonable accommodation applications shall be reviewed by the Planning Director if no other discretionary approval under this Chapter is sought. The decision shall be issued within forty-five (45) days of the application submission.
- B. Other Review Authority. Reasonable accommodation applications submitted for concurrent review with an application for a discretionary entitlement (e.g. planned development permit or conditional use permit) under this Chapter shall be reviewed by the authority responsible for reviewing the discretionary entitlement. The decision on the reasonable application shall be issued concurrently with the decision on the discretionary entitlement.

(Ord. No. 229-13, § 7, 12-11-2013)

#### **9.41.050. Findings.**

The reasonable accommodation shall be approved, with or without conditions, if the reviewing authority finds, based upon all of the evidence presented, that all of the following findings can be made:

- A. The subject dwelling will be occupied by a disabled person.
- B. The requested reasonable accommodation is necessary to provide a disabled person with an equal opportunity to use and enjoy the subject dwelling.
- C. The requested reasonable accommodation will not impose an undue financial or administrative burden on the City.
- D. The requested reasonable accommodation will not require a fundamental alteration to the zoning law, building code provision, or other land use regulation, policy, or practice. In considering whether the

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accommodation would require such a fundamental alteration, the reviewing authority may consider the following factors without limitation:

1. Whether the requested accommodation would fundamentally alter the character of the neighborhood.
2. Whether the requested accommodation would result in a substantial increase in traffic or insufficient parking.
3. Whether the requested accommodation would substantially undermine any express purpose of either the general plan or an applicable specific plan.
4. Whether the requested accommodation would create an institutionalized environment due to the number of, and distance between, facilities that are similar in nature or operation.

(Ord. No. 229-13, § 7, 12-11-2013)

#### **9.41.060. Decision.**

- A. The reviewing authority's written decision shall set forth the findings and any conditions of approval.
- B. The approval of a reasonable accommodation shall be subject to any reasonable conditions imposed on the approval that are consistent with the purposes of this Article and the general plan, and are appropriate to protect the public health, safety, or welfare. The reviewing authority may approve an alternative reasonable accommodation that provides the applicant an opportunity to use and enjoy a dwelling equivalent to that provided by the specific accommodation requested by the applicant, where such alternative accommodation would reduce impacts to neighboring properties or the surrounding area.
- C. Prior to the issuance of any permits related to an approved reasonable accommodation, the applicant, or property owner if different, shall execute a recordable covenant, in a form approved by the City Attorney, agreeing to comply with the conditions of the approved reasonable accommodation.
- D. A reasonable accommodation is granted to an individual(s) and shall not run with the land, unless the reviewing authority finds, at the time of approval of the accommodation, that the modification is physically integrated with the structure and cannot feasibly be removed or altered.

(Ord. No. 229-13, § 7, 12-11-2013)

#### **9.41.070. Expiration and Discontinuance.**

- A. A reasonable accommodation approval shall expire after twelve (12) months, or at an alternative time specified in the approval, unless one of the following criteria is satisfied:
  1. A building permit has been issued and construction has commenced.
  2. The right granted by the accommodation has been exercised.
  3. A time extension has been granted by the Planning Director.
- B. A reasonable accommodation approval shall lapse if the exercise of rights granted by it is discontinued for one hundred eighty (180) consecutive days. In addition, if the disabled person for whom the reasonable accommodation was granted vacates the residence, the reasonable accommodation shall remain in effect only if: (1) the reviewing authority determined that the reasonable accommodation shall run with the land, or (2) the dwelling is now occupied by another disabled person who requires the accommodation to have an equal opportunity to use and enjoy the dwelling. The Planning Director may request that a person seeking to retain an existing reasonable accommodation provide documentation that the occupant is a disabled person

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and that the accommodation is necessary for the occupant to have an equal opportunity to use and enjoy the dwelling. Failure to provide such documentation within ten (10) days of the date of a request by the Planning Director shall result in the lapsing of the reasonable accommodation approval.

