



City of La Quinta

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CITY COUNCIL AGENDA

CITY HALL COUNCIL CHAMBERS
78-495 Calle Tampico, La Quinta

**REGULAR MEETING
TUESDAY, NOVEMBER 15, 2016 AT 4:00 P.M.**

CALL TO ORDER

ROLL CALL: Councilmembers: Franklin, Osborne, Peña, Radi, Mayor Evans

PLEDGE OF ALLEGIANCE

CONFIRMATION OF AGENDA

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

At this time, members of the public may address the City Council on any matter not listed on the agenda. *Please complete a "Request to Speak" form and limit your comments to three minutes.* The City Council values your comments; however in accordance with State law, no action shall be taken on any item not appearing on the agenda unless it is an emergency item authorized by GC 54954.2(b).

ANNOUNCEMENTS, PRESENTATIONS AND WRITTEN COMMUNICATIONS

1. PRESENTATION ON CITRUS PEST CONTROL DISTRICT NO. 2

CONSENT CALENDAR

NOTE: Consent Calendar items are routine in nature and can be approved by one motion.

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3. APPROVE DEMAND REGISTERS DATED OCTOBER 28 AND NOVEMBER 4, 2016 351
4. RECEIVE AND FILE REVENUE AND EXPENDITURE REPORT DATED SEPTEMBER 30, 2016 365
5. APPROVE PROFESSIONAL SERVICES AGREEMENT WITH ADVANTEC CONSULTING ENGINEERS TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM TRAFFIC SIGNAL INTERCONNECT PROJECT (NO. 2016-02) 371

BUSINESS SESSION

1. INTRODUCE ORDINANCE NO. 551 AT FIRST READING TO AMEND TITLE 8 OF THE LA QUINTA MUNICIPAL CODE AND ADOPT THE 2016 CALIFORNIA BUILDING STANDARDS CODE WITH LOCAL AMENDMENTS 423

STUDY SESSION - NONE

PUBLIC HEARINGS – NONE

DEPARTMENTAL REPORTS

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2. CITY ATTORNEY
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4. COMMUNITY RESOURCES REPORT – SEPTEMBER AND OCTOBER 2016 459
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7. FINANCE REPORT – SALES TAX MEASURE G IMPLEMENTATION UPDATE 485

MAYOR’S AND COUNCIL MEMBERS’ ITEMS

REPORTS AND INFORMATIONAL ITEMS

1. CVAG COACHELLA VALLEY CONSERVATION COMMISSION (Evans)
2. CVAG ENERGY AND ENVIRONMENTAL RESOURCES COMMITTEE (Evans)
3. CVAG EXECUTIVE COMMITTEE (Evans)
4. GREATER PALM SPRINGS CONVENTION AND VISITORS BUREAU (Evans)
5. LEAGUE OF CALIFORNIA CITIES DELEGATE (Evans)
6. COACHELLA VALLEY WATER DISTRICT POLICY COMMITTEE (Evans)
7. SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (Evans)
8. CALIFORNIA JOINT POWERS INSURANCE AUTHORITY (Franklin)

9. COACHELLA VALLEY MOUNTAINS CONSERVANCY (Franklin)
10. CHAMBER OF COMMERCE INFO EXCHANGE COMMITTEE (Franklin)
11. JACQUELINE COCHRAN REGIONAL AIRPORT AUTHORITY (Franklin)
12. SUNLINE TRANSIT AGENCY (Franklin)
13. AD HOC COMMITTEE TO EVALUATE CITY CANNABIS OPTIONS (Franklin and Peña)
14. CVAG PUBLIC SAFETY COMMITTEE (Osborne)
15. DESERT SANDS SCHOOL DISTRICT COMMITTEE (Osborne and Franklin)
16. IID ENERGY CONSUMERS' ADVISORY COMMITTEE (Osborne)
17. EAST VALLEY COALITION (Osborne)
18. ANIMAL CAMPUS COMMISSION (Peña)
19. CVAG VALLEY-WIDE HOMELESSNESS COMMITTEE (Peña)
20. RIVERSIDE COUNTY TRANSPORTATION COMMISSION (RCTC) (Radi)
21. CVAG TRANSPORTATION COMMITTEE (Radi)
22. COACHELLA VALLEY UNIFIED SCHOOL DISTRICT COMMITTEE (Franklin and Radi)

CLOSED SESSION

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8 FOR ALL OF THE FOLLOWING PROPERTIES.
CITY NEGOTIATOR: FRANK J. SPEVACEK, CITY MANAGER
NEGOTIATING PARTIES: OWNERS AS LISTED BELOW
UNDER CONSIDERATION: PRICE AND TERMS OF PAYMENT
 1. 46300 DUNE PALMS ROAD-ENGLISH CONGREGATION OF JEHOVAH'S WITNESSES - OWNER
 2. 46400 DUNE PALMS ROAD (PORTIONS) - CHIN FAMILY PROPERTIES, LIMITED - OWNER
 3. 46400 DUNE PALMS ROAD, UNIT 58 - LETICIA ARIAS - OWNER
 4. 46400 DUNE PALMS ROAD, UNIT 83 - JOSE AND IMELDA BENAVIDES - OWNERS
 5. 46400 DUNE PALMS ROAD, UNIT 82 - MARIA C. MARRUFO - OWNER
 6. 46400 DUNE PALMS ROAD, UNIT 84 - GARCIA ROMERO--OWNER

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY LOCATED ON THE NORTHWEST CORNER OF EISENHOWER DRIVE AND AVENIDA FERNANDO (APNs 658-170-015, 658-170-016, AND 658-420-031)
CITY NEGOTIATOR: FRANK J. SPEVACEK, CITY MANAGER
PROPERTY OWNER: BT-LJMJM, LLC., A CALIFORNIA LIMITED LIABILITY COMPANY/JACK MCGRORY
UNDER NEGOTIATION: PRICE AND TERMS OF PAYMENT AND/OR DISPOSITION OF THE PROPERTY IDENTIFIED

3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO PARAGRAPH (2) OR (3)

OF SUBDIVISION (D) OF GOVERNMENT CODE SECTION 54956.9 (NUMBER OF POTENTIAL CASES: 1)

- 4. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO PARAGRAPH (2) OR (3) OF SUBDIVISION (D) OF GOVERNMENT CODE SECTION 54956.9 (NUMBER OF POTENTIAL CASES: 1)

RECESS TO CLOSED SESSION

RECONVENE

REPORT ON ACTIONS(S) TAKEN IN CLOSED SESSION

ADJOURNMENT

The next regular meeting of the City Council will be held on December 6, 2016 commencing at 4:00 p.m. at the City Hall Council Chambers, 78-495 Calle Tampico, La Quinta, CA 92253.

DECLARATION OF POSTING

I, Susan Maysels, City Clerk, of the City of La Quinta, do hereby declare that the foregoing Agenda for the La Quinta City Council meeting was posted on the City's website, near the entrance to the Council Chambers at 78-495 Calle Tampico, and the bulletin boards at the Stater Brothers Supermarket at 78-630 Highway 111, and the La Quinta Cove Post Office at 51-321 Avenida Bermudas, on November 10, 2016.

DATED: November 10, 2016

SUSAN MAYSELS, City Clerk
City of La Quinta, California

Public Notices

- The La Quinta City Council Chamber is handicapped accessible. If special equipment is needed for the hearing impaired, please call the City Clerk's office at 777-7103, twenty-four (24) hours in advance of the meeting and accommodations will be made.

- If special electronic equipment is needed to make presentations to the City Council, arrangements should be made in advance by contacting the City Clerk's office at 777-7103. A one (1) week notice is required.
- If background material is to be presented to the Councilmembers during a City Council meeting, please be advised that eight (8) copies of all documents, exhibits, etc., must be supplied to the City Clerk for distribution. It is requested that this take place prior to the beginning of the meeting.
- Any writings or documents provided to a majority of the City Council regarding any item(s) on this agenda will be made available for public inspection at the Community Development counter at City Hall located at 78-495 Calle Tampico, La Quinta, California, 92253, during normal business hours.

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**CITY COUNCIL
MINUTES
TUESDAY, NOVEMBER 1, 2016**

A regular meeting of the La Quinta City Council was called to order at 4:01 p.m. by Mayor Evans.

PRESENT: Councilmembers Franklin, Osborne, Peña, Radi, Mayor Evans
ABSENT: None

PLEDGE OF ALLEGIANCE

Councilmember Osborne led the audience in the pledge of allegiance.

CONFIRMATION OF AGENDA

- Councilmember Osborne requested that Consent Calendar Item No. 2 be pulled for comment and separate vote.
- Councilmember Franklin announced that she will recuse herself from the vote on Consent Calendar Item No. 5.
- City Manager Spevacek requested that Business Session Item No. 1 be removed from the agenda and possibly considered at a later date.

All councilmembers concurred.

PUBLIC COMMENT ON MATTERS NOT ON AGENDA

PUBLIC SPEAKER: Lisa Howell, Vice President-Administrative Services, College of the Desert (COD) – Ms. Howell presented statistics on the increased enrollment, and financial needs at COD.

PUBLIC SPEAKER: Melissa Labayog, La Quinta – Ms. Labayog provided information on the disruption caused by numerous short term vacation rentals (STVR) in her neighborhood and suggested (1) Council form a citizens' committee to review the impact of STVRs on neighborhood noise, traffic, parking, and (2) raise the fees for STVRs to reduce the number and pay for code enforcement. She stated that she volunteers to be on such a committee should it be formed. She also expressed her appreciation for the quick responses by the City's Code Enforcement Division when called with complaints.

ANNOUNCEMENTS, PRESENTATIONS AND WRITTEN COMMUNICATIONS

Mayor Evans read a letter dated October 28, 2016 from PGA West Fairways Association Board of Directors into the record. The letter of thanks was for approving

the median landscape project on Madison Street which is on file in the City Clerk's Office.

CONSENT CALENDAR

1. **APPROVE MINUTES OF OCTOBER 18, 2016**
2. *pulled by Councilmember Osborne for comment and separate vote >>>* **ADOPT ORDINANCE NO. 549 ON SECOND READING AMENDING THE ZONING MAP FROM VERY LOW DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL FOR ASSESSOR'S PARCEL NO. 767-320-039 (PRISM REALTY CORPORATION)**
3. **APPROVE DEMAND REGISTERS DATED OCTOBER 14 AND 21, 2016**
4. **RECEIVE AND FILE REVENUE AND EXPENDITURE REPORT DATED AUGUST 31, 2016**
5. *pulled by Councilmember Franklin for a separate vote >>>* **ACCEPT THE MADISON STREET MEDIAN LANDSCAPE CONVERSION IMPROVEMENTS PROJECT FROM AIRPORT BOULEVARD TO AVENUE 54**
6. **AWARD CONTRACT TO KIRKPATRICK LANDSCAPING SERVICES, INC. FOR CONSTRUCTION OF THE LA QUINTA YMCA LANDSCAPE IMPROVEMENTS**
7. **ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CALIFORNIA DEPARTMENT OF TRANSPORTATION FEDERAL-AID AGREEMENTS**
[RESOLUTION 2016-044]

COUNCILMEMBER FRANKLIN ANNOUNCED THAT SHE MAY HAVE A CONFLICT OF INTEREST, AND WILL ABSTAIN FROM VOTING ON ITEM NO. 5 DUE TO THE PROXIMITY OF THE PROJECT TO HER PROPERTY.

MOTION – A motion was made and seconded by Councilmembers Peña/Osborne to approve the Consent Calendar Items 1, 3, 4, 6, 7 as recommended, with Item No. 7 adopting Resolution No. 2016-044. Motion passed unanimously.

MOTION – A motion was made and seconded by Councilmembers Peña/Radi to adopt Ordinance No. 549 on second reading. Motion passed: ayes 4, noes 1 (Osborne).

Councilmember Osborne explained that he voted against Ordinance 549 now and at first reading on October 18, 2016 due to the density of this development in a rural area.

MOTION – A motion was made and seconded by Councilmembers Radi/Peña to approve Consent Calendar Item No. 5 as recommended. Motion passed: ayes 4, noes 0, abstain 1 (Franklin).

BUSINESS SESSION

1. *removed from the agenda >>>* **APPROVE REDUCTION OF REGULAR CITY COUNCIL MEETINGS TO ONE PER MONTH DURING JANUARY 2017 BY CANCELLING THE REGULAR MEETING OF JANUARY 3, 2017**
2. **APPROVE COOPERATIVE AGREEMENT FOR FIRE PROTECTION, FIRE PREVENTION, RESCUE AND MEDICAL EMERGENCY SERVICES WITH COUNTY OF RIVERSIDE**

Public Safety Manager Martha Mendez presented the staff report, which is on file in the Clerk’s Office.

Councilmembers discussed the reasons for the sharp increase in 2015/16; the stats showing that the majority of the calls are medical, not fire-related; costs of responding to medical calls with ambulance only; paramedic staffing; failed ballot measure about ten years ago to impose a tax to cover additional paramedics; no change in staffing going forward; reasons for the recent turnover in La Quinta Fire Chiefs; current reserves in the special fire fund; and, estimated years before fire budget will require subsidy from fire reserves.

City Manager Spevacek explained the negotiated arrangement the City reached with Riverside County to retain 100% of the fire tax revenue collected within the Redevelopment Agency’s project areas solely for La Quinta’s needs. This fire tax has paid for fire department services, station construction and maintenance every year since, with the excess deposited into a reserve fund. As the fire department’s budget increases, the amount of excess tax decreases and in a year or two, the tax amount collected will equal the fire budget. If labor costs continue to rise at the same rate, soon thereafter, the fire budget will exceed the fire tax collected and the difference will be covered by the reserve fund until it is depleted.

MOTION – A motion was made and seconded by Councilmembers Radi/Franklin to approve the Cooperative Agreement for fire protection, fire prevention, rescue and medical emergency services with Riverside County as recommended. Motion passed unanimously.

STUDY SESSION

1. **DISCUSS REQUEST BY THE COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS FOR THE CITY OF LA QUINTA TO PARTICIPATE IN A**

WATER EFFICIENCY AND OVER-SEEDING ALTERNATIVE CERTIFICATION PROGRAM FOR LANDSCAPE-RELATED BUSINESSES

Planning Manager Gabriel Perez presented the staff report, which is on file in the Clerk’s Office.

Councilmembers discussed the number of certifications already issued by other cities; how many people in each company would have to take the course for the company to be certified and eligible for a business license; the frequency of re-certification; need for continued water conservation and standardization of best practices education; and, method of tracking certifications.

PUBLIC SPEAKER: Katie Barrows, Director of Environmental Resources, Coachella Valley Association of Governments – Ms. Barrows explained the details of both the over-seeding program and the water-efficiency program certifications. She said the water-efficiency certifications are sponsored by the Coachella Valley Water District; the courses are free and online; the focus is on lawns; certificates are filed with business license renewals each year; cannot statistically state that the program is the cause of reductions, but can state that regional reduction requirements are being met.

Councilmembers discussed topics taught to landscapers in the course; a grace period to complete the course and submit the certifications without jeopardizing ones business license; additional staff time involved in tracking and enforcing delinquent certificates; and, staff’s ability to send a letter to all landscapers holding business licenses, alerting them of this requirement should the Council adopt it.

By consensus of the Council, staff was directed to bring both programs back to Council as a voting item.

PUBLIC HEARING 5:00 pm

- 1. ADOPT A RESOLUTION APPROVING ISSUANCE OF BONDS BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY FOR THE BENEFIT OF EISENHOWER MEDICAL CENTER [RESOLUTION NO. 2016-045]**

Management Specialist Villalpando presented the staff report, which is on file in the Clerk’s Office.

Councilmember Osborne clarified the fact that repayment of these bonds was the legal responsibility of Eisenhower Medical Center alone, and that neither the City nor any city taxpayer would be responsible.

MAYOR EVANS DECLARED THE PUBLIC HEARING OPEN AT 5:01 P.M.

PUBLIC SPEAKER: Ken Wheat, CEO Eisenhower Medical Center – Mr. Wheat provided information on the purpose of the bond issue.

MAYOR EVANS DECLARED THE PUBLIC HEARING CLOSED AT 5:04 P.M.

MOTION – A motion was made and seconded by Councilmembers Osborne/Radi to adopt Resolution No. 2016-045 as recommended:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA APPROVING THE ISSUANCE OF REVENUE REFUNDING BONDS BY THE AUTHORITY FOR THE PURPOSE OF REFINANCING THE ACQUISITION, CONSTRUCTION AND IMPROVEMENT OF CERTAIN FACILITIES FOR THE BENEFIT OF EISENHOWER MEDICAL CENTER

Motion passed unanimously.

DEPARTMENT REPORTS

All reports are on file in the Clerk's Office.

MAYOR'S AND COUNCIL MEMBER'S ITEMS

Councilmember Franklin said that although the Palm Springs Airport Commission approved a space for Uber pickups, provided Uber drivers have the same drug and alcohol tests required of taxi drivers, however Uber will not comply so they will not be servicing the airport. She said SunLine believes in leveling the playing field between taxi and Uber drivers.

Councilmember Franklin announced that the bi-annual airshow at Jacqueline Cochran Regional Airport is scheduled for Saturday, November 5, 2016.

Councilmember Radi reported on a successful 2016 *Coachella Valley Economic Summit* and expressed his support for renewing City's membership with the Coachella Valley Economic Partnership.

Councilmember Peña suggested that staff explore a City Halloween event. He also complimented staff on the success of the *Brew in La Quinta Craft Beer Festival* held October 22.

Community Resources Director Escobedo noted that the multitudes of events hosted by the City are straining the department's budget so staff is preparing an events list along with associated costs for Council review. Councilmember Osborne suggested that the City work with the newly formed Greater Coachella Valley Chamber of Commerce which should now be equipped to host community events.

Mayor Evans reported on the successful first *Art on Main* event which occurred over the weekend, and announced the upcoming Veterans' Day event scheduled for Friday,

November 11, 2016, in the courtyard at City Hall. She also reported on her visit to The Palms at La Quinta independent and assisted living complex and serving as Grand Marshall for the recent La Quinta High School Homecoming Parade.

REPORTS AND INFORMATIONAL

La Quinta's representative for 2016, Councilmember Osborne reported on his participation in the following organization's meeting:

- IID ENERGY CONSUMERS' ADVISORY COMMITTEE

CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1). ALVERIZ ET AL. V. CITY OF LA QUINTA ET AL., RIVERSIDE COUNTY SUPERIOR COURT CASE NO. PSC 1503161; BARTON ET AL. V. CITY OF LA QUINTA ET AL., RIVERSIDE COUNTY SUPERIOR COURT CASE NO. PSC 1505200**
2. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO PARAGRAPH (2) OR (3) OF SUBDIVISION (D) OF GOVERNMENT CODE SECTION 54956.9 (NUMBER OF POTENTIAL CASES: 1)**

COUNCIL RECESSED THE OPEN SESSION PORTION OF THE MEETING AND MOVED INTO CLOSED SESSION AT 5:22 P.M. WITH ALL MEMBERS PRESENT THROUGHOUT THE CLOSED SESSION

MAYOR EVANS RECONVENED THE OPEN SESSION PORTION OF THE CITY COUNCIL MEETING AT 6:53 P.M. WITH ALL MEMBERS PRESENT

REPORT ON ACTION(S) TAKEN IN CLOSED SESSION:

City Attorney Ihrke reported no actions were taken in closed session that require reporting pursuant to Government Code section 54957.1 (Brown Act).

ADJOURNMENT

There being no further business, a motion was made and seconded by Councilmembers Franklin/Peña to adjourn at 6:55 p.m. Motion passed unanimously.

Respectfully submitted,

SUSAN MAYSELS, City Clerk
City of La Quinta, California

City of La Quinta

CITY COUNCIL MEETING: November 15, 2016

STAFF REPORT

AGENDA TITLE: ADOPT ORDINANCE NO. 550 ON SECOND READING AMENDING SEVERAL CHAPTERS OF TITLE 9 OF THE LA QUINTA MUNICIPAL CODE RELATED TO ZONING AND GENERAL PLAN TEXT CONSISTENCY

RECOMMENDATION

Adopt Ordinance No. 550 on second reading.

EXECUTIVE SUMMARY

- On October 18, 2016, Council introduced Ordinance No. 550 on first reading amending several Chapters of Title 9 of the La Quinta Municipal Code related to Zoning and General Plan text consistency.
- The proposed Zoning Code amendments implement the Goals, Policies, and Programs of the General Plan 2035.

FISCAL IMPACT – None.

BACKGROUND/ANALYSIS

On October 18, 2016, Council introduced Ordinance No. 550 on first reading amending several Chapters of Title 9 of the La Quinta Municipal Code related to Zoning and General Plan text consistency. This Ordinance amends sections of the Zoning Code pertaining to the Village Commercial District, Noise Control, Mixed Use Overlay and Parking standards. These amendments implement General Plan 2035.

ALTERNATIVES

As Council approved this ordinance at first reading, staff does not recommend an alternative.