(Ord. No. 229-13, § 7, 12-11-2013)

#### **9.41.080. Revocation or Modification.**

- A. The City Council may, after conducting a public hearing, revoke or modify a reasonable accommodation approval if the City Council finds any of the following:
  - 1. There has been a change in the disabled person's use of the property or need for the reasonable accommodation that negates the basis for the approval of the reasonable accommodation.
  - 2. The reasonable accommodation application included false information.
  - 3. Any of the conditions or terms of such approval are violated, or any law or ordinance is violated in connection therewith.
- B. Upon revocation of the reasonable accommodation approval, the property shall be brought into compliance with any zoning regulation or other laws, policies, or procedures from which a deviation was granted.

(Ord. No. 229-13, § 7, 12-11-2013)

## **CHAPTER 9.42. DENSITY BONUSES**

#### **9.42.010. Purpose.**

- A. The purpose of this Chapter is to provide incentives for the production of specific housing types for populations, including, without limitation, very low income, lower income, moderate income, and senior households, in accordance with Government Code Section 65915, commonly referred to as the State Density Bonus Law. The intent of this Chapter is to facilitate the development of the goals, objectives, and policies of the housing element of the City's General Plan.
- B. The provisions of this Chapter shall be interpreted to fulfill the requirements of Government Code Section 65915. Any amendments to the provisions of Government Code Section 65915 shall be deemed to supersede and govern any conflicting provisions contained herein.

(Ord. No. 229-13, § 8, 12-11-2013; Ord. No. 288-21, § 18, 9-28-2021)

#### **9.42.020. Definitions.**

Terms defined in Government Code Section 65915 shall have the same meaning in this Article.

(Ord. No. 229-13, § 8, 12-11-2013)

#### **9.42.030. Eligibility.**

- A. The City shall grant a density bonus, the amount of which shall be as specified in Government Code Section 65915(f), and incentives or concessions, the amount of which shall be as specified in Government Code Section 65915(d)(2).

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- B. The density bonus units shall not be included when calculating the total number of housing units that qualify the housing development for a density bonus, except as otherwise required by Government Code Section 65915.
  - C. The amount of the density bonus shall not exceed the percentages established in Government Code Section 65915.
  - D. An applicant shall not receive a density bonus or any other incentive or concession if the housing development would be excluded under Government Code Section 65915, which includes projects that fail to "replace" existing housing units, as required by state law.

(Ord. No. 229-13, § 8, 12-11-2013; Ord. No. 288-21, § 19, 9-28-2021)

#### **9.42.040. Application Requirements.**

- A. Applications for a density bonus shall be filed with the Planning Director on a form approved by the Director.
- B. The density bonus application shall be filed concurrently with an application for a zoning clearance, planned development permit, or conditional use permit, and the applicant shall pay the density bonus application fee, established by resolution of the City Council.
- C. The application shall clearly indicate the number of base units allowed by the General Plan and zoning regulations, the number of density bonus units requested, and the number of affordable units that will be included in the proposed project.
- D. The application shall contain reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios, to the satisfaction of the Planning Director.

(Ord. No. 288-21, § 20, 9-28-2021)

Editor's note(s)—Ord. No. 288-21, § 20, adopted September 28, 2021, repealed § 9.42.040 and enacted a new § 9.42.040, as set out herein. The former section pertained to continued affordability and derived from Ord. No. 229-13, § 8, adopted Dec. 11, 2013.

#### **9.42.050. Requests for Waivers and Reductions of Development Standards.**

- A. The applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant, except as restricted by Government Code Section 65915.
- B. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted.
- C. The applicant may request a reduction in parking requirements in accordance with Government Code Section 65915(p).
- D. The City shall approve a waiver or reduction of a development standard, unless it makes one or more of the following findings:

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1. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;
  2. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2) upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;
  3. The waiver or reduction of the development standard would have an adverse impact on any real property that is listed in the California Register of Historical Resources; or
  4. The waiver or reduction of the development standard would be contrary to state or federal law.

(Ord. No. 288-21, § 21, 9-28-2021)

Editor's note(s)—Ord. No. 288-21, § 21, adopted September 28, 2021, repealed § 9.42.050 and enacted a new § 9.42.050, as set out herein. The former section pertained to projects with a child care facility and derived from Ord. No. 229-13, § 8, adopted Dec. 11, 2013.

#### **9.42.060. Continued Affordability.**

- A. The applicant for a density bonus shall enter into an agreement with the City to ensure continued affordability of all low- and very low- income units that qualified the applicant for the award of the density bonus for fifty-five (55) years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program, prior to the issuance of a building permit.
- B. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Health and Safety Code Section 50053. Owner-occupied units shall be available at an affordable cost as defined in Health and Safety Code Section 50052.5.
- C. The applicant for a density bonus shall agree that the initial occupant of all for-sale units that qualified the applicant for the award of the density bonus are persons and families of very low-, low-, or moderate income, as required, and that the units are offered at an affordable housing cost, as that cost is defined in Health and Safety Code Section 50052.5. All for-sale units must initially be sold at an affordable housing cost and will remain subject to a resale affordable housing cost restriction for a period of fifty-five (55) years or a longer period of time if required by any applicable construction or mortgage financing assistance program, mortgage insurance program, or other subsidy program. The applicable resale affordable housing cost restriction period will reset upon each sale of an affordable unit.

(Ord. No. 288-21, § 22, 9-28-2021)

#### **9.42.070. Unit Mix Requirements.**

- A. For any development project that is granted a density bonus or other benefit pursuant to this Chapter, the affordable units shall be integrated with the market rate units so that there is a mix of affordable and market rate units, if any, in each building of the development project.
- B. All affordable units shall be comparable to market rate units with regard to total square footage, bedroom size, amenities, design, use of materials, finish quality, and exterior appearance.

(Ord. No. 288-21, § 22, 9-28-2021)



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#### **9.42.080. Affordable Unit Construction Timing.**

The affordable units that qualify the project as eligible for a density bonus shall be constructed concurrently with or prior to the construction of any market rate units.

(Ord. No. 288-21, § 22, 9-28-2021)

#### **9.42.090. Projects with a Childcare Facility.**

- A. When an applicant proposes to construct a housing development that conforms to the requirements of Section 9.42.030(A) and includes a childcare facility that will be located on the premises of, as part of, or adjacent to, the project, the City and the applicant shall adhere to the requirements of Government Code Section 65915(h).
- B. The City shall not be required to provide a density bonus or concession or incentive for a childcare facility if it finds, based upon substantial evidence, that the community has adequate childcare facilities.

(Ord. No. 288-21, § 22, 9-28-2021)

#### **9.42.100. Appeals.**

Appeals of any decision of the Planning Director pursuant to this Chapter shall be heard in compliance with the procedures of Chapter 9.32 of this Article.

(Ord. No. 288-21, § 22, 9-28-2021)

### **CHAPTER 9.43. CANNABIS**

#### **9.43.010 Title.**

This Chapter shall be known as the "Cannabis Ordinance."

(Ord. No. 252-17, §§ 4, 5, 11-8-2017)

#### **9.43.020 Purpose.**

The purpose of this Chapter is to prohibit all commercial cannabis land uses and activities for which a State license is required, and to reasonably regulate cannabis cultivation.

(Ord. No. 252-17, §§ 4, 5, 11-8-2017)

#### **9.43.030 Definitions.**

"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" includes cannabis that is used for medicinal, adult-use, or other purposes. "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

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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. "Cannabis" also does not include industrial hemp, as defined in Health and Safety Code Section 11018.5.

"Cannabis product" means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

"Commercial cannabis activity" means the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis product for medicinal, adult-use, or any other purpose and includes the activities of any business licensed by the State or other government entity under the MAUCRSA, or any provision of State law that regulates the licensing of cannabis businesses. "Commercial cannabis activity" does not include the cultivation, possession, storage, manufacturing, or transportation of cannabis by a qualified patient for his or her personal medical use so long as the qualified patient does not provide, donate, sell or distribute cannabis to any other person. "Commercial cannabis activity" also does not include the cultivation, possession, storage, manufacturing, transportation, donation or provision of cannabis by a primary caregiver, exclusively for the personal medical purposes of no more than five (5) specified qualified patients for whom he or she is the primary caregiver, but who does not receive remuneration for these activities except for compensation in full compliance with Health and Safety Code Section 11362.765.