Prepared by: Pam Nieto, Deputy City Clerk
Approved by: Susan Maysels, City Clerk

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ORDINANCE NO. 550

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, AMENDING SEVERAL CHAPTERS OF TITLE 9 OF THE LA QUINTA MUNICIPAL CODE RELATED TO ZONING AND GENERAL PLAN TEXT CONSISTENCY

WHEREAS, the City Council of the City of La Quinta, California did, on the 18th day of October 2016, hold a duly noticed public hearing for review of a City-initiated request of Zoning Ordinance Amendment 20016-0004 to amend several chapters of Title 9 (Zoning) of the La Quinta Municipal Code; and

WHEREAS, the City Council of the City of La Quinta, California did, on the 20th day of September 2016, hold a duly noticed public hearing for review of a City-initiated request of Zoning Ordinance Amendment 20016-0004 to modify Title 9 (Zoning) of the La Quinta Municipal Code and the Official Zoning Map and voted to approve the Official Zoning Map and text amendments to Chapter 9.20 Zoning Districts and continue consideration of amendments to several chapter of Title 9; and

WHEREAS, the Planning Commission of the City of La Quinta, California, did on the 9th day of August, 2016, hold a duly noticed Public Hearing for review of a Zoning Ordinance Amendment to amend Title 9 of the La Quinta Municipal Code and the Official Zoning Map, as identified by Title of this Ordinance; and

WHEREAS, subsequent to said Public Hearing, the Planning Commission of the City of La Quinta did adopt Planning Commission Resolution 2016-012 to recommend to the City Council adoption of said zoning text and map amendments; and

WHEREAS, the Design and Development Department published a public hearing notice for this request in *The Desert Sun* newspaper on September 9, 2016, as prescribed by the Municipal Code; and

WHEREAS, Title 9 of the Municipal Code contains the chapters that address permitted uses, development standards, development review and permitting procedures; and

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

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all interested persons wanting to be heard, the City Council

did make the following mandatory findings to justify adoption of said Zoning Ordinance Amendment:

1. Consistency with General Plan

The zoning text amendments are consistent with the goals, objectives and policies of the General Plan. The proposed amendments are supported by Policy LU-1.2, that all land use decisions shall be consistency with all applicable General Plan policies and programs and shall uphold the right and needs of property owners as well as those of the general public; Program LU-7.1.a, Establish a Mixed Use Overlay for all the commercial zoning designations; and Program LU-7.3.a, to amend the Zoning Ordinance to include standards for high density residential development within commercial zones.

2. Public Welfare

Approval of the zoning text amendment will not create conditions materially detrimental to the public health, safety and general welfare. The amendments implement the General Plan 2035 and do not incorporate any changes that affect the regulation and/or provision of public services, utility systems, or other foreseeable health, safety and welfare considerations.

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

SECTION 1. Title 9 of the La Quinta Municipal Code shall be amended as written in "Exhibit A" attached hereto.

SECTION 2. The proposed zone text amendment has complied with the requirements of "The Rules to Implement the California Environmental Quality Act of 1970" (CEQA) as amended (Resolution 83-63). The zone text amendment is consistent with the previously approved findings of the General Plan 2035 EIR (Environmental Assessment 2012-622) as the proposed amendments implement the goals, policies, and programs of the General Plan.

SECTION 3. That the City Council does hereby approve Zoning Ordinance Amendment 2016-0004, as set forth in attached "Exhibit A" for the reasons set forth in this Ordinance.

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

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

this Ordinance and its certification, together with proof of posting to be entered into the Book of Ordinances of the City of La Quinta.

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

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

PASSED, APPROVED and ADOPTED, at a regular meeting of the La Quinta City Council held this 15th day of November 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

LINDA EVANS, Mayor
City of La Quinta, California

ATTEST:

SUSAN MAYSELS, City Clerk

Ordinance No. 550
Amendments to Title 9 Zoning Related to Zoning and General Plan Text Consistency
Adopted: November 15, 2016
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City of La Quinta, California

(CITY SEAL)

APPROVED AS TO FORM:

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

EXHIBIT A

Chapter 9.10 GENERAL PROVISIONS

9.10.010 Title and authority.

- A. Title. This title shall be known as the “city of La Quinta zoning code” or “zoning code.” The term “code” shall also mean this title unless clearly indicated otherwise by the context.
- B. Authority and Purpose. This zoning code is adopted for the purpose of promoting the public health, safety and general welfare pursuant to Section 11 of Article XI of the California Constitution, the State Planning and Zoning Law (Government Code Section 65000 et seq.), the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and other applicable state laws.
- C. Objectives. This zoning code is intended to achieve the following objectives:
 - 1. To implement the city's general plan
 - 2. To classify and designate different land uses and structures in appropriate places as designated in the general plan, and to regulate such land uses and structures in order to serve the needs of residential neighborhoods, commerce, recreation, open space and other purposes.
 - 3. To provide a guide for the development and use of land in the city as required by the State Government Code.
 - 4. To secure for the residents of the city the social and economic advantages resulting from the planned and orderly use of its land resources.
 - 5. To establish conditions which allow the various types of land uses to exist in harmony and to promote the stability of existing land uses by protecting them from harmful intrusion.
 - 6. To prevent undue intensity of land use or development, to avoid population overcrowding, to maintain a suitable balance between developed land and open space, and to protect the natural beauty of the city.
 - 7. To ensure that adequate off-street parking and loading facilities are provided and maintained for all land uses.
 - 8. To provide land zoned for schools, parks and other public facilities.
 - 9. To ensure the provision of affordable housing opportunities. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.10.020 Applicability of code.

- A. Compliance Required. No uses or structures shall be established, substituted, expanded, constructed, altered, moved, maintained, or otherwise changed except in conformity with this code.

- B. **Applicability.** This code shall apply to all land within the city.
- C. **Limitations on Validity of Permits.** The issuance or granting of a permit or approval of plans and specifications shall not be construed to be an approval of any violation of any provision of this code. The issuance of such a permit shall not prevent the city from thereafter requiring the correction of violations of this code or of any other ordinance of the city.
- D. **Conflict with Other Regulations.** Whenever any provision of this code and other city regulations impose overlapping or contradictory requirements, that provision which is more restrictive or imposes a higher standard shall control except as otherwise expressly provided in this code. Nothing contained in this code shall be deemed to repeal or amend any regulation of the city requiring a permit or license, nor shall any provision of this code be deemed to repeal or amend the city's building regulations. (Ord. 284 § 1 (Exh. A) (part), 1996).

9.10.030 Prior agreements and approvals.

- A. **Development Agreements.** Notwithstanding any provision of this zoning code, any development agreement which is valid as of the effective date of the ordinance codified in this code shall remain in full force and effect until expiration of said agreement. For the purposes of the specific project approved in such a development agreement, permitted land uses, development standards, and other zoning provisions specified in the development agreement shall supersede the provisions of this code.
- B. **Approved Development Projects and Permits.** Any specific plan, site development permit, grading permit, building permit, or similar entitlement which was issued pursuant to earlier ordinances of the city which is in conflict with this code may nevertheless be continued and the specific construction authorized under the permit may be completed in accordance with the provisions of the permit approval provided the construction complies with all other laws and regulations in effect at the time of the permit approval. However, any project or permit requiring a time extension per Section 9.200.080 shall conform to the requirements and standards in effect at the time the extension is granted.
- C. **Approved Subdivision Maps.** Any tentative tract or parcel map which was approved pursuant to earlier ordinances of the city and which is in conflict with this code may nevertheless be continued and completed in accordance with the provisions of its approval, provided it is completed within the time limit in effect at the time of its approval without extension of time therefore and provided it complies with all other laws and regulations in effect at the time of its approval. Final tract and parcel maps shall be consistent with approved tentative tract or parcel maps and any applicable conditions of approval. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.10.040 General plan density and intensity.

The general plan establishes a range of development intensities, composed of densities, unit counts, floor area ratios, or similar measures, for each land area in the city. This zoning code and the city's individual project approvals provide development standards, plans and other factors which shall determine the exact development intensity of each project within the foregoing general plan range. The city reserves the right to limit projects to intensities below the general plan's upper limits. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.10.050 Planning agency.

Consistent with Section 65100 et seq. of the State Government Code, the city's planning agency shall consist of the city council, the planning commission and the Planning Division. (Ord. 299 § 1 (part), 1997; Ord. 284 § 1 (Exh. A) (part), 1996)

9.10.060 Code interpretations.

Interpretations of the provisions of this zoning code shall be made by the Director. Such interpretations may be referred to the planning commission for review if the director determines on a case-by-case basis that the public interest would be better served by such referral. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.10.070 Use of terms.

- A. Rules for Construction of Language. The following general rules of construction shall apply to the textual provisions of this code:
1. The specific shall supersede the general.
 2. The word "shall" is mandatory. The word "may" is discretionary. The word "should" identifies a regulation or design guideline which must be followed in the absence of compelling opposing considerations identified by the city decision-making body.
 3. In the case of any difference of meanings or implication between the text regarding a provision of the code and any title, heading, caption or illustration, the text shall control.
 4. Unless the context clearly indicates otherwise, words used in the present tense include the future, words used in the singular include the plural, and words used in the plural include the singular.
 5. Unless the context clearly indicates otherwise, certain conjunctions shall be interpreted as follows:
 - a. "And" indicates that all connected items or provisions shall apply.
 - b. "Or" indicates that the connected items or provisions may apply singly or in any combination.
 - c. "Either...or" indicates that the connected items or provisions shall apply, but not in combination.

6. Unless otherwise indicated, all public officials, bodies and agencies to which reference is made are those of the city of La Quinta.
 7. “Director” means the city manager or his/her designee.
- B. Time Periods. The use of the term “days” to describe a specific time period does not include the day the action was taken but does include all subsequent days unless the last day falls upon a Saturday, Sunday or a legal city holiday, in which case the next business day shall be the last day of the time period. (Ord. 284 § 1 (Exh. A) (part), 1996)

Chapter 9.20 ZONING DISTRICTS

9.20.010 Establishment of districts.

The city is divided into the following zoning districts which are consistent with and implement the general plan:

1. RVL Very Low Density Residential District
2. RL Low Density Residential District
3. RC Cove Residential District
4. RM Medium Density Residential District
5. RMH Medium High Density Residential District
6. RH High Density Residential District
7. VC Village Commercial District
8. CR Regional Commercial District
9. CP Commercial Park District
10. CC Community Commercial District
11. CN Neighborhood Commercial District
12. CT Tourist Commercial District
13. CO Office Commercial District
14. MC Major Community Facilities District
15. PR Parks and Recreation District
16. GC Golf Course District
17. OS Open Space District
18. FP Floodplain District
19. HC Hillside Conservation Overlay District
20. SOB Sexually Oriented Business Overlay District
21. EOD Equestrian Overlay District
22. AHO Affordable Housing Overlay District
23. MU Mixed Use Overlay District

(Ord. 466 § 1, 2009; Ord. 284 § 1 (Exh. A) (part), 1996)

9.20.020 Official zoning map.

- A. Adoption of Map. The boundaries of the zoning districts established in this zoning code shall be shown on that map entitled “City of La Quinta Official Zoning Map” on file with the Director and available for public examination and purchase.
- B. Interpretation of District Boundaries. Where uncertainty exists regarding the precise boundaries of districts on the official zoning map, the following rules shall apply:
 - 1. Boundaries indicated as approximately following the centerlines of streets shall be construed as congruent with such centerlines. Boundaries indicated as approximately following the right-of-way lines of streets shall be construed as congruent with such right-of-way lines and shall further be construed as moving with such right-of-way lines.
 - 2. Boundaries indicated as approximately following lot lines shall be construed as congruent with such lot lines.
 - 3. Boundaries indicated as parallel to or extensions of the lines described in subsections (B)(1) and (2) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
 - 4. Where any public right-of-way is officially vacated or abandoned, the zoning district regulations applied to abutting property shall thereafter extend to the centerline of such vacated or abandoned right-of-way.
 - 5. In cases where uncertainty exists after application of rules in subsections (B)(1) through (4) of this section, the Director shall determine the district boundaries. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.20.030 Special zoning symbols.

- A. Purpose. In some cases, the city may determine that alternate development standards are required for a particular geographic area other than those set forth in applicable sections of this code with regard to minimum lot size, setbacks, lot frontage and maximum building height because the normal standards may not be appropriate for one or more of the following reasons:
 - 1. Unusual topography or other natural features within the area.
 - 2. The need to mitigate development impacts on vulnerable surrounding land uses.
 - 3. The need to ensure adherence to a key general plan goal, objective or policy.
 - 4. Other factors affecting the subject area not generally prevalent in the city.
- B. Use of Special Symbols. The city may establish alternate development standards for a particular geographic area than those set forth for the zoning district covering the area by means of special zoning symbols. Such alternate development standards shall supersede those in Chapters 9.50, 9.65, 9.90

and 9.130 and shall be specified by means of one or more of the following symbols on the official zoning map:

1. Lot Size. A number following the district designation and connected by a hyphen shall designate the minimum lot size. Where the number is greater than one hundred, it shall indicate the minimum size in square feet; where the number is less than one hundred, it shall indicate the minimum size in acres.

Example: RM-500 or RL-2

2. Setbacks. A number following the district designation and enclosed by parentheses shall designate the minimum setbacks in feet. Within the parentheses, setbacks shall be separated by a slash (/) and shall be shown in the following order: front/side/rear.

Example: RM (20/5/25)

3. Height and Number of Stories. A number shown below and separated by a line from the district designation shall designate the maximum height of building or structures in feet and the maximum number of stories. Height shall be given first followed by a "/" and number of stories.

Example: RM ÷ 28/2

4. Lot Frontage. A number preceding and connected to the district designation by a hyphen shall designate the minimum lot frontage in feet.

Example: 100-RL

5. Symbols Combined. The preceding symbols may be used in any combination to show minimum lot size, setbacks, frontage, and maximum height.

Example: 100-RL-2 (20/5/25) ÷ 28/2

- C. Location of Zoning Districts Utilizing Special Symbols. Special symbol districts located within the city of La Quinta shall be clearly identified on the official zoning map and referenced in Section 9.50.030, Table of Development Standards. (Ord. 434 § 1, 2007; Ord. 284 § 1 (Exh. A) (part), 1996)

9.20.040 Land uses not listed.

- A. Director's Authority. Because not every possible land use can be identified in this zoning code and because new land uses evolve over time, this section establishes the Director's authority to determine if unlisted uses shall be permitted in a zoning district. In order to determine that a use is permitted as a principal, conditional or accessory use, the director shall make all of the following findings:

1. The proposed use is consistent with the goals and policies of the general plan.

2. The proposed use is compatible with the purpose and intent of the district in which it is to be located.
 3. The proposed use will not adversely affect the health, safety or welfare of residents or other persons in the vicinity of the use.
- B. Referral to Planning Commission. Any determination on a proposed unlisted use may be referred to the planning commission as a nonhearing item if the director determines on a case-by-case basis that the public interest would be better served by such referral.
- C. Appeals. Any determination on an unlisted land use may be appealed in accordance with Section 9.200.120. Determinations by the director may be appealed to the planning commission and determinations by the planning commission may be appealed to the city council. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.20.050 Medical marijuana dispensaries.

- A. Medical marijuana dispensaries are a prohibited use in all zones.
- B. Definitions. See Chapter 9.280.

Chapter 9.30 RESIDENTIAL DISTRICTS

9.30.010 Summary of district regulations.

- A. Permitted Uses. Chapter 9.40 specifies the land uses allowed in each residential district.
- B. Development Standards. Development standards (such as minimum setbacks and maximum building heights) for each residential district are summarized in this chapter and set forth in more detail in Chapter 9.50.
- C. Supplemental Regulations. Sections containing supplemental regulations applicable to residential uses are as follows:

- 9.60.010 Purpose and intent
- 9.60.020 Signs and parking
- 9.60.030 Fences and walls
- 9.60.040 Patio covers, decks and play equipment
- 9.60.050 Storage and other accessory buildings
- 9.60.060 Garages and carports
- 9.60.070 Swimming pools
- 9.60.080 Satellite dish and other antennas
- 9.60.090 Second residential units
- 9.60.100 Guesthouses
- 9.60.110 Home occupations
- 9.60.120 Pets and other animals
- 9.60.130 Recreational vehicle parking

- 9.60.140 Screening
- 9.60.150 Tennis and other game courts
- 9.60.160 Outdoor lighting
- 9.60.170 Special events
- 9.60.180 Manufactured housing and mobilehomes
- 9.60.190 Family child daycare facilities
- 9.60.200 Senior citizen housing
- 9.60.210 Construction and guard offices
- 9.60.220 Trash and recyclable materials storage
- 9.60.230 Noise control
- 9.60.240 Landscaping and open area
- 9.60.250 Model home complexes
- 9.60.260 Condominium conversions
- 9.60.270 Density bonuses for affordable housing
- 9.60.280 Bed and breakfast regulations
- 9.60.290 Timeshare regulations
- 9.60.300 Compatibility review for partially developed subdivisions
- 9.60.310 Restrictions on multistory buildings at project boundaries
- 9.60.320 Resort residential

- 9.60.330 Reasonable Accommodation

D. Definitions. See Chapter 9.280.

9.30.020 RVL very low density residential district.

- A. Purpose. To provide for the development and preservation of very low density neighborhoods (zero to two units per acre, except as provided in Section 9.40.030, “Conditions for varying residential densities”) with one- and two-story single-family detached dwellings on large lots and/or, subject to a specific plan, projects with clustered smaller dwellings, such as one- and two-story single-family attached, townhome or condominium dwellings, with generous open space.
- B. Permitted Uses. Chapter 9.40 lists permitted land uses.
- C. Development Standards. Chapter 9.50 provides development standards.

Chapter 9.50 contains additional details and illustrations regarding development standards. (Ord. 325 § 1 (Exh. A) (part), 1998; Ord. 299 § 1 (part), 1997; Ord. 284 § 1 (Exh. A) (part), 1996)

9.30.030 RL low density residential district.

- A. Purpose. To provide for the development and preservation of low density neighborhoods (two to four units per acre, except as provided in Section 9.40.030, “Conditions for varying residential densities”) with one- and two-story single-family detached dwellings on large or medium size lots and/or, subject to a specific plan, projects with clustered smaller dwellings, such as one- and two-story single-family attached, townhome or condominium dwellings, with generous open space.
- B. Permitted Uses. Chapter 9.40 lists permitted land uses.
- C. Development Standards. Chapter 9.50 provides development standards.

(Ord. 440 § 1, 2007; Ord. 325 § 1 (Exh. A) (part), 1998; Ord. 299 § 1 (part), 1997; Ord. 284 § 1 (Exh. A) (part), 1996)

9.30.040 RC cove residential district.

- A. Purpose. To provide for the development and preservation of the medium density “cove” residential area with one-story single-family detached dwellings on medium size lots, except as provided in Section 9.40.030, “Conditions for varying residential densities”.
- B. Permitted Uses. Chapter 9.40 lists permitted land uses.
- C. Development Standards. Chapter 9.50 provides development standards.

Section 9.50.090 in the RC zone district contains additional details and illustrations regarding development standards.

- D. Fencing. Rear and side yards shall be completely enclosed and screened by view obscuring fencing, walls or combination per standards found in Section 9.60.030.
- E. Building Development Standards. In addition to the requirements of this chapter and Chapter 9.60 (Supplemental Residential Regulations), the following standards shall be required on homes built within the RC district:
 - 1. Bedroom Dimensions. A minimum of ten-foot clear width and depth dimensions, as measured from the interior walls of the room.
 - 2. Bathrooms. There shall not be less than one and one-half baths in one- or two-bedroom dwellings, and not less than one and three-quarters baths in dwellings with three or more bedrooms. (Ord. 325 § 1 (Exh. A) (part), 1998; Ord. 299 § 1 (part), 1997; Ord. 284 § 1 (Exh. A) (part), 1996)

9.30.050 RM medium density residential district.

- A. Purpose. To provide for the development and preservation of medium density neighborhoods (four to eight units per acre, , except as provided in Section 9.40.030, “Conditions for varying residential densities”) with single-family detached dwellings on medium and small size lots and/or, subject to a specific plan, projects with clustered smaller dwellings, such as one- and two-story single-family attached, townhome or multifamily dwellings, with open space.
- B. Permitted Uses. Chapter 9.40 lists permitted land uses.
- C. Development Standards. Chapter 9.50 provides development standards.

Chapter 9.50 contains additional details and illustrations regarding development standards. (Ord. 325 § 1 (Exh. A) (part), 1998; Ord. 299 § 1 (part), 1997; Ord. 284 § 1 (Exh. A) (part), 1996)

9.30.060 RMH medium high density residential district.

- A. Purpose. To provide for the development and preservation of medium-high density neighborhoods (eight to twelve units per acre, except as provided in Section 9.40.030, “Conditions for varying residential densities”) with one- and two-story single-family detached dwellings on small lots, one- and two-story single-family attached dwellings, and one- and two-story townhome and multifamily dwellings.
- B. Permitted Uses. Chapter 9.40 lists permitted land uses.
- C. Development Standards. Chapter 9.50 provides development standards.

Chapter 9.50 contains additional details and illustrations regarding development standards. (Ord. 325 § 1 (Exh. A) (part), 1998; Ord. 299 § 1 (part), 1997; Ord. 284 § 1 (Exh. A) (part), 1996)

9.30.070 RH high density residential district.

- A. Purpose. To provide for the development and preservation of medium to high density neighborhoods (twelve to sixteen units per acre; or if the Affordable Housing Overlay applies, up to twenty-four units per acre when a minimum of 25 percent of units are dedicated to low and very low income affordable housing, except as provided in Section 9.40.030, “Conditions for varying residential densities”) with one- to three-story single-family attached dwellings and one- to three-story townhome and multifamily dwellings.
- B. Permitted Uses. Chapter 9.40 lists permitted land uses.
- C. Development Standards. Chapter 9.50 provides development standards.

Chapter 9.50 contains additional details and illustrations regarding development standards. (Ord. 325 § 1 (Exh. A) (part), 1998; Ord. 284 § 1 (Exh. A) (part), 1996)

Chapter 9.40 RESIDENTIAL PERMITTED USES

9.40.010 Development permits required.

This chapter specifies land uses and structures permitted within residential districts. However, in most cases development to establish a use or structure requires approval of a site development permit and/or other permits as set forth in Chapter 9.210. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.40.020 Conditions for varying residential densities.