"Commercial cannabis land use" means the use of any property for commercial cannabis activity.

"Concentrated cannabis" means manufactured cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate.

"Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

"Delivery" means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform.

"Distribution" means the procurement, sale, and transport of cannabis and cannabis products between licensees.

"Fully enclosed and secure structure" means a space that satisfies all of the following criteria: (i) it is located within a private residence, or an accessory structure (i.e. greenhouse) located upon the grounds of a private residence, (ii) it has a complete roof enclosure supported by connecting walls extending from the ground to the roof; (iii) it is secure against unauthorized entry; (iv) it provides complete visual screening; (v) it is accessible only through one or more lockable doors; and (vi) it is inaccessible to minors.

"Indoors" means within a fully enclosed and secure structure.

"Licensee" means a person holding a license under the MAUCRSA.

"Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

"MAUCRSA" means the Medicinal and Adult-Use Cannabis Regulation and Safety Act codified in Business and Professions Code Section 26000 et seq.

"Outdoors" means a location that is not within a fully enclosed and secure structure.

"Person" includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, collective, cooperative, non-profit, or any other group or combination acting as a unit.

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"Primary caregiver" shall have the same meaning as is defined in Health and Safety Code Section 11362.7(d).

"Private residence" means a house, an apartment unit, mobile home, or other similar dwelling that is lawfully used as a residence.

"Qualified patient" means a person who is entitled to the protections of Health and Safety Code Section 11362.5, but who does not have an identification card.

(Ord. No. 252-17, §§ 4, 5, 11-8-2017)

#### **9.43.040 Commercial Cannabis Land Use Prohibition.**

Commercial cannabis land use is a prohibited use in every zone. No application for a building permit, conditional use permit, planned development permit, variance, zoning clearance, or other City authorization shall be approved for the establishment, operation, maintenance, development, or construction of a commercial cannabis land use.

(Ord. No. 252-17, §§ 4, 5, 11-8-2017)

#### **9.43.050 Commercial Cannabis Activity Prohibition.**

No person shall engage in commercial cannabis activity. A property owner shall not rent, lease or otherwise permit any person to engage in commercial cannabis activity on such owner's property.

(Ord. No. 252-17, §§ 4, 5, 11-8-2017)

#### **9.43.060 Cannabis Cultivation.**

- A. No person shall cultivate cannabis outdoors.
- B. No person shall cultivate cannabis unless such cultivation is in compliance with Health and Safety Code sections 11362.1 and 11362.2.
- C. No person shall cultivate cannabis unless such cultivation occurs indoors.

(Ord. No. 252-17, §§ 4, 5, 11-8-2017)

#### **9.43.070 Violations.**

- A. No provision of this Chapter authorizes a criminal prosecution, arrest or penalty inconsistent with or prohibited by Health and Safety Code Section 11362.71 et seq. or Section 11362.1 et seq. In the event of any conflict between the penalties enumerated under Section 1.2.005 of this Code and any penalties set forth in State law, the maximum penalties allowable under State law shall govern.
- B. A court of competent jurisdiction may award reasonable attorneys' fees and costs to the prevailing party in any nuisance abatement action brought to enforce this Chapter if, at the initiation of the proceeding, the City elected to seek recovery of its own attorneys' fees.

(Ord. No. 252-17, §§ 4, 5, 11-8-2017)

#### **9.43.080 Exemptions.**

This Chapter does not apply to any of the following:

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- A. Any activities the City is required by State law to permit within its jurisdiction pursuant to Health and Safety Code Section 11362.1, Business and Profession Code Section 26054, or any other preemptive statute.
  - B. Transportation of cannabis and cannabis products through the City's territory on public roads in compliance with the MAUCRSA by persons holding a State license for such activity.
  - C. Delivery of cannabis and cannabis products to a property within the City from a licensee that satisfies the following criteria: (i) deliveries may only be made by a retailer, microbusiness, or non-profit that has obtained a State license from the Bureau of Cannabis Control; (ii) the retailer, microbusiness or non-profit must be located outside the City; and (iii) the delivery drivers must comply with all State laws and regulations pertaining to cannabis deliveries.