- A. Criteria. Consistent with the requirements of the General Plan, there are certain criteria for allowing lower density residential uses in higher density districts and vice versa. Therefore, the criteria in this section shall apply when such variation in permitted uses is proposed.
- B. Lower Density Uses. RVL and/or RL uses may be located in areas designated on the general plan land use policy diagram as high density residential provided:
 - 1. A specific plan is approved and the overall project density is consistent with that of the general plan.
 - 2. The decision-making body makes the following findings in addition to those required per Chapter 9.250 (Specific Plans):
 - a. The RVL and/or RL residential uses are part of a mixed-use planned development.
 - b. Utilities and transportation facilities to the site are designed for the use and density designated on the general plan land use policy diagram.
 - c. The RVL and/or RL residential development will not create a deterrent negatively impacting future RMH or RH development.
 - d. RVL and/or RL uses are adequately buffered from adjacent RMH and RH uses, commercial sites, and arterial roadways.
 - 3. If the preceding criteria are not met, a general plan amendment will be required to allow the RVL and/or RL uses in the medium high density General Plan land use designation.
- C. Higher Density Uses. RM, RMH and RH uses may be located in areas designated on the general plan land use map as low density residential, provided:
 - 1. A specific plan is approved and the overall project density is consistent with that of the general plan land use policy diagram.
 - 2. The decision-making body makes the following findings in addition to those required per Chapter 9.250 (Specific Plans):

- a. The RM, RH and RMH residential uses are part of a mixed-use planned development.
 - b. Utilities and transportation facilities to the site are designed to accommodate the RM, RMH or RH uses.
 - c. The RM, RMH or RH uses are located adjacent to or in close proximity to arterial roadways and intersections.
 - d. The RM, RHM or RH uses buffer RVL and RL uses from commercial uses and arterial roadways.
 - e. The RM, RHM or RH uses are located in close proximity to park/open space uses such as neighborhood and community parks, schools or other recreational facilities, or, if not located in close proximity to these facilities, the RMH or RH uses provide substantial recreational amenities within the development.
3. If the preceding criteria are not met, a general plan amendment will be required to allow the RM, RMH or RH uses in the low density General Plan land use designation. (Ord. 325 § 1 (Exh. A) (part), 1998; Ord. 284 § 1 (Exh. A) (part), 1996)
- D. Density Transfers. Density transfers may occur in Specific Plans when common area amenities and open space are provided.
- E. Density Bonus. Density bonus may be granted as provided in 9.60.260.

9.40.030 Table of permitted uses.

Table 9-1: Permitted Uses in Residential Districts, following, specifies those areas and structures which are permitted within each residential district. The letters in the columns beneath the district designation mean the following:

- “P”: Permitted as a principal use within the district.
- “PUD”: Planned Unit Development
- “A”: Permitted only if accessory to the principal residential use on the site.
- “C”: Permitted if a conditional use permit is approved.
- “M”: Permitted if a minor use permit is approved.
- “H”: Permitted as a home occupation if accessory to the principal residential use and if a home occupation permit is approved.
- “S”: Permitted if a specific plan is approved per Section 9.40.030.
- “X”: Prohibited in the district.

Table 9-1 Permitted Uses in Residential Districts							
P = Permitted use A = Accessory use C = Conditional use permit PUD = Planned Unit Development M = Minor use permit H = Home occupation permit S = Specific Plan required T= Temporary Use Permit X = Prohibited use	Very Low Density Residential	Low Density Residential	Cove Residential	Medium Density Residential	Medium-High Density Residential	High Density Residential	
	RVL	RL	RC	RM	RMH	RH	
	Land Use	RVL	RL	RC	RM	RMH	RH
	Single-family detached dwellings	P	P	P	P	P	S
	Single-family detached patio homes (i.e., "zero lot-line")	PUD	PUD	PUD	PUD	PUD	PUD
	Duplexes (two units on the same lot)	PUD	PUD	X	PUD	P	P
	Single-family attached dwellings (two units per building with each unit on its own lot)	PUD	PUD	X	PUD	P	P
Townhome dwellings (two or more units per building with each unit on its own lot)	PUD	PUD	X	P	P	P	
Condominium multifamily ("airspace" units)	PUD	PUD	X	P	P	P	
Apartment multifamily (rental units)	X	X	X	P	P	P	
Mobilehome parks	C	C	C	C	C	C	
Mobilehome subdivisions and manufactured homes on individual lots, subject to Section 9.60.180	P	P	P	P	P	X	
Resort residential subject to Section 9.60.310	P	P	X	P	P	P	
Guesthouses, subject to Section 9.60.100	A	A	A	A	A	A	
Second residential units subject to Section 9.60.090	A	A	A	A	A	A	
Group Living and Care Uses							
Child day care facilities as an accessory use, serving 6 or fewer children, subject to Section 9.60.190	A	A	A	A	A	X	

Table 9-1 Permitted Uses in Residential Districts							
P = Permitted use A = Accessory use C = Conditional use permit PUD = Planned Unit Development M = Minor use permit H = Home occupation permit S = Specific Plan required T= Temporary Use Permit X = Prohibited use	Very Low Density Residential	Low Density Residential	Cove Residential	Medium Density Residential	Medium-High Density Residential	High Density Residential	
	Land Use	RVL	RL	RC	RM	RMH	RH
	Child day care facilities as an accessory use, serving 7—14 children, subject to Section 9.60.190	M	M	M	M	M	X
	Congregate living facilities, 6 or fewer persons	P	P	P	P	P	X
	Congregate care facility	C	C	C	C	C	C
	Residential care facilities, 6 or fewer persons	P	P	P	P	P	P
	Senior citizen residences, 6 or fewer persons, subject to Section 9.60.200	P	P	P	P	P	P
Senior group housing, 7 or more persons, subject to Section 9.60.200	X	X	X	M	M	M	
Time share facilities, subject to Section 9.60.280	M	M	M	M	M	M	
Bed and breakfast inns	M	M	M	M	M	M	
Supportive Housing	X	X	X	C	C	C	
Transitional Housing	X	X	X	C	C	C	
Open Space and Recreational Uses							
Public parks, playfields and open space	P	P	P	P	P	P	
Bicycle, equestrian and hiking trails	P	P	P	P	P	P	
Clubhouses and community pools/cabanas	P	P	P	P	P	P	
Unlighted tennis and other game courts on private property, subject to Section 9.60.150	A	A	A	A	A	A	
Lighted tennis and other game courts on private property, subject to Section 9.60.150	M	M	M	M	M	M	

Table 9-1 Permitted Uses in Residential Districts							
P = Permitted use A = Accessory use C = Conditional use permit PUD = Planned Unit Development M = Minor use permit H = Home occupation permit S = Specific Plan required T= Temporary Use Permit X = Prohibited use	Very Low Density Residential	Low Density Residential	Cove Residential	Medium Density Residential	Medium-High Density Residential	High Density Residential	
	Land Use	RVL	RL	RC	RM	RMH	RH
	Golf courses and country clubs per Section 9.110.040	P	P	P	P	P	P
	Driving range with or without lights	M	M	X	M	M	M
	Accessory Uses and Structures						
	Home occupations, subject to Section 9.60.110	A	A	A	A	A	A
	Cottage Food Operations, subject to Section 9.60.115	P	P	P	P	P	P
Patio covers, decks, and gazebos, subject to Section 9.60.040	A	A	A	A	A	A	
Fences and walls, subject to Section 9.60.030	P	P	P	P	P	P	
Satellite dishes and other antennas subject to Section 9.60.080	A	A	A	A	A	A	
Swimming pools, spas and cabanas, subject to Section 9.60.070	A	A	A	A	A	A	
Garages and carports, subject to Section 9.60.060	A	A	A	A	A	A	
Keeping of household pets, subject to Section 9.60.120	A	A	A	A	A	A	
On lots of 1 acre or more, the noncommercial keeping of hoofed animals, fowl (except roosters) and rabbits, subject to Section 9.60.120. Hoofed animals include horses, sheep, goats, pot bellied pigs, and similar. The keeping of horses is subject to Section 9.140.060 and limited to one horse per 2.5 acres.	A	A	X	X	X	X	

Table 9-1 Permitted Uses in Residential Districts							
P = Permitted use A = Accessory use C = Conditional use permit PUD = Planned Unit Development M = Minor use permit H = Home occupation permit S = Specific Plan required T= Temporary Use Permit X = Prohibited use	Very Low Density Residential	Low Density Residential	Cove Residential	Medium Density Residential	Medium-High Density Residential	High Density Residential	
	Land Use	RVL	RL	RC	RM	RMH	RH
	Other accessory uses and structures which are customarily associated with and subordinate to the principal use on the premises and are consistent with the purpose and intent of the zoning district.	A	A	A	A	A	A
	Agricultural Uses						
	Tree crop farming; greenhouses	P	X	X	X	X	X
	Field crop farming	P	M	X	X	X	X
	Produce stands, subject to Section 9.100.100	P	T	X	X	X	X
Temporary Uses							
Garage sales	A	A	A	A	A	A	
Construction and guard offices, subject to Section 9.60.210	A	A	A	A	A	A	
Use of relocatable building	M	M	M	M	M	M	
Model home complexes and sales offices, subject to Section 9.60.250	M	M	M	M	M	M	
Special outdoor events, subject to Section 9.60.170	M	M	M	M	M	M	
Parking of recreational vehicles, subject to Section 9.60.130	A	A	A	X	X	X	
Other Uses							
Churches, temples and other places of worship	C	C	C	C	C	C	

Table 9-1 Permitted Uses in Residential Districts							
P = Permitted use A = Accessory use C = Conditional use permit PUD = Planned Unit Development M = Minor use permit H = Home occupation permit S = Specific Plan required T= Temporary Use Permit X = Prohibited use	Very Low Density Residential	Low Density Residential	Cove Residential	Medium Density Residential	Medium-High Density Residential	High Density Residential	
	Land Use	RVL	RL	RC	RM	RMH	RH
	Museum or gallery displaying sculpture, artwork or crafts, including schools for above, on 20 acres or more	M	M	M	M	M	M
	Community recreational vehicle storage lots, noncommercial	A	A	X	A	A	A
	Communication towers and equipment (freestanding, new towers) subject to Chapter 9.170	C	C	C	C	C	C
	Communication towers and equipment (co-location, mounted to existing facility) subject to Chapter 9.170	M	M	M	M	M	M
	Utility substations and facilities	M	M	M	M	M	M
Public flood control facilities and devices	P	P	P	P	P	P	
Other principal, accessory or temporary uses not in this table.	Director or Planning Commission to determine whether use is permitted in accordance with Section 9.20.040.						

(Ord. 492 § 1, 2011; Ord. 480 § 1, 2010; Ord. 466 § 1, 2009; Ord. 445 § 1, 2007; Ord. 414 § 1, 2005; Ord. 394 § 2 (Exh. A), 2003; Ord. 325 § 1 (Exh. A), 1998; Ord. 299 § 1, 1997; Ord. 284 § 1 (Exh. A), 1996)

Chapter 9.50 RESIDENTIAL DEVELOPMENT STANDARDS

9.50.010 Mobilehome park development standards.

Mobilehome parks shall conform to the following standards:

- A. Minimum thirty percent common open area;
- B. Landscaped perimeter setbacks for structures: minimum twenty feet at any point and minimum twenty-five feet average over the entire perimeter;
- C. Perimeter setbacks shall not count toward the common open area requirement or vice versa. (Ord. 284 § 1 (Exh. A), 1996)

9.50.020 Height limits and setbacks near image corridors.

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

- A. Image Corridors: All buildings limited to one story, not to exceed twenty-two feet in height.
- B. Rear yard setbacks for residential units abutting the image corridors shall be a minimum of twenty-five feet. The RVL development standard shall be required as specified in Section 9.30.020.

9.50.030 Table of development standards.

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

Table 9-2 Residential Development Standards						
Development Standard	District					
	RVL	RL	RC	RM	RMH	RH
Minimum lot size for single-family dwellings (sq. ft.)	20,000	7200***	7200	5000	3600	2000
Minimum project size for multifamily projects (sq. ft.)	n/a	n/a	n/a	n/a	20,000	20,000
Minimum lot frontage for single-family dwellings (ft.) ¹	100	60	60	50	40	n/a

Table 9-2 Residential Development Standards						
Development Standard	District					
	RVL	RL	RC	RM	RMH	RH
Minimum frontage for multifamily projects (ft.)	n/a	n/a	n/a	n/a	100	100
Maximum structure height (ft.) ²	28	28	17	28	28	40
Maximum number of stories	2	2	1	2	2	3
Minimum front yard setback (ft.) ³	30	20	20	20	20	20
Minimum garage setback ⁴ (ft.)	n/a	25	25	25	25	25
Minimum interior/exterior side yard setback (ft.) ^{5, 7}	10/20	5/10	5/10	5/10	5/10	10/15
Minimum rear yard setback (ft.) ⁷	30	20 for new lots and 10 for existing recorded lots ⁸	10	15	15	20
Maximum lot coverage (% of net lot area)	40	50	60	60	60	60
Minimum livable area excluding garage (sq. ft.)	2500	1400	1200	1400	1400 (multi-family: 750)	750 for multi-family
Minimum common open area ⁶	n/a	n/a	n/a	30%	30%	30%
Minimum/average perimeter landscape setbacks (ft.) ⁶	10/20	10/20	n/a	10/20	10/20	10/20
Symbol	Description of Special Zoning Symbols Used as per Section 9.20.030					
<u>60-RM-10,000</u> 17/1	60-foot minimum lot frontage, medium density residential zoning, 10,000 square foot minimum lot size, 17-foot maximum building height at one story					
<u>RL 10,000</u> 17/1	Low density residential zoning, 10,000 square foot minimum lot size, 17-foot maximum building height at one story					
<u>RM</u> 17/1	Medium density residential zoning, 17-foot maximum building height at one story					
<u>RL</u> 17/1	Low density residential zoning, 17-foot maximum building height at one story					

Table 9-2 Residential Development Standards						
Development Standard	District					
	RVL	RL	RC	RM	RMH	RH

- * As shown on the approved specific plan for the project.
- ** As provided in the underlying base district.
- *** A minimum lot size of 20,000 sq. ft. shall be required of new lots created within subdivisions of 10 acres or less in size located south of Avenue 52 and west of Monroe Street.
- ¹ Minimum lot frontage on cul-de-sacs and knuckles shall be 35 feet. Minimum lot frontage for flag lots shall be 15 feet.
- ² Not including basements. Also, notwithstanding above table, the maximum structure height equals 22 feet for all buildings within 150 feet of any general plan-designated image corridor, except in the RC zone, which is 17 feet.
- ³ For non-garage portions of dwelling only. Also, projects with five or more adjacent single family dwelling units facing the same street shall incorporate front setbacks varying between 20 feet and 25 feet or more in order to avoid streetscape monotony.
- ⁴ For all but RVL district, minimum garage setback shall be 20 feet if “roll-up” type garage door is used. Also, for side-entry type garages, the garage setback may be reduced to 20 feet in the RVL district and 15 feet in all other residential districts.
- ⁵ The following are exceptions to the minimum side setbacks shown: For interior side yards in the RL, RM and RMH districts, if the building is over 17 feet in height, the setback is five feet plus one foot for every foot over 17 feet in height or fraction thereof, to a maximum setback of ten feet. The additional setback may be provided entirely at grade level or a combination of at grade and airspace above the 17-foot building. For RH, five feet minimum plus one foot additional setback for every foot of building height above 28 feet, or fraction thereof, up to a maximum setback of 15 feet when said height above 17 feet is located between five and ten feet from said side yard property line. For interior setbacks, if the building is over 28 feet in height the setback is ten feet plus one foot for every foot over 28 feet in height or fraction thereof, to a maximum setback of 15 feet. The additional setback may be provided entirely at grade level or may be a combination of at grade and airspace above the 28-foot building height.
- ⁶ Common open area and perimeter landscape requirements do not apply to single-family detached projects unless a specific plan is required. Common open area equals percent of net project area. Perimeter landscape setbacks are adjacent to perimeter streets: first number equals minimum at any point; second number equals minimum average over entire frontage (thus, 10/20). See Section 9.60.240 and additional landscape/open area standards.
- ⁷ Rear and side yard setbacks for residential units abutting the image corridor shall be a minimum of 25 feet with the exception of RVL zone district where it only applies to the side yard.
- ⁸ Existing recorded lots prior to May 1, 1997.

(Ord. 466 § 1, 2009; Ord. 434 § 2, 2007; Ord. 325 § 1 (Exh. A), 1998; Ord. 299 § 1, 1997; Ord. 284 § 1 (Exh. A), 1996)

9.50.040 Illustration of development standards.

Figure 9-1
DEVELOPMENT STANDARDS: RVL AND RL DISTRICTS

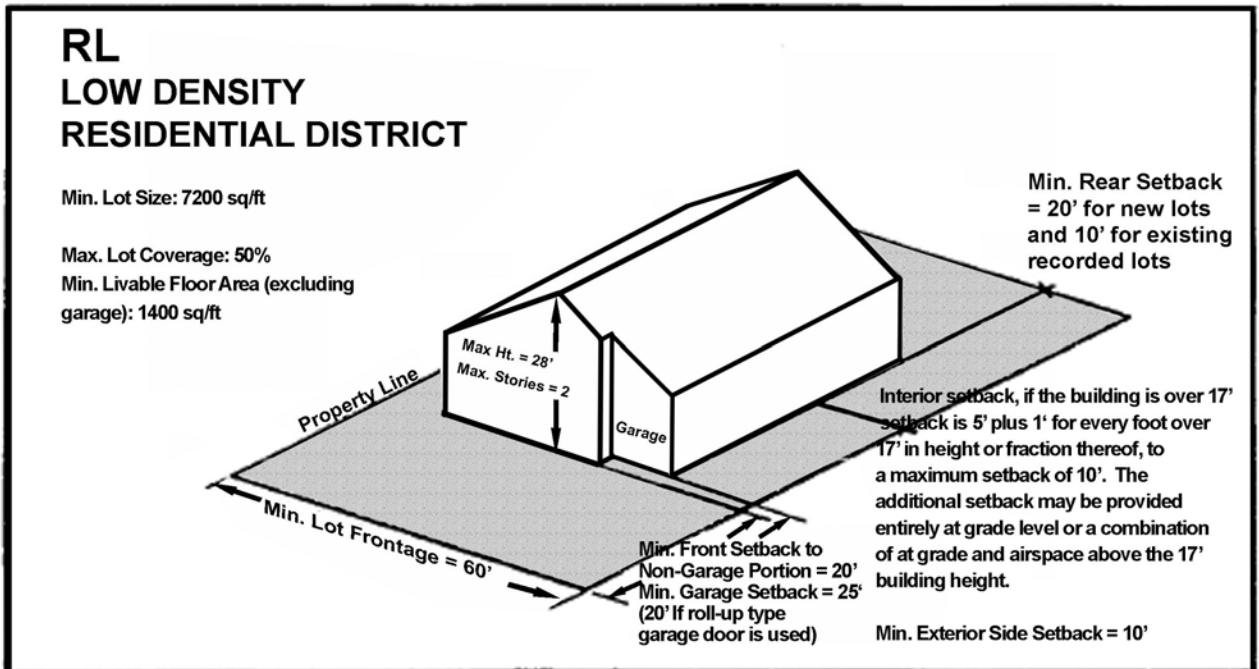
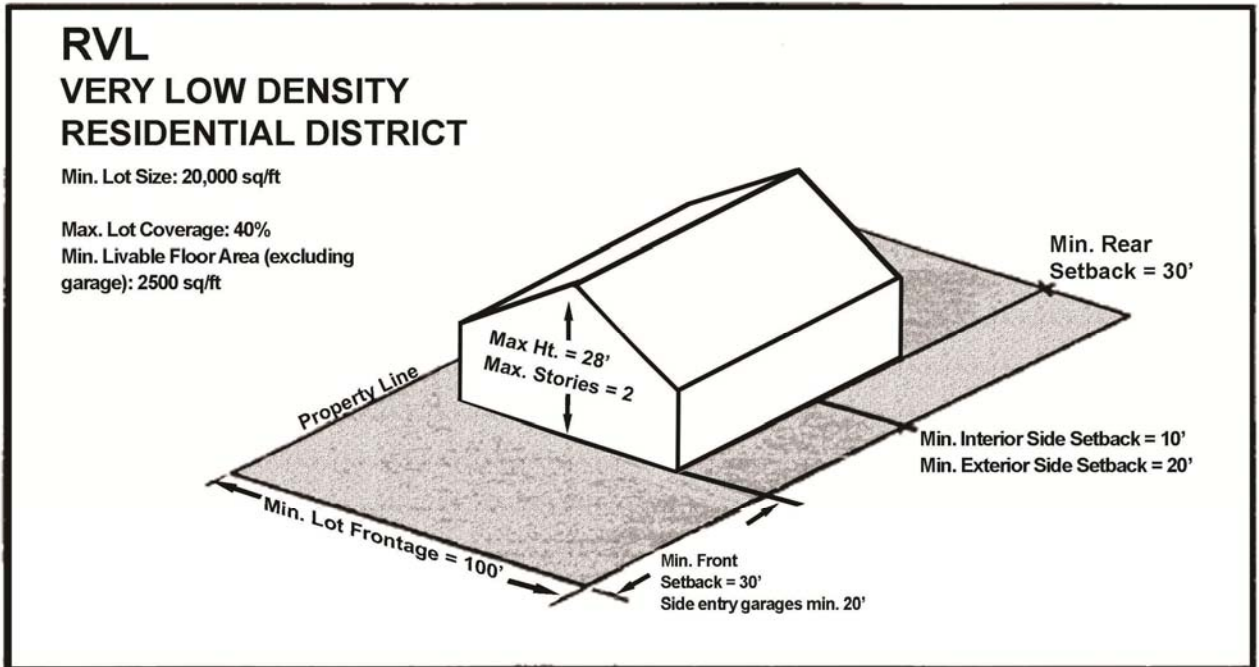
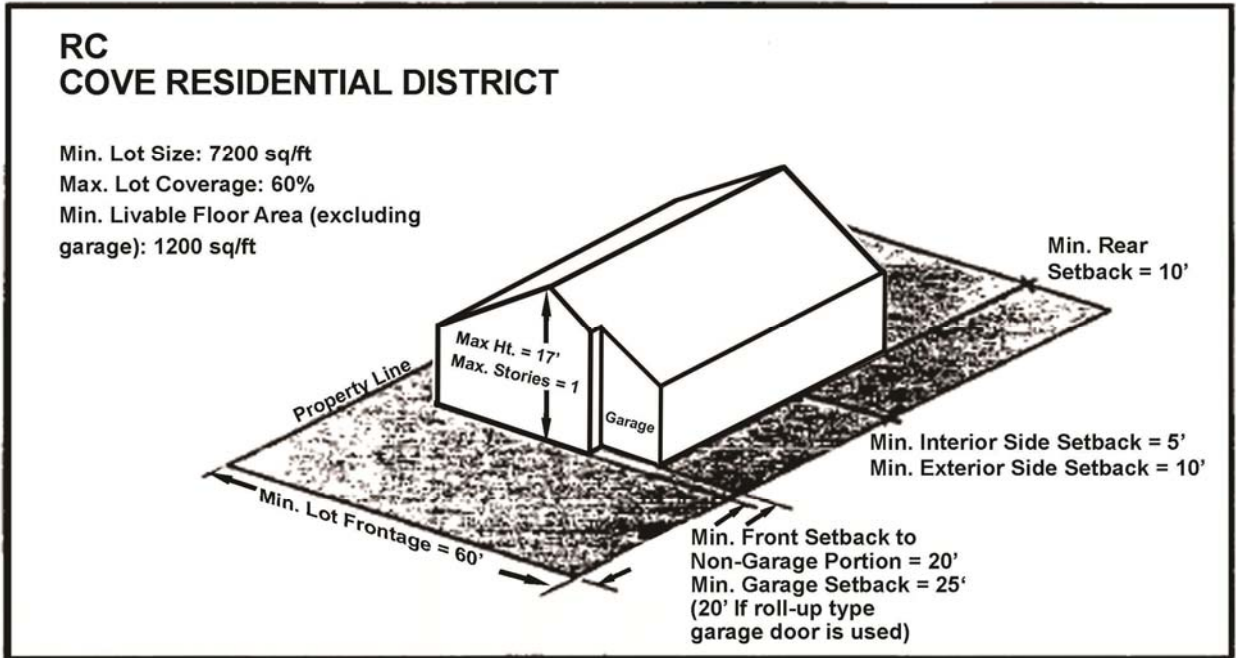
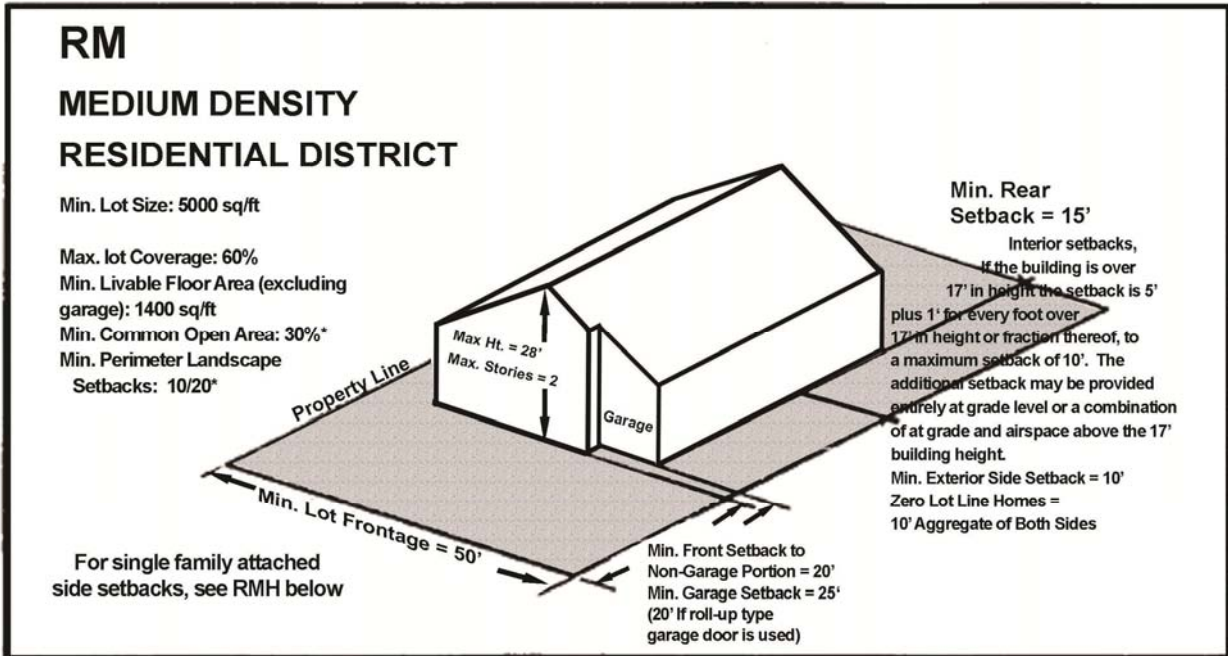


Figure 9-2
DEVELOPMENT STANDARDS: RC DISTRICT



**Figure 9-3
 DEVELOPMENT STANDARDS: RM AND RMH DISTRICTS**



*Common open area = % of net project area. Perimeter landscape setbacks are adjacent to perimeter streets: 1st no. = min. at any point; 2nd no. = min. avg. over entire frontage (thus, 10/20). This standard does not apply to detached single family residential. See Sec. 9.60.240 for additional landscape/open area standards.

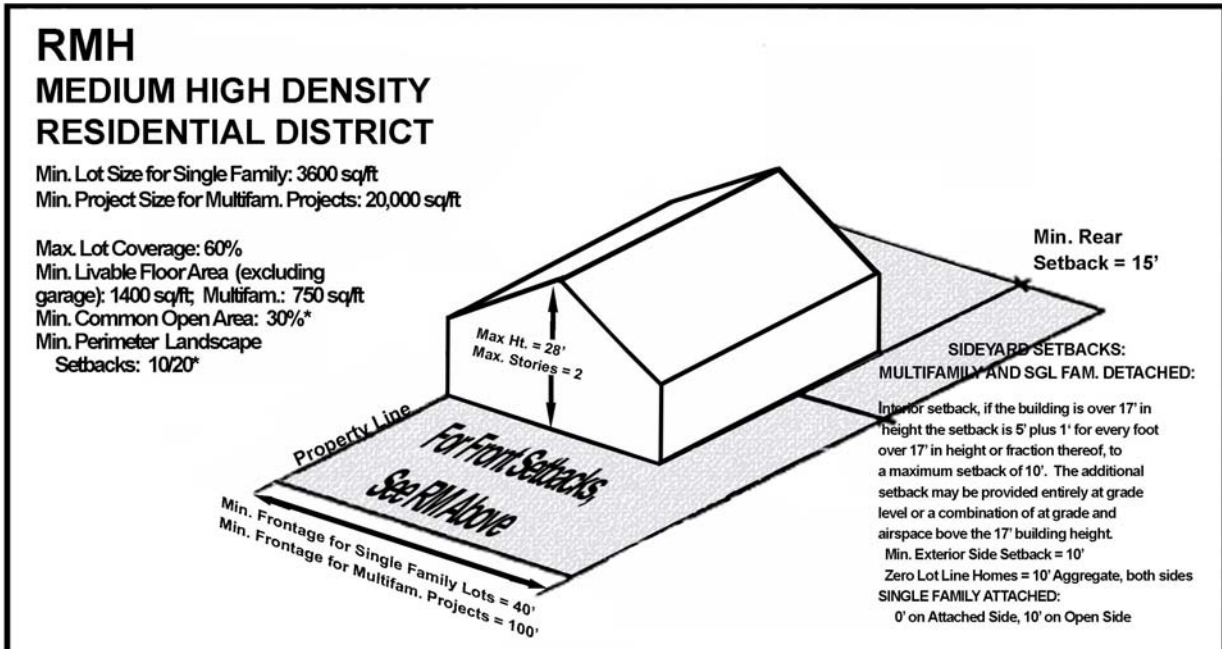
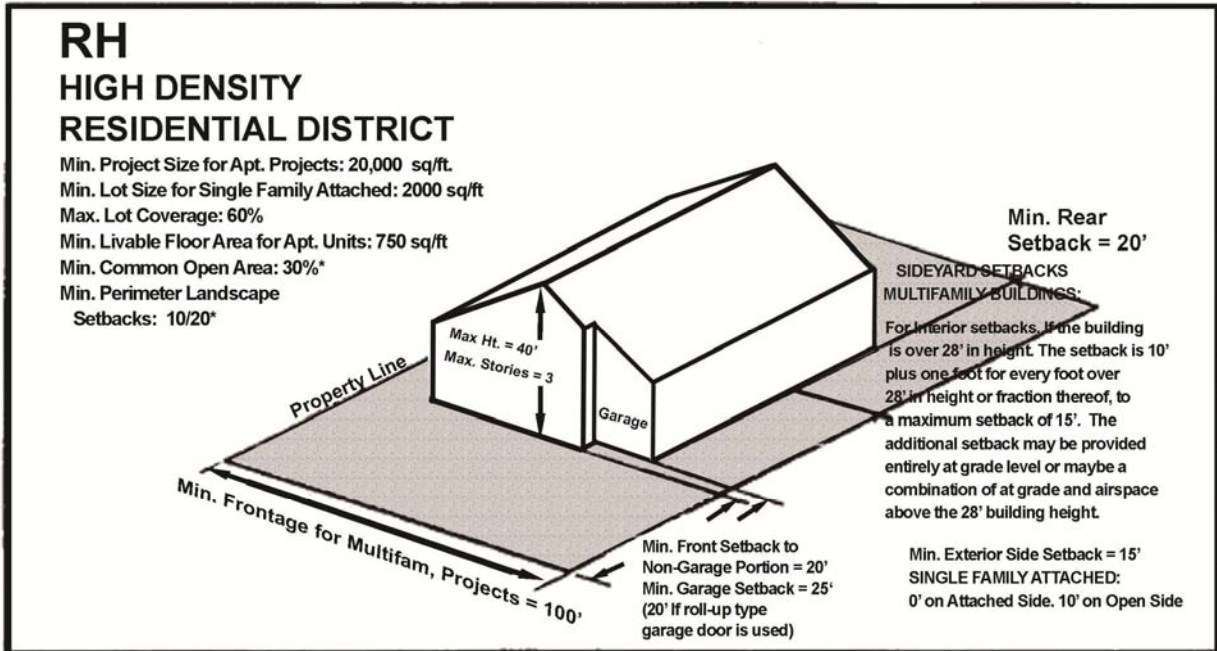
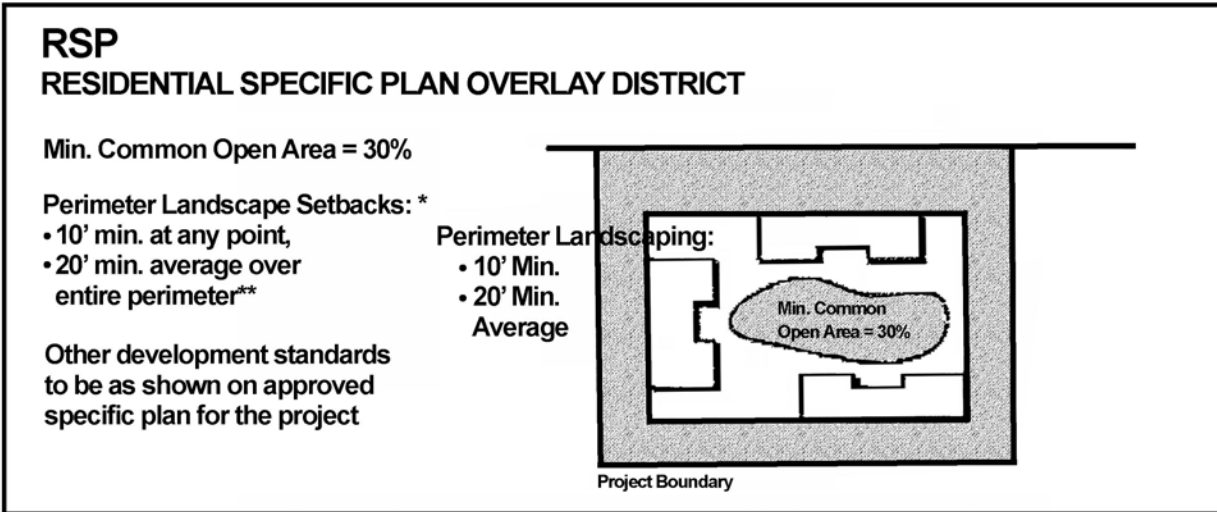


Figure 9-4
DEVELOPMENT STANDARDS: RH AND RSP DISTRICTS



*Common open areas and perimeter landscape requirements do not apply to single family detached projects unless a specific plan is required. Common open areas = % of net project area. Perimeter landscape setbacks are adjacent to perimeter streets: 1st no. = min. at any point; 2nd no. = min. avg. over entire frontage (thus, 10/20). See sec. 9.60.240 for additional landscape/open area standards.



**Perimeter setback area shall not be counted as common open area or vice versa.

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(Ord. 325 § 1 (Exh. A), 1998; Ord. 284 § 1 (Exh. A), 1996)

9.50.050 Maximum building height.

For purposes of this code, the maximum height of buildings and other structures shall be defined as the vertical distance from finish grade to an imaginary plane above the building site. The imaginary plane shall be established above and parallel to the finish grade adjacent to the exterior walls at a vertical distance equal to the specified maximum height. This definition is illustrated below:

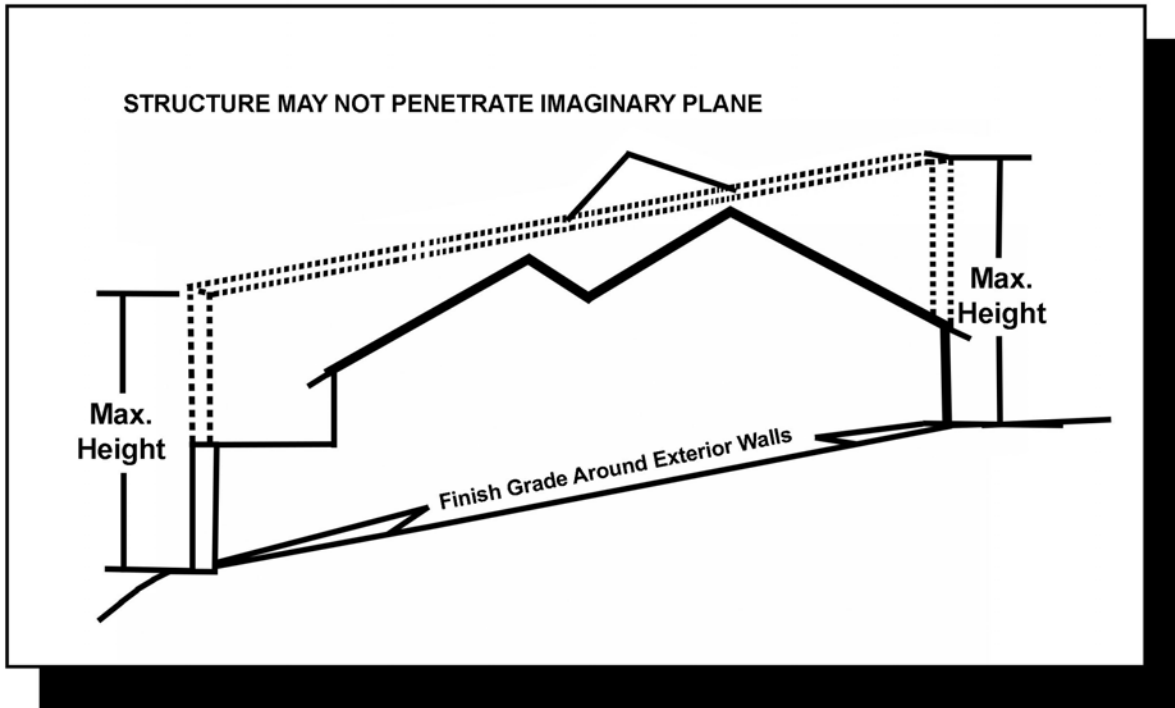


Figure 9-5: Measurement of Building Height

(Ord. 284 § 1 (Exh. A), 1996)

9.50.055 Front Elevations for Tract Development

Each prototype plan proposed within a tract shall be provided with a minimum of two different front elevations with structural changes including, but not limited to roof type, height, finishes, and color to ensure variety within the project.

90.50.060 Architectural projections.

- A. Roof Projections. Notwithstanding Figure 9-5, chimneys, roof vents, finials, spires, and similar architectural features not containing usable space are permitted to extend up to three feet above the maximum structure height set forth in Table 9-2.
- B. Projections. Architectural projections such as the following are permitted to encroach into the required setbacks specified in Table 9-2:
 - 1. Roof overhangs, chimneys, awnings and canopies may encroach a maximum of two feet into any required setback provided such projections are no closer than three and one-half feet from any property line.
 - 2. Architectural projections such as cantilevered seating windows or ledges, which are located a minimum of one foot above the floor and do not increase a building's usable floor area, may encroach a maximum of two feet into any required setback provided such projections are no closer than three and one-half feet from any property line.
 - 3. Balconies, exterior stairways, and elevated uncovered decks may encroach a maximum of four feet into required front and rear setbacks provided such projections are no closer than three and one-half feet from any property line. Such projections shall not encroach into required side setbacks nor increase a building's usable floor space. (Ord. 325 § 1 (Exh. A), 1998; Ord. 299 § 1, 1997; Ord. 284 § 1 (Exh. A), 1996)

9.50.070 Irregular lots.

- A. Purpose. Setback distances established for residential districts are based on rectangular lots. Nonrectangular lots, lots with three sides or more than four sides, and other nonstandard lots require special measurement techniques in order to achieve the purpose of setback requirements, i.e., the appropriate separation of structures from streets and other properties. The purpose of this subsection is to provide standards for the establishment and measurement of setbacks on irregular lots. (See Chapter 9.280 for definition of lot lines.)

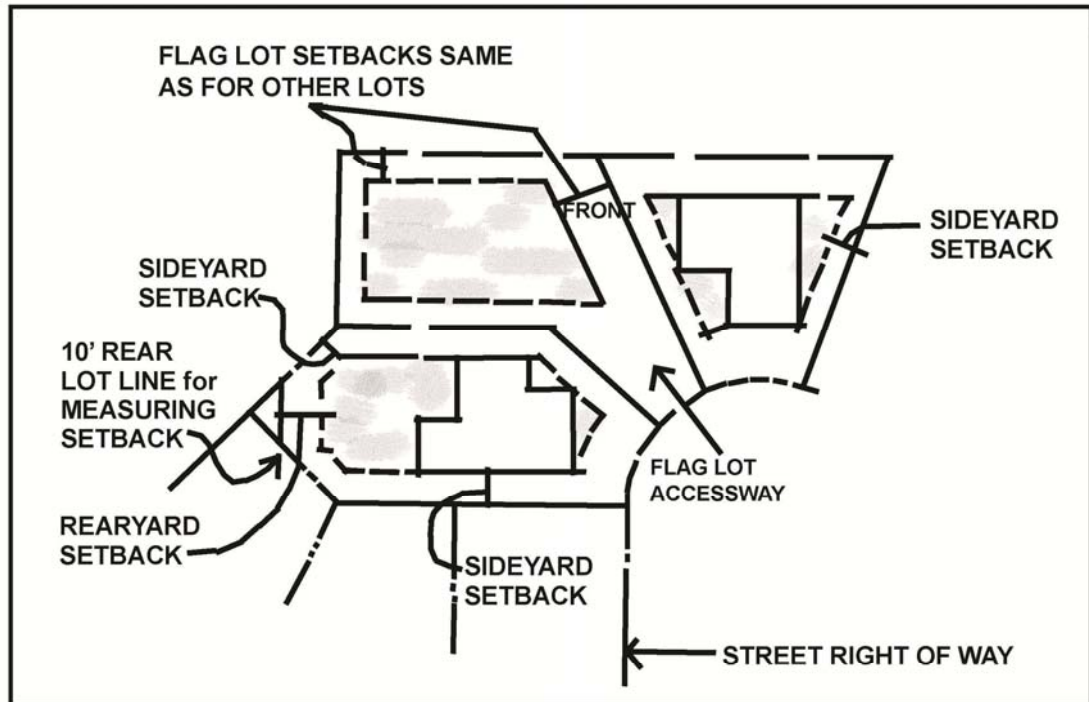


Figure 9-6: Setbacks on Irregular Lots

- B. Front Setbacks. Front yard setbacks shall be measured from the ultimate street right-of-way line.
- C. Rear Setbacks. In the case of an irregularly shaped lot, a ten-foot line which is within the lot and parallel to and most distant from the front lot line shall be considered the rear lot line for purposes of determining required setbacks and for interpretation of other provisions of this code (see illustration).