(Ord. No. 252-17, §§ 4, 5, 11-8-2017)

## **CHAPTER 9.44. SPECIFIC PLAN ZONES AND ZONING MAP DESIGNATIONS**

### **9.44.010. Specific Plan Zones and Zoning Map Designations.**

The following specific plans have been approved and are established as specific plan zones to be designated on the Westlake Village Zoning Map as set forth in this Section:

- A. Westlake North Specific Plan. The Westlake North Specific Plan is set forth in Chapter 9.24 of this Title. The area covered by the Westlake North Specific Plan shall be established as Multiple Use (MU) Zone, and shall be designated on the zoning map by the designation "MU—SP No. 1."
  - 1. The Westlake North Specific Plan shall also be subject to the provisions of Chapter 9.45 of this Article.
- B. North Business Park Specific Plan. The North Business Park Specific Plan, a copy of which is on file in the office of the City Clerk, facilitates the redevelopment of an aging business park into mixed use, residential, and commercial development, located on approximately two hundred (200) acres of property just north of the 101 Freeway, south of Thousand Oaks Boulevard, east of the City limits, and west of Lindero Canyon Road. The area covered by the North Business Park Specific Plan shall be established as the North Business Park Specific Plan (SP No. 2) Zone, and shall be designated on the Zoning Map by the designation "SP No. 2."
  - 1. The North Business Park Specific Plan shall also be subject to the provisions of Chapter 9.45 of this Article.

(Ord. No. 283-20, § 7, 7-8-2020; Ord. No. 288-21, § 23, 9-28-2021)

## **CHAPTER 9.45. TRANSITIONAL HOUSING, SUPPORTIVE HOUSING, AND LOW BARRIER NAVIGATION CENTERS**

### **9.45.010. Purpose.**

These provisions are intended to allow transitional housing and supportive housing, as defined in Government Code Section 65582, and low barrier navigation centers, as defined in Government Code Section 65660, consistent with State law to ensure equality of treatment for all residential uses regardless of the occupant. Supportive housing is generally described as permanent housing linked to a range of support services designed to

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enable residents to maintain stable housing and lead fuller lives. Transitional housing is generally described as a type of supportive housing used to facilitate the movement of people experiencing homelessness into permanent housing and independent living. A low barrier navigation center is generally described as a housing first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

(Ord. No. 288-21, § 24, 9-28-2021)

#### **9.45.020. Permitted Zones.**

- A. Transitional and supportive housing shall be permitted in any zone that allows residential uses, and subject only to the provisions and development standards applicable to residential uses of the same type in the same zone.
- B. Supportive housing shall be permitted with a zoning clearance pursuant to Section 9.4.040. of this Article in any zone where multifamily and mixed uses are permitted if the proposed housing development satisfies all of the requirements of California Government Code Section 65651(a).
- C. If the supportive housing development is located within one-half mile of a public transit stop, no parking spaces are required for the units occupied by supportive housing residents per Government Code Section 65654.
- D. Low barrier navigation centers shall be permitted in any zone that allows mixed use and nonresidential zones that allow multifamily uses. Low barrier navigation centers shall be subject to a zoning clearance and shall not be subject to a planned development permit or a conditional use permit if the application is in compliance with the following development and management standards:
  - 1. The low barrier navigation center offers services to connect people to permanent housing through a services plan that identifies services staffing;
  - 2. The low barrier navigation center is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect individuals to permanent housing;
    - a. "Coordinated entry system" is generally described as a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.
  - 3. The low barrier navigation center complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code;
  - 4. The low barrier navigation center has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information Systems, as defined by Section 578.3 of Title 24 of the Code of Federal Regulations; and
  - 5. The low barrier navigation center complies with the development standards established for emergency shelters in Section 9.10.050.
- E. Subsection D of this Section shall remain in effect until January 1, 2027. As of January 1, 2027, subsection D shall be repealed unless State law is amended to require this subsection to be in effect beyond that date.

(Ord. No. 288-21, § 24, 9-28-2021)