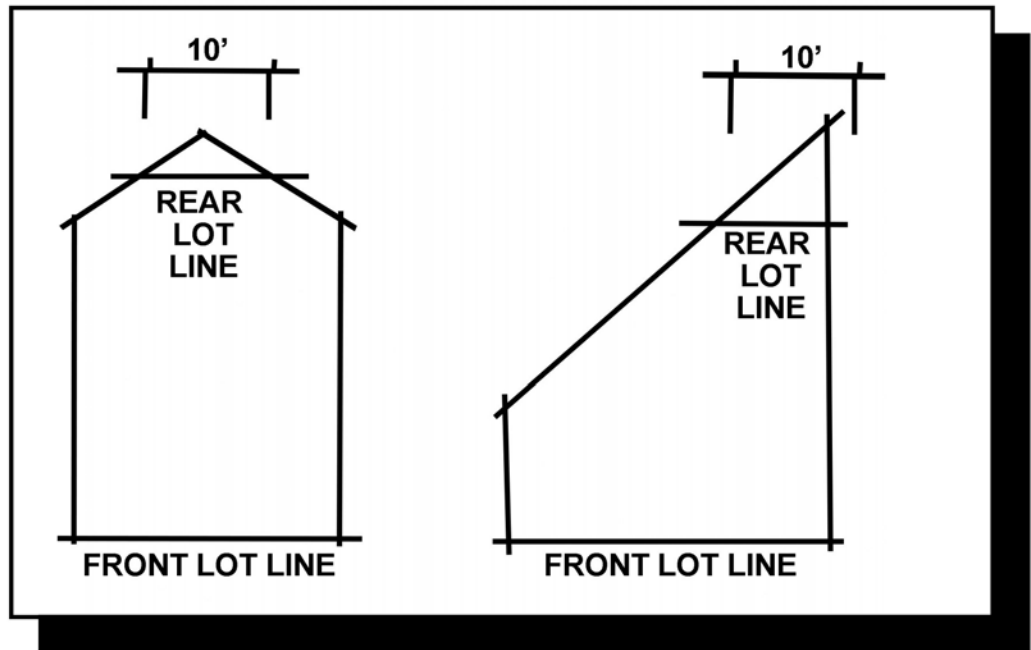


Figure 9-6a: Rear Lot Line for Measuring Setbacks

- D. Side Setbacks. All lot lines which are not front or rear lot lines shall be considered side lot lines for the purpose of measuring setbacks.
- E. Pie-Shaped Lots. Setbacks on pie-shaped lots shall be measured at the closest point between the building and the angled lot line.
- F. Flag or Panhandle Lots.
 - 1. Definition. For purposes of this section, “panhandle lot,” “flag lot,” “panhandle building site” and “flag building site” all mean the following: a lot or building site having its only vehicular access by way of a narrow accessway which serves no other property and which is less than forty feet wide and more than twenty feet long.
 - 2. Setbacks. All setbacks shall be the same as for other lots in the applicable district. The front lot line shall be the line closest to perpendicular to the street on which the lot accesses, unless determined otherwise by the Director.
 - 3. No Structures in Panhandle. No structures shall be permitted in the panhandle portion of the lot nor shall that portion be credited to minimum lot area requirements.
 - 4. Minimum Accessway Frontage. Twenty feet.
- G. Determination by Director. Where a building site is situated such that any of the property lines are not readily determinable, required

setbacks shall be as determined by the Director in compliance with the following criterion: required setbacks shall not permit the placement of buildings on the site in a manner that will constitute a grant of special privileges inconsistent with the limitations placed on other properties in the vicinity and incompatible with surrounding uses.

9.50.080 Setbacks from surface easements.

Where a surface easement for street, vehicular access, bikeway, or recreation trail purposes has been granted across any portion of a lot, the building setback shall be measured from the property line or to the edge of easement, whichever is closer to the building. (Ord. 284 § 1 (Exh. A), 1996)

9.50.090 RC district development standards.

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

A. Requirements.

1. Manual on Architectural and Landscape Standards. The planning commission shall, by resolution, adopt architectural and landscape manuals to be used as guidelines in reviewing landscape materials, architectural style, exterior building materials, colors, and mass and scale;
2. Architectural Variety. Duplication of houses having the same architectural design features on the front elevation of other houses located within two hundred feet of each other shall make provisions for architectural variety by using different colors, roof treatments, window treatments, garage door treatments, and methods;
3. Minimum Gross Livable Area. One thousand two hundred square feet, excluding the garage, as measured from the exterior walls of the dwelling;
4. Bedroom Dimensions. A minimum ten-foot clear width and depth dimensions, as measured from the interior walls of the room;
5. Bathrooms. There shall not be less than one and one-half baths in one- or two-bedroom dwellings, and not less than one and three-quarter baths in dwellings with three or more bedrooms;
6. Exterior walls shall be cement plaster and may be accented with stone, brick, wood, or other similar materials;
7. Sloping roofs on new homes shall be constructed of clay, or concrete tile. Replacement of existing roofs shall also require the

use of clay, or concrete tile, unless the Director determines that the roof support structure will not support such materials. Building additions and accessory structures may have roofs of the same or similar materials as the existing home (All properties listed on the city's historic building survey shall be exempt from this requirement);

8. Landscaping. All front and exterior side yards shall be landscaped to property line;
9. The landscaping shall include trees, shrubs and ground cover of sufficient size, spacing and variety to create an attractive and unifying appearance. Landscaping shall be in substantial compliance with the standards set forth in the manual on architectural standards and the manual on landscape standards as adopted by the planning commission;
10. An irrigation system shall be provided for all areas required to be landscaped;
11. The landscaping shall be continuously maintained in a healthy and viable condition;
12. Screening. Refuse containers and bottled gas tanks shall be concealed by view-obscuring fencing or walls;
13. Underground Utilities. All electric services, overhead wires, or associated structures must be installed underground;
14. Lighting. All exterior lighting shall be located and directed so as not to shine directly on adjacent properties and shall comply with the dark sky ordinance;
15. Fencing. Rear and side yards shall be completely enclosed and screened by view-obscuring fencing, walls, or combinations as illustrated in the manual on architectural standards;
16. Earth fill shall not exceed what is necessary to provide minimum required drainage to the street;
17. When there is a combined retaining and garden wall, and the retaining wall exceeds three feet, the garden wall shall not exceed five feet in height;
18. Parking shall be provided in accordance with Chapter 9.150, Table 9-11 (Parking for Residential Land Uses). (Ord. 505 § 1, 2012; Ord. 361 § 1 (Exh. A), 2001; Ord. 325 § 1 (Exh. A), 1998)

Chapter 9.60 SUPPLEMENTAL RESIDENTIAL REGULATIONS

9.60.010 Purpose and intent.

This chapter sets forth requirements for accessory structures, fences and walls, swimming pools, and other special aspects of land use in residential districts. These requirements are in addition to the regulations for residential uses set forth in Chapter 9.30 through 9.50. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.60.020 Signs and parking.

Refer to Chapter 9.150 for parking regulations and Chapter 9.160 for sign regulations. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.60.030 Fences and walls.

- A. Purpose. For purposes of this section, “fence” or “wall” means any type of fence, wall, retaining wall, sound attenuation wall, screen or windscreen. The terms “fence” and “wall” are used interchangeably in this section to mean any or all of the preceding structures.
- B. Measurement of Fence Height. Except as otherwise specified in this section, fence heights shall be measured from finish grade at the base of the fence to the highest point of the fence on the interior or exterior side, whichever is higher.

height of the fence may be measured from the elevation of the adjoining building site to the top of the fence. However, fence height shall not exceed eight feet measured from either side with the exception of the RC district (see Section 9.30.040).

3. Setback Areas Bordering Streets, Alleys and Other Accessway.
 - a. Within all districts, the maximum fence height shall be five feet within the first ten feet of the required front setback area (measured from the street right-of-way) and six feet within any rear or side setback area adjoining a public street.
 - b. Notwithstanding other fence height restrictions, where, because of the orientation of the lots, a property line fence separates a front yard on one lot from a rear yard on an adjacent lot, the maximum fence height shall be six feet.
 - c. Arches or trellises up to nine feet in overall height, ~~two feet in depth, nine feet in exterior width~~ and five feet interior width may be constructed over a gate on a lot provided the arch/trellis is integrated into the fence/gate design. The Director may refer arch designs exceeding the standard to the planning Commission for approval.
 - d. Any portion of a building site where vehicular access is taken shall conform to the access intersection requirements of subsection (C)(4) of this section.
 - e. City- or state-required sound attenuation walls bordering freeways or arterial highways may exceed six feet in height if so recommended by a noise attenuation study and approved by the director.
4. Adjacent to a Nonresidential Zone or Use. The maximum fence height between a residential zone or use and a nonresidential zone or use shall be eight feet.
 - a. The height of fences, trees, shrubs and other visual obstructions shall be limited to a maximum height of thirty inches within the triangular area formed by drawing a straight line:
 - i. Between two points located on and twenty feet distant from the point of intersection of two ultimate street right-of-way lines.
 - ii. Between two points located on and five feet distant from the point of intersection of an ultimate street or alley right-of-way on one hand and the edge of a driveway or another

alley right-of-way on the other if parkway width is less than twelve feet wide.

- b. For purposes of this code, “point of intersection” means the intersection of the prolongation of the right-of-way lines, excluding any curved portion joining the two lines.
- c. The height restrictions of this subdivision shall apply to fences, walls, trees, shrubs, vegetation, or any other material which obstructs or may obstruct visibility.

D. Gates.

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

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

1. Wood and Vinyl Fencing.
 - a. Except for gates, split two rail fencing, and for equestrian fencing regulated by Section 9.140.060, wood and vinyl or similar recycled fencing materials are permitted in rear or interior side yards only, and only if not visible from the street. Wood-framed fencing with a stucco finish is a permissible in any location on the lot provided the color of the masonry or stucco matches or complements the adjacent wall or structure. Gates may be of wood in any location provided they comply with the standards of this section.
 - b. All wood fencing shall be constructed of not less than a grade of construction heart or merchantable and better redwood or No. 2 and better (no holes) western red cedar, stained or painted to

match or complement the adjacent wall or structure. Alternatively, if left in natural color, all wood shall be treated with a water-repellant material.

- c. All vinyl or similar recycled fencing material shall be constructed of an aluminum-reinforced non-reflective material that contains antistatic and UV-radiation inhibiting additives.
 - d. Fence boards may be horizontal or vertical. Support posts shall be a minimum of nominal four inches by four inches redwood, pressure-treated lumber, tubular steel or block and installed per the Uniform Building Code.
 - e. Split Rail Fencing. Split two rail fencing shall be allowed in the front yard or along the front property line with columns a maximum height of four feet and three feet for the top rail. All columns shall be cemented with footings. Materials for the columns shall be wood, brick, or block. The rails may be either wood or other non-wood products that have the appearance of split rail. A building permit shall be obtained prior to construction.
2. Ornamental Iron and Tubular Steel Fencing. Ornamental iron or tubular steel fencing may be used along the front or street side yards only. The iron or steel shall be painted to match or complement the adjacent wall or structure.
 3. Masonry Fencing. Solid masonry fencing (i.e., block, rock, brick, with or without stucco covering) is permitted in any location on the lot provided the color of the masonry or stucco matches or complements the adjacent wall or structure. Precision concrete block shall not be used unless all exterior surfaces visible from outside the property are covered with stucco, paint, texture coating, or other comparable coating approved by the director.
 4. Material Combinations. Combinations of two or more of the preceding materials may be used provided that the bottom one-half of the fence is constructed of a masonry material. Combinations incorporating wood materials shall only be used for the rear and interior side yards and only when not visible from the street.
- F. Fence Landscaping and Maintenance.
1. Landscaping. The area between the back of curb and any fencing shall be landscaped, have a suitable permanent irrigation system, and be continuously maintained by the property owner.

2. Maintenance. All walls and fences shall be continuously maintained in good repair. The property owner shall be provided thirty days after receiving notice from the city to repair a wall or fence. The building official may grant an extension to such time period not to exceed sixty days.
- G. Prohibited Fence Materials and Construction Fences. The use of barbed wire, razor wire, chain link, or similar materials in or on fences is prohibited in all residential districts. Chain link fencing is permitted for temporary construction fences when authorized by a minor use permit issued in accordance with Section 9.210.020. Said minor use permit shall not be approved until a permit for grading, or construction, has been filed for, whichever comes first.
- H. Equestrian Fencing. Notwithstanding any other requirements of this section, fencing shall be regulated by the provisions of Section 9.140.060 (Equestrian overlay regulations) where the keeping of horses is permitted.
- I. Nonconforming Fences. Any fence which does not meet the standards of this section but which was legally established prior to the adoption of these standards may be maintained provided such fence is not expanded nor its nonconformance with these standards otherwise increased. Any fence which is destroyed or damaged to the extent of more than fifty percent of its total replacement value shall not be repaired, rebuilt, or reconstructed except in conformance with these standards. (Ord. 466 § 1, 2009; Ord. 378 § 1 (Exh. A), 2002; Ord. 361 § 1 (Exh. A) (part), 2001; Ord. 325 § 1 (Exh. A) (part), 1998; Ord. 299 § 1 (part), 1997; Ord. 284 § 1 (Exhs. A, B) (part), 1996)

9.60.040 Patio covers, decks and play equipment.

- A. Applicability. For purposes of this section, the term “patio covers, decks, and play equipment” includes any type of yard structure other than a building or a carport. Such structures include but are not limited to open and solid patio covers, gazebos, trellises, arbors, and to play equipment which is more than eight feet in height. All such structures shall be “open” (no side walls) and are referred to in this section as “yard structures.” Enclosed structures shall be considered accessory buildings (see Section 9.60.050). Uncovered decks and other structures less than eighteen inches above finish grade shall not be subject to the provisions of this section.

B. Standards. Patio covers, decks, gazebos, play equipment or other yard structures, attached to or detached from the main building shall comply with front and side yard setbacks for the main building and the following requirements:

1. The location of decks shall be governed by the standards for wall projections in Section 9.50.060.
2. No yard structure shall be more than twelve feet in height.
3. Yard structures shall not be constructed or established in the panhandle portion of a panhandle or flag lot.
4. No yard structure shall be located less than five feet from any adjacent residential lot or from any rear property line adjacent to a public or private right-of-way.
5. No yard structure shall be located less than three feet from any rear property line adjacent to any common use easement or open space or recreational area which is at least ten feet deep.
6. Eaves or roofs may overhang into the required setback a maximum of eighteen inches. Setbacks shall be measured from the nearest supporting member of the structure to the property line or, if the property line is at the toe of a slope, from the top of the slope.
7. Structures shall be constructed in a manner so as to prevent rooftop water from draining onto any adjacent parcel.
8. Wood lattice cross-members in patio covers or trellises shall be of minimum nominal two inches by two inches material.
9. No patio cover, trellis, gazebo, arbor, similar structure, or combination thereof shall cover more than fifty percent of the rear area required setback. (Ord. 325 § 1 (Exh. A) (part), 1998; Ord. 299 § 1 (part), 1997; Ord. 284 § 1 (Exh. A) (part), 1996)

9.60.045 Barbeques, waterfalls, fountains, fireplaces and similar structures.

- A. Applicability. Permanently installed freestanding barbeques, waterfalls, fountains, fireplaces and similar structures such as permanently installed tables and benches, etc., may be constructed on a residential lot containing a primary residence.
- B. Standards. Freestanding barbeques, waterfalls, fountains, fireplaces and similar structures shall comply with the following requirements:
 1. Said construction of structures, except freestanding fireplaces, are allowed within the required front, side, or rear setbacks, including adjacent to a property line. In side yard areas, a single clear passageway of five feet wide shall be provided.

2. Allowed construction of structures shall not be attached to property line walls or fences, and shall meet all required distance clearances (i.e., for barbeques, fireplaces).
3. Within five feet of any property line, the height of the feature or construction shall not exceed the height of the closest wall or fence. If no wall or fence exists, the construction or feature shall not exceed the height of the wall allowed along the property line in question.
4. Outdoor fireplaces shall not be closer than five feet from a property line, except when adjacent to permanent open space such as a golf course, common landscape or hardscape area, drainage channel, etc., in which case it may be within three feet of the property line. The height of the chimney may be up to six feet unless required to be higher to comply with building code requirements. In such cases, the height shall not be higher than the minimum height required. (Ord. 361 § 1 (Exh. A)(part), 2001)

9.60.050 Storage and other accessory buildings.

- A. Applicability. Accessory buildings, such as storage or gardening sheds, are permitted on a residential lot containing a primary residence subject to the requirements of this section. (Carports and garages are regulated separately by Section 9.60.060, patio covers by Section 9.60.040, swimming pools and spas by Section 9.60.070, and recreational vehicle parking by Section 9.60.130.)
- B. Drainage from Roofs. Accessory buildings shall be constructed in a manner so as to prevent rooftop water from draining onto any adjacent parcel.
- C. Lot Coverage Maximums. The placement of accessory buildings on a lot shall not result in violation of the lot coverage maximums set forth in Section 9.50.030.
- D. Standards. Setbacks and Maximum Height. Detached accessory buildings shall conform to the following setback standards:

Table 9-3 Standards for Detached Accessory Buildings						
Roof Area of Structure (sq. ft.)	Maximum Height	Separation from Main Building	Minimum Setback (ft.)			
			Front Yard	Interior Side Yard	Exterior Side Yard	Rear Yard
0—100	10	5	20	3.5	10	3.5
101—200	10	5	20	5	10	5

201+	17	10	Same as for main building
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(Ord. 299 § 1 (part), 1997; Ord. 284 § 1 (Exhs. A, B) (part), 1996)

9.60.060 Garages and carports.

- A. Height. The maximum structure height shall be fourteen feet for a detached carport and seventeen feet for a detached garage, except that garages may be up to twenty-eight feet in height if a second dwelling unit complying with the provisions of Section 9.60.090 is located above the garage.
- B. Setbacks.
 - 1. In the RVL district, the minimum garage or carport setback shall be thirty feet. In all other residential districts, the minimum setback for front-entry type garages or carports shall be twenty-five feet if a standard “pivot” type garage door is used, twenty feet if a “roll-up” type garage door is used, and twenty feet for a carport. For side-entry type garages, the minimum garage setback shall be twenty feet in the RVL district and fifteen feet in all other residential districts. A side-entry garage designed as tandem parking, when permitted under this code, shall not be located along any street frontage. The conversion of side-entry garages to habitable area is only permitted if the side-entry garage conforms to the minimum garage setback for a front-entry type garage.
 - 2. When alleys, private streets or common driveways at the rear of a lot are provided specifically as vehicular access to garages and carports and when separate access and circulation systems are provided for pedestrians, guests and emergency vehicles, garages and carports may be placed up to a minimum of five feet from such alley, private street or common driveway.
- C. Lot Coverage Maximums. The placement of a garage or carport on a lot shall not result in violation of the lot coverage maximums set forth in Section 9.50.030. (Ord. 505 § 1, 2012; Ord. 284 § 1 (Exh. A), 1996)

9.60.070 Swimming pools.

- A. Applicability. The provisions of this section shall apply to any outdoor swimming pool, whirlpool, spa (in-ground or above-ground), or open tank or pond containing or normally capable of containing water to a depth of eighteen inches or more at any point. For purposes of this section, the term “pool” means all or any of the foregoing facilities.
- B. Standards. Pools are permitted as accessory uses in residential districts subject to the following requirements:
 - 1. Location. Pools shall be located at least three feet (measured from water’s edge) from any property line. No adjustments to this minimum shall be approved, with the exception of private gated

communities where any property line is adjacent to common open area.

2. Filtering and Heating Equipment. Use of equipment shall comply with the following requirements:
 - a. Mechanical pool equipment such as a pump, filter, or heater, may be located within the front or rear yard areas. The equipment shall be enclosed on at least three sides by a masonry wall with an open side not visible to the street.
 - b. Mechanical pool equipment may be in an area between the side property line and the residence provided a five-foot side yard, clear of any permanent obstructions is maintained between the side yard property line and any mechanical pool equipment.
 - c. Where there is no side property line wall, mechanical pool equipment may be in a side yard of five feet or less only if a recorded easement in perpetuity exists for the subject property to use the adjacent side yard of the abutting property for access and a minimum five feet distance between the equipment and adjacent obstruction (i.e., building wall) is provided.
3. Fencing Requirements. All pools shall be fenced in accordance with the provisions of the city's building code Chapter 8.06, state law and other applicable laws and ordinances.
4. Screening shall be provided as required in Section 9.60.140(B)(2). (Ord. 361 § 1 (Exh. A), 2001; Ord. 325 § 1 (Exh. A), 1998; Ord. 299 § 1, 1997; Ord. 284 § 1 (Exh. A), 1996)

9.60.075 Ground mounted mechanical equipment.

Use of equipment shall comply with the following requirements:

- A. Ground mounted mechanical equipment such as air conditioner condensing units, water softeners, etc., may be located within the rear yard areas. For lots of five thousand square feet or less, said equipment can be in the front yard if there is a wall around the yard, or it is screened by a masonry wall.
- B. Where there is no side yard property line wall, mechanical equipment may be in an area between the side property line and the residence provided a five-foot side yard, clear of any permanent obstructions is maintained between the side yard property line and any mechanical equipment.
- C. Mechanical equipment may be in a side yard of five feet or less only if a recorded easement in perpetuity exists for the subject property to use the adjacent side yard of the abutting property for access and a minimum five feet distance between the equipment and adjacent

obstruction (i.e., building wall) is provided. (Ord. 361 § 1 (Exh. A), 2001)

9.60.080 Satellite dish and other antennas.

- A. Purpose. Satellite dish and other antennas consistent with the design and location provisions of this section shall be permitted as accessory structures within any residential district.
- B. Permitted Commercial Antennas. Commercial television, radio, microwave, communication towers, and related facilities are permitted as principal uses in all districts subject to approval of a conditional use permit and conformance with the requirements of Chapter 9.170 (Wireless Telecommunication Facilities). Satellite dish and other antennas are permitted as accessory structures in nonresidential districts in accordance with Section 9.100.070.
- C. Permitted Noncommercial Antennas (See Chapter 9.170). Noncommercial privately owned television and/or radio antennas shall be contained entirely within a building except for: (1) satellite dish antennas and other antennas which cannot function when completely enclosed by a building; and (2) amateur radio antennas used by operators licensed by the Federal Communications Commission (FCC, pursuant to 47 CFR Section 97). Such permitted outdoor antennas shall comply with the following design standards and requirements:
 - 1. Number. No more than one satellite dish and one amateur radio antenna shall be permitted per lot.
 - 2. Height and Diameter. Satellite dish antennas shall not exceed eight feet in height measured from adjacent grade or finish floor and shall be no more than eight feet in diameter.
 - 3. Ground-Mounted Antennas.
 - a. Location. All ground-mounted antennas shall be located within the rear yard or may be located within an interior side yard if not within the required side yard setback. Such antennas are prohibited from exterior street side yards unless not visible from the street. All antennas over six feet in height shall be set back a minimum of ten feet from all property lines.
 - b. Screening. Ground-mounted satellite dish antennas shall be screened from view, including views from adjacent yards, by landscaping or decorative structures (trellis, arbor, fence, etc.). The dish antenna shall be a single color that blends with its surroundings (e.g., off-white, dark green, brown, gray or black).

- c. Disguised Antennas. An antenna which has the appearance of typical backyard furniture or equipment (e.g., satellite dish antenna manufactured to have the appearance of a patio umbrella) is not required to comply with the preceding location and screening standards but shall comply with height and size limits. Such an antenna may be placed on any patio or deck.
4. Building-Mounted Antennas. Roof-mounted and other building-mounted antennas are prohibited in all residential districts if over twenty-four inches in diameter unless completely screened from horizontal view via a parapet wall or other feature which is integrated into the architecture of the building.
- D. Exempt Antenna: Amateur radio antennas.
(Ord. 492 § 1, 2011; Ord. 299 § 1, 1997; Ord. 284 § 1 (Exh. A), 1996)

9.60.090 Second residential units.

- A. Purpose. This section provides standards and criteria for the establishment of second units within residential districts, consistent with California Government Code Section 65852.2. Second units shall be permitted only in the RVL, RL, RC, RM, RMH, and RH zone districts.
- B. Definitions. See Chapter 9.280.
- C. Standards for Second Units. The following standards shall apply to second units:
 1. A second unit shall be consistent with the provisions of the applicable zoning district in which it occurs.
 2. A second unit shall only be permitted on a lot in which the primary unit and all other structures thereon conform to all minimum requirements of the applicable zoning district.
 3. The lot shall contain an existing primary unit at the time an application for a second unit is submitted, or the application for the second unit may be made in conjunction with the development of the primary unit.
 4. The owner of the lot shall reside on the lot, either in the primary unit or in the second unit. Prior to issuance of occupancy approval of the second unit, the property owner shall enter into a restrictive covenant with the city regarding such owner-occupancy requirement on a form prepared by the city, which shall be recorded against the property. Such covenant shall further provide that the second unit shall not be sold, or title thereto transferred

- separate from that of the property. If the owner ceases to reside on the property, use of the second unit shall be discontinued (a) if it is an attached second unit, the unit shall be converted into a portion of the primary unit, or (b) if it is a detached second unit, the unit shall be removed or converted to a legal use. The director may grant temporary relief from this owner-occupancy requirement.
5. The maximum gross floor area of second unit shall not exceed thirty percent of the square footage of the primary unit or one thousand two hundred square feet whichever is less.
 6. The minimum gross floor area of a second unit shall be four hundred square feet.
 7. A second unit shall have no more than two bedrooms.
 8. The total gross floor area of all covered structures, including an attached second unit, shall not exceed the lot coverage area as prescribed by the applicable zoning district.
 9. The second unit shall be architecturally compatible with the primary unit.
 10. No attached second unit shall cause the height of the primary unit to exceed the height limitation for the applicable zoning district. If the attached second unit is not located above any portion of the existing primary unit, the maximum height of such unit shall not exceed the height of the primary unit.
 11. A detached second unit shall not exceed seventeen feet in height nor more than one story.
 12. An attached second unit may have a separate entrance; provided, however, in no event shall any external stairwell be placed within the front or side yard setback.
 13. A second unit shall contain separate kitchen and bathroom facilities, and shall be metered separately from the primary dwelling for gas, electricity, communications, water, and sewer services.
 14. All attached second units shall be equipped with approved smoke detectors conforming to the latest Uniform Building Code standards, mounted on the ceiling or wall at a point centrally located in an area giving access to rooms used for sleeping purposes.
 15. In addition to the required parking for the primary unit, a minimum of one additional off-street parking space shall be provided on the same lot that the second unit is located. One parking space shall be provided for each studio unit, in accordance with the applicable

parking regulations. No variance or adjustment shall be granted to allow substandard parking spaces or locations.

16. All construction, structural alterations or additions made to create a second unit shall comply with current building, electrical, fire, plumbing and zoning code regulations.
17. In the event of any conflicts between the standards set forth in this section and those set forth in the regulations of the applicable zoning district, the provisions of this section shall prevail.
18. The applicant shall pay to the city all applicable fees imposed on such new development.
19. The director may add other conditions, consistent with general law and applicable state and city standards, as necessary to preserve the health, safety, welfare and character of the residential neighborhood; provided, however, that such conditions shall not unreasonably restrict the ability of an applicant to create a second unit. (Ord. 445 § 2, 2007; Ord. 299 § 1 (part), 1997; Ord. 284 § 1 (Exh. A) (part), 1996)

9.60.100 Guesthouses.

- A. Purpose. This section provides standards and criteria for the establishment of guesthouses where such units are permitted in accordance with Section 9.40.040.
- B. Definitions. See Chapter 9.280.
- C. Limitations. One guesthouse may be established on any single-family residential lot as a permitted accessory use. In the cove residential, medium density residential, medium-high density residential and high density residential zones, only one guesthouse may be permitted on a lot, unless otherwise approved through a specific plan. In the very low density residential and low density residential zones, more than one guesthouse may be permitted with Director approval.
- D. Standards for Guesthouses. Guesthouses shall not be permitted when duplexes, triplexes, or apartments occur on the lot. All guesthouses shall conform to the following standards:
 1. Detached guesthouses shall conform to all applicable building code standards and all development and design standards of the zoning district in which they are located. In addition, the height of the guesthouse shall not exceed seventeen feet and shall not be more than one story.
 2. Guesthouses shall be architecturally compatible with the main unit.

3. The floor area of the guesthouse shall not exceed thirty percent of the existing living area of the principal residence.
4. The placement of a guesthouse on a lot shall not result in violation of the lot coverage maximums set forth in Section 9.50.030.
5. A guesthouse shall be used only by the occupants of the main residence, their non-paying guests, or domestic employees. The guesthouse shall not be rented or otherwise occupied separately from the main residence.
6. A deed restriction shall be required for recordation against the property to prohibit the use or conversion of the guesthouse to a rental unit or to a unit for sale
7. If a private sewage disposal system is used, approval of the local health officer shall be required.
8. When constructed with tract homes or prototypical residential units, guesthouse location and design shall be reviewed and approved as a part of the site development permit process. On an individual single-family lot of record, guesthouses shall be reviewed and approved for conformance with these provisions during the building permit plan check process. (Ord. 480 § 1, 2010; Ord. 445 § 3, 2007; Ord. 394 § 2 (Exh. A) (part), 2003; Ord. 325 § 1 (Exh. A) (part), 1998; Ord. 284 § 1 (Exhs. A, B) (part), 1996)

9.60.110 Home occupations.

- A. Purpose. The regulations set forth in this section are provided so that certain incidental and accessory uses may be established in residential neighborhoods under conditions that will ensure their compatibility with the neighborhood.
- B. Permit Required. Establishment and operation of a home occupation shall require approval of a home occupation permit processed by the director of building and safety in accordance with Section 9.210.060. Information shall be provided to ensure that the proposed home occupation complies with the requirements of this section. Additional information necessary to make the findings required for approval may be required by the city.
- C. Use and Development Standards. In addition to the requirements for each residential district, the following standards shall apply to the establishment and operation of home occupations:

1. The establishment and conduct of a home occupation shall be an incidental and accessory use and shall not change the principal character or use of the dwelling unit involved.
 2. Only residents of the dwelling unit may be engaged in the home occupation.
 3. A home occupation shall be conducted only within the enclosed living area of the principal dwelling unit or within the garage provided no garage space required for off-street parking is used. The home occupation shall not occupy more than twenty-five percent of the combined floor area of the house and garage.
 4. A home occupation shall not be conducted within a detached accessory structure, although materials may be stored in such a structure.
 5. There shall be no signs, outdoor storage, parked vehicles or other exterior evidence of the conduct of the home occupation. Neither the dwelling nor the lot shall be altered in appearance so that it appears other than a residence, either by color, materials, construction, lighting, sounds, vibrations or other characteristics.
 6. Electrical or mechanical equipment which creates interference in radio, television or telephone receivers or causes fluctuations in line voltage outside the dwelling unit shall be prohibited.
 7. The home occupation shall not create dust, noise or odors in excess of that normally associated with residential use.
 8. No sales activity shall be conducted from the dwelling except for mail order sales. The dwelling unit shall not be the point of customer pickup or delivery of products or services, nor shall a home occupation create greater vehicular or pedestrian traffic than normal for the district in which it is located. Exception: Musical instruction and academic tutoring where not more than two students are present at the residence at the same time shall be permitted.
 9. Medical, dental or similar occupations in which patients are seen in the home are prohibited.
 10. All conditions attached to the home occupation permit shall be fully complied with at all times.
- D. Revocation or Suspension of Permit. The director of building and safety may revoke or suspend any permit for a home occupation if the director determines that any of the performance and development standards listed in subsection C of this section have been or are being

violated, that the occupation authorized by the permit is or has been conducted in violation of any state statute or city law, or that the home occupation has changed or is different from that authorized when the permit was issued.

- E. Permit Nontransferable. No permit issued for a home occupation shall be transferred or assigned, nor shall the permit authorize any person other than that named in the permit, to commence or carry on the home occupation for which the permit was issued. (Ord. 418 § 1 (Exh. A), 2005; Ord. 299 § 1 (part), 1997; Ord. 284 § 1 (Exh. A) (part), 1996)

9.60.115 Cottage food operations.

- A. Purpose. The city council has adopted the following provisions to establish minimum development standards and requirements for cottage food operations, as defined in California Health and Safety Code Section 113758. Cottage food operations are permitted in all residential zones, subject to the standards listed in this Section. It is the city council's intent to provide appropriate land use and zoning standards for cottage food operations to be established in residential neighborhoods, under conditions that these uses shall not alter or disturb the character of the surrounding residential environment regarding spacing and concentration, traffic control, parking, and noise control. The standards and requirements set forth in this Section are therefore established toward ensuring protection of the public health, safety and general welfare.
- B. Definitions. See Section 9.280
 - 1. For the purpose of this Section, a "cottage food operation" means an enterprise wherein an individual prepares and packages non-potentially hazardous foods in a primary residential dwelling unit, which serves as his or her private residence, said foods being for the direct and/or indirect sale to consumers, and that does not have more than one full-time equivalent employee, and generates not more than: 1) \$35,000 in gross annual sales in 2013; 2) \$45,000 in gross annual sales in 2014; 3) \$50,000 in gross annual sales in 2015 and beyond as identified in California Health and Safety Code Section 113758.
 - 2. For the purpose of this Section, a primary residential dwelling unit means a main dwelling or primary residence, as defined in Section 9.280.030.

3. For the purpose of this Section, “not potentially hazardous foods” are defined as those foods listed in Health and Safety Code Section 114365.5, and as adopted and posted on the California Department of Public Health’s Internet website.
 4. All other definitions related to cottage food operations as set forth in California Health and Safety Code Section 113758 are hereby incorporated by reference, as currently enacted and as may hereafter be amended.
- C.
1. Permit Required and Compliance with Permit. Cottage food operations shall be permitted in any residential zoning district, subject to conformance with the standards of this Section.. The operator of the cottage food operation shall be the individual who conducts the cottage food operation from his or her private residential dwelling unit and is the owner of the cottage food operation. A cottage food operation shall be permitted if the cottage food operation complies with the requirements set forth in this Chapter, and the underlying zoning district, and all other Municipal Code provisions regarding spacing and concentration, traffic control, parking, and noise control.
 2. Failure to comply with the applicable requirements and standards may result in termination action by the City.
 3. The individual who conducts the cottage food operation from his or her private residential dwelling unit must be the owner of the cottage food operation.
 - a. If operator is not the owner of the property on or in which the cottage food operation will be conducted, the property/dwelling owner’s written authorization must be provided.
 - b. If the property on or in which the cottage food operation will be conducted is part of an active homeowners association, the operator shall provide written authorization by the homeowner association to conduct the cottage food operation from the property.
- D. Development Standards. These standards consist of the following:
1. The cottage food operation shall be registered or permitted as a “Class A” or “Class B” operation by the Riverside County Department of Environmental Health, in accordance with Riverside County Ordinance 916 and Section 114365 of the California Health and Safety Code. Evidence of said registration or permit issuance

- by the County shall be provided to the City prior to issuance of a City of La Quinta business license.
2. All cottage food operations shall require a City of La Quinta business license to be procured.
 3. The cottage food operation shall be clearly incidental to the use of the structure as a dwelling unit, and shall not create dust, noise or odors in excess of that normally associated with residential use.
 4. The cottage food operation shall not generate pedestrian or vehicular traffic in excess of that normally associated with residential use.
 5. No direct sales or service from the residence or property on which the residence is located is permitted. The cottage food operation shall not be the point of customer pickup or delivery of products or services, nor shall a cottage food operation create greater vehicular or pedestrian traffic than normal for the district in which it is located.
 6. Where a cottage food operation is permitted in a legal non-conforming residence, the cottage food operation shall not cause any such non-conforming situation(s) to be increased.
 7. The cottage food operation shall be conducted solely within a primary residence.
 8. No sign(s) identifying the cottage food operation shall be permitted to be posted or displayed on the premises, nor on or within anything located on the premises, except as may be required by any federal, state, and/or local permitting agency. Neither the dwelling nor the property shall be altered to appear other than a residence, either by color, materials, construction, lighting, sounds, vibrations or other characteristics.
 9. No more than one (1) cottage food employee, as defined by California Health and Safety Code Section 113758(b)(1), shall be employed by the cottage food operation, not including any residing family or household member.
 10. A business license issued under this Section may be revoked for any violation of this Section or of Section 114365 et seq. of the California Health and Safety Code. The city may, for inspection purposes, access the area of a private home where a cottage food operation is located if the city has, on the basis of any complaint(s), reason to suspect that the cottage food operation has violated the provisions of this Section and/or California Health and Safety Code Section 114365 et seq. Furthermore, the City may also conduct

routine periodic inspections to ensure compliance with the provisions and conditions of the cottage food operation's City business license.

9.60.120 Pets and other animals.

In addition to the required setbacks for structures set forth in this code for the applicable zoning district, all pens, cages (except dog runs), and other structures specifically for keeping animals overnight, other than in the residence, shall be located at least five feet from any adjoining existing residential structure, or, if no residential structure exists, at least fifty feet from such areas where a residential structure may be legally located. Such areas may be defined by any combination of zoning setback requirements, easements or recorded CC&Rs. Notwithstanding the provisions of this section, the keeping of horses shall be regulated by Section 9.140.060 (Equestrian overlay regulations). (Ord. 284 § 1 (Exh. A) (part), 1996)

9.60.130 Recreational vehicle parking.

- A. Intent. It is the intent of this section to provide for the orderly storage of recreational vehicles. It is intended to supplement any applicable state and/or local regulations which may be applicable.
- B. Purpose. Recreation vehicles may be parked or stored on residentially zoned property only in accordance with the provisions set forth in this section. Recreational vehicles parked within a validly established recreation vehicle storage facility are exempt from the requirements of this section.
- C. Definition. See Chapter 9.280. Passenger vans which have been converted for use as a recreational vehicle and do not exceed nine feet in height are exempt from this section. This section shall not apply to commercial or construction vehicles which are regulated by Sections 12.32.110—12.32.130.
- D. Storage of RVs.
 - 1. Street Parking. No RV shall be parked, or stored, for more than seventy-two consecutive hours or for a combined total exceeding seventy-two hours during any seven-day period, at any public street location or combination of public street locations within the city.
 - 2. Storage on Residential Property. No person shall store, park, or maintain any RV or parts thereof in any required front yard area of any property zoned RVL, RL, or RM. The recreational vehicle or parts thereof may be stored or parked in a side or rear yard provided that a lawfully installed and permanently maintained solid wall or fence six feet in height screens such RV, or parts thereof from abutting property and from the public right-of-way. The area in

which the RV is parked or stored, must be paved with concrete, asphalt, gravel, or similar materials, and must extend to the width and length of the RV. Areas containing grass or native soil are not approved for the parking or storage of RVs.

RVs may be parked or stored in the front, side, or rear yards of residential properties located in the RC zone; provided, that the area in which the RV is parked or stored is paved with concrete, asphalt, gravel, or similar materials, and must extend to the width and length of the RV. A property owner who owns a vacant lot immediately adjacent to their permanent place of residence, may park only their RV on said lot with appropriate pad. Areas containing grass or native soil are not approved for the parking or storage of RVs. RVs parked in the driveway or immediately adjacent to and parallel to the driveway, may encroach into the right-of-way, provided that no part of the RV extends over any sidewalk, curb, or travelway.

- E. Storage on Commercial Property. The storage of RVs is prohibited on commercially zoned property unless it is in a validly established RV storage, sales, or repair facility.
- F. Habitation. Habitation of any RV legally parked or stored, is not to exceed seventy-two hours or for a combined total exceeding seventy-two hours during any seven-day period, at any location or combination of locations within the city.
- G. Utilities. Legally parked or stored RVs may be connected to an approved source of electricity in conformance with the National Electric Code. Except for in a legally established RV park, water and sewer connections cannot be made to any RV unless it is for temporary maintenance purposes. No generator may be used in any RV parked or stored in the city unless it is for temporary servicing or during a lapse of commercial electrical power in the area in which the RV is located.
- H. RV Maintenance. It is unlawful and a public nuisance to park, store, or leave standing in public view, upon any public or private property, any RV that is wrecked, dismantled, unregistered, inoperative or otherwise unsightly. Any RV shall be deemed unsightly when body parts rust or become corroded, paint becomes faded, chipped, or peeled, or the RV exterior becomes otherwise dilapidated.
- I. Enforcement.
 - 1. Any violation of this section which occurs in the public right-of-way is declared a public nuisance and is subject to citation and/or removal at the owner's expense.
 - 2. Any violation of this section which occurs on private property is declared a public nuisance and is subject to citation and/or formal

abatement procedures as contained in Chapter 11.72 of the La Quinta Charter and Municipal Code. (Ord. 325 § 1 (Exh. A) (part), 1998; Ord. 301 § 2, 1997)

9.60.140 Screening.

- A. Parking Area Screening. Screening of common parking areas shall be provided for all residential projects in accordance with the requirements for nonresidential uses in Section 9.100.050.
- B. Equipment Screening.
 - 1. Roof-Mounted Equipment. Roof-mounted utility and mechanical equipment, including but not limited to air conditioning, heating, restaurant exhaust fans, electrical elevator structures, roof accesses, etc., may be permitted only as follows:
 - a. For flat roofs, a screened enclosure behind the parapet wall may be used if it is made to appear as an integral part of the building. Screening shall be an integral part of the roof design and not appear as an afterthought.
 - b. Such screening shall be provided so that the highest point of the equipment is below the surrounding architectural feature and is screened from view to a minimum horizontal sight distance of one thousand three hundred twenty feet as viewed from a point five feet above finish grade, whichever provides the most screening.
 - c. Roof-mounted equipment shall be screened from view of surrounding two-story (or more) residential development and, where feasible as determined by the city, from two-story commercial and other types of development.
 - d. No equipment shall be placed on any sloped roof.
 - 2. Ground-Mounted Equipment. Ground-mounted utility, mechanical, and pool, spa, or water feature equipment shall be screened from ground view of surrounding properties. Such screening may consist of perimeter walls or fencing (if permitted), screen walls, or landscape planting. Equipment within unenclosed exterior side yards shall be screened by an opaque wall.
 - 3. Solar Equipment. Solar heating equipment, whether roof- or ground-mounted shall be installed so that the underside of the equipment is not visible from surrounding properties.
 - 4. Access Ladders. Wall-mounted exterior roof access ladders are prohibited unless screened from view by surrounding features.
- C. Facility Screening. Within multifamily and condominium projects, storage, trash and loading areas shall be screened as follows:
 - 1. Storage Areas. All storage, including cartons, containers, materials or equipment shall be screened from public view as required by Section 9.100.110 (Outdoor storage and display).

2. **Trash Areas.** All outdoor trash and waste bins shall be enclosed by a solid wall not less than six feet in height in accordance with Section 9.60.220. Decorative overhead structures such as trellises shall be integrated into the enclosure design if it is visible from higher terrain.
3. **Loading Areas.** Loading platforms and areas shall be screened from view from adjacent streets and residential, open space and recreation areas. (Ord. 325 § 1 (Exh. A) (part), 1998; Ord. 284 § 1 (Exh. A) (part), 1996)

9.60.150 Tennis and other game courts.

- A. **Permits Required.** Construction of tennis and other game courts, including fencing, may be permitted as indicated in Section 9.40.040. Enclosed game courts shall comply with Section 9.60.050, Storage and other accessory buildings. All lighted game courts, where permitted, shall require approval of a minor use permit by the Director or conditional use permit by the planning commission processed in accordance with Section 9.210.020.
- B. **Development Standards.** Game courts shall meet the following minimum development standards:
 1. **Fences.** A maximum twelve-foot-high fence (measured from the finished grade of the court) shall be allowed. Fences may include a dark, nonreflective screening material. If the fencing is chain link, it shall be vinyl-coated or painted in a dark color such as dark green or black.
 2. **Setbacks.** Minimum setbacks from property lines for game courts shall be:
 - a. Front yard: twenty feet.
 - b. Side yard: ten feet.
 - c. Rear yard: ten feet.The preceding minimum setbacks shall be increased by three feet for every foot of abutting court fence height over eight feet. In addition, if the setback from any side or rear property line is less than thirty feet, the finish grade of the court shall be a minimum of four feet lower than the finish grade at the applicable side or rear property line.
 3. **Lighting.** Game court lighting shall conform to the requirements of Section 9.60.160 (Outdoor lighting). In addition, a maximum of eight lights (i.e., eight individual light sources) shall be permitted and mounting standard height shall not exceed eighteen feet measured from the court surface. Courts shall not be lighted after ten p.m.

4. Glare. The surface area of any game court shall be designed, painted, colored and/or textured to reduce the reflection from any light source.
5. Landscaping. Landscaping shall be installed and maintained between the court fence and property line. A landscape plan shall be submitted with the building permit application, reviewed and approved by the Director, and implemented at the same time as court construction. (Ord. 299 § 1 (part), 1997; Ord. 284 § 1 (Exh. A) (part), 1996)

9.60.160 Outdoor lighting.

All residential land uses shall conform to the standards of Section 9.100.150.

9.60.170 Special outdoor events.

- A. Outdoor Events. Within residential districts, special outdoor events shall include, but are not limited to pageants, fairs, carnivals and large athletic events, religious or entertainment events, block parties, and large neighborhood or community gatherings in temporary outdoor facilities.
- B. Standards. Special outdoor events are permitted in residential districts as indicated in Table 9-1 provided the following requirements are met:
 1. Approval of a minor use permit shall be required for events to be attended by more than fifty people, including participants and spectators.
 2. Regardless of the number of attendants, activities conducted on property owned by or leased to the city or on public rights-of-way may require an encroachment permit issued by the public works director.
 3. The event may be permitted for a period not to exceed ten consecutive days. Events conducted by a single permittee or group which occur more than twice in a calendar year are not considered temporary and shall not be eligible for a minor use permit.
 4. A cash bond or other guarantee for removal of the temporary use and cleanup and restoration of the activity site within seven days of the activity conclusion may be required.
 5. Applications for permits or certificates required by subsections A and B of this section shall be referred by the to other affected departments, cities or public agencies as may be appropriate for review and comment.
 6. Signs for the event shall be allowed as follows:

- a. Maximum of one temporary banner per street frontage, not to exceed thirty-two square feet.
 - b. Maximum one temporary portable sign on- or off-site on private property, not to exceed fifty-five square feet.
 - c. Maximum thirty off-site temporary directional signs, nine square feet in area, subject to the provisions of Section 9.160.060, subsections C through H with the exception of subsection E.
 - d. Maximum fifteen bunting signs, with maximum size to be approved by the Director.
 - e. Posting period, locations and related details shall be as approved in the temporary use permit for the event.
 - f. Other signs and advertising devices, such as pennants, flags and A-frame signs are prohibited.
7. Related issues, including but not limited to police and security, food and water supply, use of tents and canopies, fugitive dust control, sanitation facilities, medical services, noise, signage, fire protection and traffic control, shall be satisfactorily addressed by the applicant, as required by the director, sheriff, fire chief or health officer in their administration of other city codes. Such other codes may require the applicant to obtain permits such as building, electrical, health and tent permits. (Ord. 299 § 1 (part), 1997; Ord. 293 § 1 (part), 1996; Ord. 284 § 1 (Exh. A) (part), 1996)

9.60.180 Manufactured housing and mobilehomes.

- A. Purpose. This section is intended to provide standards and criteria for the placement, design, and construction of manufactured, modular and mobilehomes in residential districts consistent with Section 65852.3 et seq. of the State Government Code.
- B. Definition. See Chapter 9.280. For purposes of simplicity, the term manufactured home is used in this section.
- C. Mobilehome Parks. In accordance with Section 65852.7 of the State Government Code, mobilehome parks are permitted in all residential districts if a conditional use permit is approved. Development standards for such parks shall be as follows: minimum thirty percent common open area and minimum perimeter setbacks of twenty feet at any point and twenty-five feet average over the entire perimeter.
- D. Individual Manufactured Homes. In accordance with Section 65852.3 et seq. of the State Government Code, individual mobilehomes may be

permitted as permanent or temporary dwellings on single-family lots within the RVL, RL, RC, RM, and RMH districts.

- E. Minor Use Permit Required. Approval of a minor use permit by the planning commission shall be required prior to the placement of a manufactured home on a single-family lot subject to the provisions of Section 9.210.020. The permit shall not be approved unless the Director finds that the dwelling meets the same development standards as provided for single-family homes for each district as set forth in Chapter 9.50 and elsewhere in this code in addition to the standard findings for approval of a site development permit per Section 9.210.010. (Ord. 325 § 1 (Exh. A) (part), 1998; Ord. 299 § 1 (part), 1997; Ord. 284 § 1 (Exh. A) (part), 1996)

9.60.190 Child daycare facilities.

- A. Purpose. The purpose of this section is to provide standards for the establishment and operation of child daycare facilities within residential districts consistent with Chapters 3.4 and 3.6 of Division 2 of the State Health and Safety Code.
- B.
- C. Large Child-Care Facilities. Child-care facilities serving seven to fourteen children are permitted in all residential districts except the RH district if a minor use permit is approved. Such facilities shall conform to the preceding requirements for small child-care facilities plus the following:
 - 1. A minor use permit approved by the Director shall be required to establish a large child-care facility in accordance with Section 9.210.020. In addition, all facilities shall comply with this section and with any additional requirements imposed as part of the use permit or of any other applicable permit.
 - 2. No large child-care facility shall be approved on a parcel which is within five hundred feet of another parcel which either already contains such a facility or which has a valid permit for such a facility.
 - 3. All outdoor play areas shall be fully enclosed by a minimum five-foot high fence which conforms to the standards of Section 9.60.030 (Fences and walls). No such play area shall be provided where fences are less than five feet in height.

4. Outdoor activities shall be limited to between the hours of nine a.m. and seven p.m. (Ord. 325 § 1 (Exh. A) (part), 1998; Ord. 299 § 1 (part), 1997; Ord. 284 § 1 (Exh. A) (part), 1996)

9.60.200 Temporary Construction and guard offices.

The temporary placement of a trailer, recreational vehicle or other relocatable building, or the temporary use of a permanent structure on an active construction or grading site to serve as a construction and/or guard office, and the establishment of a materials and equipment storage yard, may be permitted with a grading or building permit subject to the following requirements:

- A. The office shall not be moved onto the site or otherwise established until issuance of a precise grading permit or, if there is no grading permit, until issuance of a building permit.
- B. Any temporary use and/or structure shall be removed from the site prior to the issuance of certificates of occupancy for the last new building on the site.
- C. Any permanent structure or portion thereof devoted to a temporary use shall be converted to a permanent permitted use prior to the issuance of a certificate of occupancy for the last new building on the site.
- D. The use of a recreational vehicle as a construction or guard office shall require approval of a minor use permit by the director in accordance with Section 9.210.020. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.60.210 Trash and recyclable materials storage.

All condominium and multifamily projects shall comply with the trash and recyclable materials storage requirements of Section 9.100.200. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.60.220 Noise control.

Residential land uses shall comply with the noise control standards set forth in Section 9.100.210. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.60.230 Landscaping and open area.

- A. General Requirement. All multifamily, single-family attached and specific plan projects shall include both perimeter landscaping and common open area in accordance with the standards of this section.

Perimeter landscaping shall not count toward common open area requirements or vice versa.

- B. **Perimeter Landscaping.** Perimeter landscape setbacks shall be installed to the depth specified in Section 9.50.030 (Table of development standards). Rights-of-way, parking areas, private patios and private yards shall not count toward the perimeter landscaping requirement.
- C. **Common Open Area.** Common open area shall meet the percent of net project area standards specified in Section 9.50.030 (Table of development standards). Common open area shall consist of passive landscaped and active recreation area. Rights-of-way, parking areas, private patios, private yards and slopes steeper than twenty percent shall not count toward the common open area requirement.
- D. **Active Recreation Area.** At least thirty percent of the required common open area shall be suitable for active recreational uses such as: swimming pool, spa and related facilities; clubhouse; tot lot with play equipment; court game facilities such as tennis, basketball or racquetball; improved softball or other playfields; or similar facilities for active recreational use. Active recreation area shall not include any common area which is less than fifteen feet wide or less than three hundred square feet in area or which has an average slope gradient greater than five percent.
- E. **Landscaping Standards.** A landscape plan shall be prepared and implemented for all affected projects. Perimeter and common open area landscaping shall be installed and maintained in accordance with the following standards:
 - 1. At intersections or corners of the following public or private streets, alleys, or driveways, the height of shrubs, planting, and other visual obstructions (such as boulders, etc.) shall be limited to a maximum height of thirty inches within the following triangular areas described in subsections a and b below:
 - a. At a corner, the area formed on two sides by the straight portions of the intersection of the back of street curb or edge of pavement. The third side of the triangle is formed by drawing a line that is tangent to the intersection of the two closest property lines and creates a triangle of approximately equal length sides with the curbs or edge of pavement.
 - b. Between two points located on and five feet distant from the point of intersection of an ultimate street or alley right-of-way on one hand and the edge of a driveway or another alley right-of-way on the other if parkway width is less than twelve feet wide.
 - c. For purposes of this code, point of intersection shall mean the intersection of the prolongation of the street curbs or edge of pavement, excluding any curved portion joining the two lines.

- d. Trees may be planted within this triangular area provided the bottom of the canopy (leafy branches) of the tree is at least four feet above finish grade of the street adjacent to the tree. However, trees shall not be planted in such numbers that their trunks create a visibility obstruction for vehicles or pedestrians.
 2. All landscaped areas shall be separated from adjacent parking or vehicular areas by a curb or other barrier at least six inches higher than the parking or vehicular area to prevent vehicular damage to the landscaped area.
 3. All landscaping shall be maintained in a neat, clean and healthy condition, including proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary and regular watering. Permanent automatic irrigation facilities shall be provided for all landscaped areas.
- F. Perimeter setback and parkway areas shall have undulating terrain. Seventy-five percent of the longitudinal length adjacent to the street shall have above curb-level berms and mounds exceeding two feet, but not more than three feet. The berms and mounds shall be undulated and fluctuating in position to accommodate the meandering sidewalk and shall cover not less than sixty-five percent of the landscape setback area. No retention of stormwaters is allowed within the setback area other than incidental stormwater that falls on the setback. The maximum slope steepness shall not exceed four to one anywhere in the landscape setback area, and shall not exceed eight to one in the first six feet adjacent to the curb in the right-of-way. (Ord. 361 § 1 (Exh. A) (part), 2001; Ord. 325 § 1 (Exh. A) (part), 1998; Ord. 284 § 1 (Exh. A) (part), 1996)

9.60.240 Model home complexes.

- A. Model Home Complex and Sales Offices. Temporary model home complexes, real estate sales offices and related signage may be established if a minor use permit is approved in accordance with Section 9.210.020 and the following requirements are satisfied:
1. The complex is used solely for the original sale of new homes or the first rental of apartments in projects of twenty or more units.
 2. The complex is located within the area of the project for which it is established. The temporary sales office shall not be located within one hundred feet of an existing dwelling unit which is not a part of the new project.
 3. Notwithstanding other provisions of this code, the parcel of land on which a temporary real estate office is established is not required to be a building site provided the parcel is precisely described.

4. The following structures and facilities are permitted in conjunction with the establishment of a temporary real estate office in conformance with an approved minor use permit:
 - a. Model homes in compliance with the zoning regulations applicable to the properties that are being sold;
 - b. Garages, attached and detached, in compliance with the zoning regulations applicable to the properties that are being sold;
 - c. Temporary sales office buildings or relocatable buildings;
 - d. Accessory buildings and structures in compliance with the zoning regulations applicable to the properties that are being sold;
 - e. Recreational facilities that will become a permanent portion of the project in compliance with the zoning regulations applicable to the properties that are being sold;
 - f. Permanent streets and driveways that will be part of the project after the closure of the real estate office use;
 - g. Temporary childrens playgrounds;
 - h. Temporary and permanent fencing, walks and structural amenities;
 - i. Temporary vehicle parking and maneuvering areas to provide off-street parking as necessary for employees and guests;
 - j. Temporary vehicular accessways;
 - k. Temporary landscaping.
- B. Signs. Signs in connection with a temporary model home complex shall be permitted within a project subject to the following requirements:
 1. Project identification signs are permitted at each street entrance and shall conform to the provisions of Section 9.160.070 (Permitted semipermanent signs):
 2. The sign copy shall be limited to matters relating to the project within which the signs are located.
 3. Time limits for display of signs shall be concurrent with that of the permitted model home complex.
- C. Flags. Flags in connection with a temporary model home complex may be permitted within a residential project subject to the following requirements:
 1. Number. A maximum of eight flags shall be permitted. There shall be no more than one flag per pole. United States, state, and other similar flags shall count in the maximum of eight flags.
 2. Height. Flag poles shall be a maximum of twenty feet in height on the perimeter of the project and sixteen feet in height in the interior. Pole heights shall be measured from finish grade at the nearest project perimeter.

3. Pole Diameter. Pole diameter shall be determined by the lateral load and size of the flag. The director shall provide applicants with diameter standards.
 4. Size. Flags shall be a maximum of eighteen square feet in area on the perimeter of the project and twelve square feet in the interior.
 5. Flag Copy. Commercial or advertising flag copy is prohibited.
 6. Color. Flags may vary in color or have multiple colors but fluorescent colors are prohibited.
 7. Time Periods. Time limits for display of flags shall be concurrent with that of the permitted model home complex.
- D. Prohibited Advertising Devices. The following advertising devices or activities are expressly prohibited within or outside the project: banners, balloons, portable trailer signs, or human indicators.
- E. Requirements for Approval. Any approving action shall include those conditions and requirements deemed by the decision-making authority to be necessary or advisable to protect the public safety and the general welfare, together with a one thousand dollars cash deposit that the structures and facilities will be removed or made consistent with applicable zoning regulations within ninety days after the expiration of the permit or discontinuation of the use the permit is approved for.
- F. Time Limitations. A minor use permit may be approved for a maximum time period of two years from the date of approval. A time extension of up to one year may be approved by the Director if the director finds that all requirements of this section and all other city requirements and conditions have been met. (Ord. 361 § 1 (Exh. A) (part), 2001; Ord. 325 § 1 (Exh. A) (part), 1998; Ord. 299 § 1 (part), 1997; Ord. 284 § 1 (Exh. A) (part), 1996)

9.60.250 Condominium conversions.

- A. Purpose. The purpose of this section is to:
1. Provide standards and criteria for regulating the conversion of rental housing to residential condominium, community apartment or stock cooperative types of ownership and for determining when such conversions are appropriate;
 2. Mitigate any hardship to tenants caused by their displacement; and
 3. Provide for the public health, safety and general welfare.
- B. Applicability. The provisions of this section shall apply to all conversions of rental housing into condominiums, community apartments or stock cooperatives notwithstanding any other provision of this zoning code.
- C. Use Permit and Subdivision Required. All conversion projects subject to this section shall require approval of a conditional use permit in

accordance with Section 9.210.020 and approval of tentative and final subdivision maps.

- D. Zoning and Subdivision Standards. Conversion projects shall conform to: (1) the applicable standards and requirements of the zoning district in which the project is located at the time of approval; and (2) the applicable provisions of the subdivision code.
- E. Tenant Notification. Applicants for conversion projects shall be responsible for notifying existing and prospective rental tenants as follows:
 - 1. Existing Tenants. At least sixty days prior to the filing of an application for conversion of rental or lease property, the applicant or the applicants agent shall give notice of such filing in the form set forth in Section 66452.9 of the State Subdivision Map Act to each tenant of the subject property. Further, if the conversion project is approved, the applicant shall give all tenants a minimum of one hundred eighty days advance notice of the termination of their tenancy.
 - 2. Prospective Tenants. At least sixty days prior to the filing of an application for conversion of rental or lease property, the applicant or the applicants agent shall give notice of such filing in the form set forth in Section 66452.8 of the Subdivision Map Act to each person applying after such date for rental or lease of a unit of the subject property. Pursuant to the Subdivision Map Act, failure of an applicant to provide such notice shall not be grounds to deny the conversion but shall make the applicant subject to the penalties specified in Section 66452.8 of the Subdivision Map Act.
 - 3. Evidence of Tenant Notification. Each application for conversion shall include evidence to the satisfaction of the Director that the notification requirements specified in subsections (E)(1) and (2) of this section have been or will be satisfied.
- F. Tenant Purchase Option. The property owner shall provide tenants with a ninety-day preemptive right to purchase a unit or a right of exclusive occupancy upon more favorable terms and conditions than those on which such unit or share will be initially offered to the general public. Such right shall be irrevocable for a period of ninety days after the commencement of sales and notification of the tenant of such right.
- G. Application Requirements. Each application for a conversion project shall be accompanied by the following in addition to the standard filing requirements for conditional use permit and subdivision applications:
 - 1. Engineering Report. An engineering report on the general condition of all structural, electrical, plumbing and mechanical elements of the existing development, including noise insulation, and the estimated cost of repair or improvements, if any. The report shall be completed to the satisfaction of the director, signed and dated

- by the director, and made available to prospective buyers if the conversion is completed.
2. List of Tenants. A complete mailing list of all tenants occupying the subject property and two corresponding sets of stamped addressed envelopes. Within ten days after the filing of the application, the director shall notify each tenant of the application, forward a copy of the engineering report required by subsection (G)(1) of this section, and list the procedures to be followed. The director shall mail a notice of public hearing at least ten days before the hearing to each tenant on the mailing list.
 3. Housing Program. Each application for a conversion project shall be accompanied by a housing program. The program shall include but not be limited to the following:
 - a. The means by which the provision of affordable rental housing will be achieved (e.g., by maintaining affordable rental condominium units within the converted project or by providing affordable rental units elsewhere in La Quinta);
 - b. A housing report addressing the balance of housing in the immediate area, including vacancy rates and other available housing of similar type and rent, the current rents and estimated monthly payments and fees of the units to be converted, and all improvements and renovations contemplated;
 - c. A survey of existing tenants as to their length of occupancy and the number of those who express the intention of purchasing one of the units; and
 - d. A relocation plan which identifies the steps which will be taken to ensure the successful relocation of each tenant if the conversion is completed. The relocation plan shall also state what specific relocation assistance existing tenants will be given, such as costs relating to physically moving tenants and their possessions, first month's rent in the tenant's new unit, security and cleaning deposits, and phone connection and utility deposits. Particular consideration shall be given to the needs of elderly and disabled individuals, families with children, and other tenants who may encounter difficulty in finding a new residence.
- H. Affordable Units in Condominium Conversions. The provision of affordable dwelling units in connection with the conversion of apartments to condominiums shall be governed by the provisions of this section and of Section 9.60.270. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.60.260 Density bonuses for affordable housing.

- A. Purpose and Application. The purpose of this section is to (1) establish procedures for implementing state density bonus requirements, as set forth in California Government Code Section 65915, as amended, (2) increase the production of affordable housing, consistent with the city's goals, objectives, and policies and (3) implement the provisions of the city's general plan housing element policies and programs relating to the provision of affordable housing. When an applicant seeks a density bonus for a housing development, or for the donation of land for housing, within the city's jurisdiction, the city shall provide the applicant incentives or concessions for the production of housing units and child daycare facilities as prescribed in this Section 9.60.270.
- B. Definitions. See Chapter 9.280. Also, the following definitions shall apply to this section:
1. "Applicant" means a developer or applicant for a density bonus pursuant to Government Code Section 65915, subdivision (b), of the California Government Code and subsection C of this section.
 2. "Housing development," means one or more groups of projects for residential units in the planned development of the city. "Housing development" also includes a subdivision or common interest development, as defined in Section 1351 of the California Civil Code, approved by the city and consisting of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Government Code Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units.
 3. "Qualified mobilehome park" means a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the California Civil Code.
 4. "Senior citizen housing development" means senior citizen housing as defined in Sections 51.3 and 51.12 of the California Civil Code.
 5. "Specific adverse impact" means any adverse impact as defined in paragraph (2), subdivision (d), of Government Code Section 65589.5, upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low- and moderate-income households.
- C. Qualifications for Density Bonus and Incentives and Concessions.
1. The city shall grant one density bonus as specified in subsection G of this section, and incentives or concessions as described in

- subsection E, when an applicant seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:
- a. Ten percent of the total units of the housing development as affordable housing units affordable to lower income households; or
 - b. Five percent of the total units of the housing development as affordable housing units affordable to very low income households; or
 - c. A senior citizen housing development; or
 - d. A qualified mobilehome park; or
 - e. Ten percent of the total units of a common interest development as affordable housing units affordable to moderate income households, provided that all units in the development are offered to the public for purchase subject to the restrictions specified in this section.
2. As used in subsection (C)(1) of this section, the term “total units” does not include units permitted by a density bonus awarded pursuant to this section or any other local law granting a greater density bonus.
 3. Election of Density Bonus Category. Each applicant who requests a density bonus pursuant to this section shall elect whether the bonus shall be awarded on the basis of subsection a, b, c, d or e of subsection (C)(1). Each housing development is entitled to only one density bonus, which may be selected based on the percentage of either very low affordable housing units, lower income affordable housing units or moderate income affordable housing units, or the development’s status as a senior citizen housing development or qualified mobilehome park. Density bonuses from more than one category may not be combined.
 4. Previous Density Bonuses. The density bonus provisions shall not apply to any parcel or project area which has previously been granted increased density through a general plan amendment, zone change or other permit to facilitate affordable housing.
- D. Continued Affordability.
1. Prior to the issuance of building permits for any dwelling unit, an applicant shall enter into a written agreement with the city to ensure and guarantee the continued affordability of all low-and very low income units that qualified the applicant for the award of the density bonus for a period of thirty years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for affordable housing units for lower income households

- shall be set at an affordable rent. Owner-occupied affordable housing units shall be available at an affordable housing cost.
- a. The terms and conditions of the agreement shall run with the land, shall be binding upon all successors in interest of the applicant, and shall be recorded in the office of the Riverside County Recorder.
 - b. The agreement shall also include the following provisions:
 - i. The applicant shall grant the city the continuing right of refusal to purchase or lease any or all of the designated units at fair market value;
 - ii. The deeds to the designated units shall contain a covenant stating that the applicant or the applicant's successor in interest shall not sell, rent, lease, sublet, assign, or otherwise transfer (whether voluntarily, involuntarily or by operation of law) any interest in such unit without written approval of the city, confirming that the sales price or lease/rent amount of the unit is consistent with the limits established for low- and very-low income households as adjusted by the Consumer Price Index; and
 - iii. The city shall also have the authority to enter into other agreements with the applicant or purchases or lessees of the dwelling units as may be necessary to assume that the designated dwelling units are continuously occupied by eligible households.
2. Prior to the issuance of building permits for any dwelling unit, an applicant shall agree to, and the city shall ensure, that the initial occupant of moderate-income units that are related to the receipt of the density bonus in a common interest development, are persons and families of moderate income and that the units are offered at an affordable housing cost. With respect to moderate-income units in a common interest development, the city shall require the applicant to enter and shall enforce an equity-sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following shall apply to the equity-sharing agreement:
- a. Upon resale, the seller of the moderate-income unit in a common interest development unit shall retain the value of any improvements, the downpayment, and the seller's proportionate share of appreciation. The city shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within five years for any of the purposes that promote homeownership as described in subdivision (e) of Section 33334.2 of the California Health and Safety Code.
 - b. For purposes of this subsection (D)(2), the city's initial subsidy shall be equal to the fair market value of the moderate-income

unit in a common interest development at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

- c. For purposes of this subsection (D)(2), the city's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the moderate-income unit in a common interest development at the time of initial sale.
- d. The applicant shall grant the city a right of first refusal to purchase any or all of the designated units at fair market value, which right of first refusal shall apply to subsequent sellers.

E. Incentives and Concessions.

- 1. An applicant for a density bonus may also submit to the city a proposal for specific incentives or concessions in exchange for the provision of affordable housing units in accordance with this section. The applicant may also request a meeting with the city to discuss such proposal. The city shall grant the concession or incentive requested by the applicant unless the city makes a written finding, based upon substantial evidence, of either of the following:
 - a. The concession or incentive is not required in order to provide for affordable housing costs or for rents for the targeted units to be set as specified in subsection D of this section (i.e., the applicant is unable to demonstrate that the waiver or modification is necessary to make the housing units economically feasible); or
 - b. The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the Health and Safety Code, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.
 - c. The concession or incentive would be contrary to state or federal law.
- 2. If the conditions of subsection C and subsection 1 of this subsection E are met by an applicant, the city may grant an applicant applying for incentives or concessions the following number of incentives or concessions:
 - a. One incentive or concession for housing developments that include: At least ten percent of the total units affordable to lower income households; or at least five percent of the total units

- affordable to very low income households; or at least ten percent of the total units affordable to persons and families of moderate income in a common interest development.
- b. Two incentives or concessions for housing developments that include: At least twenty percent of the total units affordable to lower income households; or at least ten percent of the total units affordable to very low income households; or at least twenty percent of the total units affordable to persons and families of moderate income in a common interest development.
 - c. Three incentives or concessions for housing developments that include: At least thirty percent of the total units for lower income households; or at least fifteen percent for very low income households; or at least thirty percent for persons and families of moderate income in a common interest development.
3. For the purposes of this section, available concessions or incentives may include any of the following:
- a. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the California Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.
 - b. Approval of mixed use zoning in conjunction with the housing development 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 development will be located.
 - c. Other regulatory incentives or concessions proposed by the applicant or the city that result in identifiable, financially sufficient, and actual cost reductions.
 - d. For purposes of this section, the parking ratios set forth in Government Code Section 65915 (and subsection K of this section) for qualified affordable housing projects shall be deemed a concession or incentive available to the applicant.
4. This subsection does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly-owned land, by the city or the waiver of fees or dedication requirements. Nor does any provision of this subsection

- require the city to grant an incentive or concession found to have a specific adverse impact.
5. The granting of a concession or incentive shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.
 6. The application and review process for a proposal of incentives and concessions is set forth in subsection L of this section.
- F. Waiver/Modification of Development Standards.
1. Applicants may, by application, seek a waiver, modification or reduction of development standards that will otherwise preclude or inhibit the use of density bonus units in a housing development at the densities or with the concessions or incentives permitted by this section. The applicant may also request a meeting with the city to discuss such request for waiver/modification. In order to obtain a waiver/modification of development standards, the applicant shall show that (a) the waiver or modification is necessary to make the housing units economically feasible, and (b) that the development standards will have the effect of precluding the construction of a housing development meeting the criteria of subsection (C)(1), at the densities or with the concessions or incentives permitted by this section.
 2. Nothing in this subsection shall be interpreted to require the city to waive, modify or reduce development standards if the waiver, modification or reduction would have a specific adverse impact.
 3. The application and review process for a waiver/modification of development standards is set forth in subsection L of this section.
 4. Waiver or Reduction of Development Standards
 - a. In no case may the city apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subsection C at the densities or with the concessions or incentives permitted by this section. An applicant may submit to the city a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subsection C at the densities or with the concessions or incentives permitted under this section, and may request a meeting with the city. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require the city to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subsection (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method

to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require the city to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.

- b. A proposal for the waiver or reduction of development standards pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subsection C.
- G. Specified Density Bonus Percentages. Only housing developments consisting of five or more dwelling units are eligible for the density bonus percentages provided by this subsection. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subsection (C)(1).
- 1. For housing developments meeting the criteria of subsection (C)(1)(a), the density bonus shall be calculated as follows:

Percentage Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35 (maximum)

- 2. For housing developments meeting the criteria of subsection (C)(1)(b), the density bonus shall be calculated as follows:

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5

9	30
10	32.5
11	35 (maximum)

3. For housing developments meeting the criteria of subsection (C)(1)(c) and (d), the density bonus shall be twenty percent.
4. For housing developments meeting the criteria of subsection (C)(1)(e), the density bonus shall be calculated as follows:

Percentage Moderate Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35 (maximum)

5. An applicant may elect to accept a lesser percentage of density bonus than that to which the applicant is entitled under this section. All density bonus calculations resulting in a fractional number shall be rounded upwards to the next whole number. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.
 6. For the purpose of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.
 7. The application and review process for a density bonus as provided by this section is set forth in subsection L of this section.
- H. Land Donation. When a developer of a housing development donates land to the city as provided for in this subsection, the applicant shall be entitled to a fifteen percent increase above the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan for the entire housing development, as follows:

Percentage Very Low Income Units	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29

Percentage Very Low Income Units	Percentage Density Bonus
25	30
26	31
27	32
28	33
29	34
30	35 (maximum)

This increase shall be in addition to any increase in density mandated by subsection C, up to a maximum combined mandated density increase of thirty-five percent, if an applicant seeks both the increase required pursuant to this subsection and subsection C. All density calculations resulting in fractional units shall be rounded up to the next whole number. Nothing in this subsection shall be construed to enlarge or diminish the city's authority to require an applicant to donate land as a condition of development.

1. An applicant shall be eligible for the increased density bonus described in this section if the city is able to make all the following findings:
 - a. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.
 - b. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than ten percent of the number of residential units of the proposed development.
 - c. The transferred land is at least one acre in size or of sufficient size to permit development of at least forty units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible. No later than the date of approval of the final subdivision map, parcel map, or development application for the housing development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of very low income housing units on the transferred land, except

- that the city may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Government Code Section 65583.2 if the design is not reviewed by the local government prior to the time of transfer.
- d. The transferred land and the very low income units constructed on the land will be subject to a deed restriction ensuring continued affordability of the units consistent with this section, which restriction will be recorded on the property at the time of dedication.
 - e. The land is transferred to the city or to a housing developer approved by the city. The city may require the applicant to identify and transfer the land to such city-approved developer.
 - f. The transferred land shall be within the boundary of the proposed development or, if the city agrees in writing, within one-quarter mile of the boundary of the proposed development.
 - g. A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.
2. The application and review process for a donation of land and related density bonus is set forth in subsection L of this section.
- I. Child daycare Facilities.
 1. When an applicant proposes to construct a housing development that includes affordable units as specified in subsection C and includes a child daycare facility that will be located on the premises of, as part of, or adjacent to such housing development, the city shall grant either of the following if requested by the developer.
 - a. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child daycare facility.
 - b. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child daycare facility.
 2. A housing development shall be eligible for the density bonus or concession described in this subsection if the city, as a condition of approving the housing development, requires all of the following to occur:

- a. The child daycare facility will remain in operation for a period of time that is as long as or longer than the period of time during which the affordable housing units are required to remain affordable pursuant to subsection D.
 - b. Of the children who attend the child daycare facility, the percentage of children of very low income households, lower income households, or moderate income households shall be equal to or greater than the percentage of affordable housing units that are proposed to be affordable to very low income households, lower income households, or moderate income households.
 - c. Notwithstanding any requirement of this subsection, the city shall not be required to provide a density bonus or concession for a child daycare facility if it finds, based upon substantial evidence, that the community already has adequate child daycare facilities.
3. The application and review process for the provision of child daycare facilities and related density bonus or concessions or incentives is set forth in subsection L of this section.
- J. Condominium Conversions. Any developer converting condominiums of a Housing Development of five units or more who seeks a density bonus, shall make such application in conjunction with its tract map application pursuant to the Subdivision Map Act, Section 9.60.260 of this code and consistent with Government Code Section 65915.5. Any appeal of any concession or incentive or review by the planning commission or city council shall automatically require an appeal of the underlying map to that body. An applicant shall be ineligible for a density bonus or other incentives under this section if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were provided under Government Code Section 65915.
- K. By-Right Parking Incentives. Housing developments meeting any of the criteria of subsection (C)(1), shall be granted the following maximum parking ratios, inclusive of handicapped and guest parking, which shall apply to the entire development, not just the restricted affordable units, when requested by a developer:
1. Zero to one bedroom dwelling unit: one onsite parking space;
 2. Two to three bedrooms dwelling unit: two onsite parking spaces;
 3. Four or more bedrooms: two and one-half parking spaces.

If the total number of spaces required results in a fractional number, it shall be rounded up to the next whole number. For purposes of this subsection, a development may provide “onsite parking” through tandem parking or uncovered parking, but not through on-street parking.

L. Application and Review Procedures.

1. A written application for a density bonus, incentive, concession, waiver, or modification pursuant to this section shall be submitted with the first application that is submitted for approval of a housing development and processed concurrently with all other applications required for the housing development. Notwithstanding any other requirements, affordable housing projects processed under this section shall require approval of a conditional use permit, subject to the requirements of Government Code Section 65589.5(d). The application shall be submitted on a form prescribed by the city and shall include at least the following information:
 - a. Site plan showing total number of units, number and location of affordable housing units, and number and location of proposed density bonus units.
 - b. Level of affordability of affordable housing units and proposals for ensuring affordability.
 - c. A specific description of any requested incentives, concessions, waivers or modifications of development standards, or modified parking standards. The application shall include evidence that the requested incentives and concessions are required for the provision of affordable housing costs and/or affordable rents, as well as evidence relating to any other factual findings required under subsection E.
 - d. If a density bonus or concession is requested in connection with a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the findings included in subsection H can be made.
 - e. If a density bonus or concession/incentive is requested for a childcare facility, the application shall show the location and square footage of the child daycare facilities and provide evidence that each of the findings included subsection I can be made.
2. An application for a density bonus, incentive or concession pursuant to this section shall be considered by and acted upon by

the approval body with authority to approve the housing development and subject to the same administrative appeal procedure, if any. In accordance with state law, neither the granting of a concession, incentive, waiver, or modification nor the granting of a density bonus shall be interpreted, in and of itself, to require a general plan amendment, zoning change, variance, or other discretionary approval.

3. For housing developments requesting a waiver, modification or reduction of a development standard, an application pursuant to this subdivision shall be heard by the planning commission. A public hearing shall be held by the planning commission and the commission shall issue a determination. Pursuant to Government Code Section 65915, the planning commission shall approve the requested waiver/modification or reduction of development standards, unless one of the following conditions applies:
 - a. The waiver/modification is not required to make the proposed affordable housing units feasible; or
 - b. The waiver/modification will have a specific adverse impact.The decision of the planning commission may be appealed to the city council in the manner provided in Section 9.200.120 of the La Quinta Municipal Code.
4. Notice of any city determination pursuant to this section shall be provided to the same extent as required for the underlying development approval. (Ord. 451 § 1, 2008: Ord. 284 § 1 (Exh. A) (part), 1996)

9.60.270 Bed and breakfast regulations.

- A. Purpose. The city council finds that bed and breakfast facilities constitute small commercial lodging facilities in residential districts. This requires special regulations that are not normally covered by standards for motels and hotels.
- B. Definitions. See Chapter 9.280.
- C. Limits on Occupancy.
 1. The bed and breakfast shall be conducted only by a person owning the dwelling and residing therein as their principal place of residence. The use permit shall be voided upon the sale or transfer of the property ownership.
 2. The bed and breakfast shall accommodate a maximum of eight guests in four rooms.
- D. Where Permitted.

1. Bed and breakfast are permitted subject to approval of a conditional use permit only in residential zoning districts.
- E. Development Standards.
1. Individual units shall not contain cooking facilities.
 2. Parking shall be provided on-site, in accordance with Chapter 9.150, Parking.
 3. No change in the outside structure is permitted and any change inside must be convertible to the original residential use. A minimum of one hundred square feet is required for each of the sleeping rooms and not more than twenty-five percent of the structure can be used for rental.
 4. Landscaping may be required to screen parking areas from the view of adjacent properties and from public/private streets.
 5. Locating another bed and breakfast use within three hundred feet is prohibited.
 6. Signs shall not exceed two square feet attached to the house.
- F. Required Finding. In addition to the requirements for findings of fact as established by California law or other provisions of this code, the approval of a conditional use permit for a bed and breakfast shall require the following additional findings:
1. The property is physically suitable for use as a bed and breakfast facility;
 2. The use of the property as a bed and breakfast will not cause an undue burden on adjacent and nearby property owners.
- G. Transient Occupancy Tax. Bed and breakfast facilities shall be subject to all applicable provisions of Chapter 3.24 of the municipal code. (Ord. 299 § 1 (part), 1997)

9.60.280 Timeshare regulations.

- A. Purpose. The city council finds that timeshare facilities constitute a commercial hotel use. Due to the mixed method of operation, hybrid ownership, the potential generation of large numbers of people and vehicles, and the potential impact on the tourism-related facilities in the city, special development criteria are warranted. Also, this section is intended to establish criteria by which timeshare facilities will function as hotels/motels. Any conversion of an existing facility to timeshare use will be required to meet the same standards as new facilities.
- B. Definitions. See Chapter 9.280.
- C. Limits on Occupancy.

1. In no instance shall a person occupy one or more timeshare units in a timeshare facility for more than thirty days. Units which do not meet such criteria shall be considered to be residential units and shall be subject to all applicable zoning restrictions.
 2. Units in a timeshare facility shall not be used as a residence unless:
 - a. The residential use is allowed by the underlying zone designation; and
 - b. The residential use was specifically allowed by the conditional use permit or other city discretionary permit.
- D. Where Permitted.
1. Timeshare facilities and conversions to timeshare use are permitted subject to approval of a minor use permit. Such facilities and conversions are expressly prohibited in all other districts. Further, the conversion of timeshare units to residential condominium uses is prohibited unless one hundred percent of the units in the development are converted simultaneously.
 2. Timeshare facilities may include other uses, either as minor ancillary uses to the timeshare facility or independent facilities so long as the specific use is allowed by the underlying zone designation. Such uses shall meet all city laws and requirements.
- E. Development Standards. The following shall constitute the minimum development standards for timeshare facilities and the conversion of existing facilities to timeshare use. Additional requirements may be attached to a conditional use permit or other discretionary permit if found to be necessary to assure that the development is consistent with the purpose of this section:
1. Density. The density of the timeshare project shall not exceed the density permitted by the general plan or by the applicable zoning district.
 2. Setback, Height and Lot Coverage. The minimum required setbacks and minimum height and lot coverage shall be those as established in the underlying zone designation. Additional setbacks and height and lot coverage restrictions may be required to ensure that the facility is adequately buffered from surrounding uses.
 3. Parking. The minimum parking requirements for timeshare facilities shall be those required by law for hotel/motel uses, plus requirements for ancillary uses (for example, restaurants and shops). Other uses which are included in the facility, but which are

not ancillary uses, shall meet all requirements of this code. Additional parking may be required if the design of the facility and units indicates that additional parking is necessary.

4. Signs. The sign requirements shall be those as established by Chapter 9.160.
 5. Management. The management of a timeshare facility shall be in accordance with the requirements established by the California Department of Real Estate for timeshare uses. An on-site manager is required.
 6. Required Facilities. The provision of facilities, amenities or design features usually associated with hotels/motels (e.g., lobbies, check-in area, registration desks, service closets, laundry facilities) shall be required to ensure that the timeshare facility will adequately function as a hotel/motel.
- F. Conversions to Timeshare Uses. The following standards shall apply to conversions of existing facilities to timeshare uses:
1. The conversion of any type of existing unit or facility to timeshare use shall be subject to the approval of a conditional use permit. Conversions shall be evaluated in terms of the physical suitability of the units or facilities for timeshare use. Items to be considered shall include, without limitation, the general maintenance and upkeep of the structures; general physical condition of the facility; age of the structures; suitability of the units for the type of occupancy proposed; availability of kitchen facilities; the age, condition and general repair of any recreational facility; the potential impact on nonconverting units within the facility; and conformance with appropriate building, safety or fire standards. The upgrading of the facility may be required to mitigate any identified deficiencies.
 2. All facilities converted to timeshare use shall meet all applicable city requirements, including building, safety and fire standards.
 3. The conversion of apartments to timeshare use shall be subject to the same relocation benefits as are or may be established for the conversion of apartments to condominiums.
 4. Conversion to timeshare use must be explicitly permitted by any covenants, conditions and restrictions which are recorded against the property proposed to be converted.
- G. Application Requirements.
1. In addition to any application requirements established by Section 9.210.020 and any other applicable requirements of this code, the

following information shall also be submitted as part of any application to develop or establish a timeshare facility:

- a. Typical floor plans for each timeshare unit;
- b. The phasing of the construction of the timeshare use;
- c. The type of timeshare method to be used (e.g., fee simple, leasehold, tenancy-in-common, license, membership) and how such use may be created;
- d. The identification of timeshare intervals and the number of intervals per unit;
- e. Identification of which units are in the timeshare program, the use of the units not included in the program, and the method whereby other units may be added, deleted or substituted;
- f. A description of any ancillary uses which are proposed in conjunction with the timeshare facility;
- g. A description of the availability of the timeshare project and ancillary facilities to the general public;
- h. A description of the method of management of the project and indication of a contact person or party responsible for the day-to-day operation of the project;
- i. A description of the type and operation of any other uses (residential, commercial or recreational) which are included in the facility;
- j. The formula, fraction or percentage, of the common expenses and any voting rights assigned to each timeshare unit and, where applicable, to each unit within the project which is not subject to the timeshare program;
- k. A description of the methods to be used to guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance;
- l. Any restrictions on the use, occupancy, alteration or alienation of timeshare units;
- m. Copies of all enabling documentation, including, but not limited to, articles of incorporation, bylaws, declarations of covenants, conditions and restrictions, and membership or license agreements;
- n. Copies of all California Department of Real Estate applications and permits, including any public report issued;
- o. A description of the method to be used in collecting and transmitting the transient occupancy tax to the city;

- p. Any other information or documentation the applicant, the Director or the planning commission deems reasonably necessary to the consideration of the project, including any required environmental documents; and
 - q. Applications for the conversion of any portion of an existing facility to a timeshare facility shall include the following information in addition to the other information required by this subsection:
 - i. A property report describing in detail the condition and useful life of the roof, foundations and mechanical, electrical, plumbing and structural elements of all existing buildings and structures. Such report shall be prepared by a registered civil or structural engineer, a licensed architect or a licensed general contractor,
 - ii. A descriptive report containing acoustical test data which indicate the noise attenuation characteristics of the existing party walls and ceilings. The data for such report shall include a sampling of at least ten percent of the dwelling units involved, but in no case fewer than two dwelling units, and shall be compiled by an independent consultant experienced in the field of acoustical testing and engineering,
 - iii. If the conversion is of an apartment or condominium facility or any portion thereof, a certified list of the names and addresses of all tenants residing in the project proposed to be converted at the time the application is filed, whether or not the unit in which the tenant resides will be converted,
 - iv. A comprehensive list of all improvements, upgrading and additional facilities proposed, and
 - v. A report describing all repairs and replacements needed, if any, to bring all structures into substantial compliance with the Uniform Building Code, Uniform Housing Code, National Electrical Code, Uniform Plumbing Code, Uniform Fire Code, Uniform Mechanical Code, and any other building related codes as modified and adopted by the city.
2. The information required by this section shall be reviewed by the Director, who will require its revision and resubmittal if found to be inadequate or incomplete. Approval shall be subject to the required

documentation being received, and the failure of an applicant to submit such documentation shall be grounds for disapproval.

- H. Required Notice. Public notice shall be given for all conditional use permits associated with timeshare facilities as required by this code. In addition, in the event an apartment or condominium facility or any portion thereof is proposed to be converted to a timeshare facility, written notice shall be mailed to all persons residing in the facility, whether or not the unit in which the person resides will be converted, not less than ten days prior to the planning commission hearing. Such notice shall be mailed by the Planning Division at the expense of the applicant, and shall state the following:
1. The date, time, place and purpose of the hearing;
 2. Notification that if the permit is approved, tenants may be required to vacate the premises;
 3. Notification that if the permit is approved, the property owner will be required to give all tenants a minimum of one hundred twenty days' notice to vacate. However, such notice shall not restrict the exercise of lawful remedies pertaining to, but not limited to, tenants' defaults in the payment of rent or defacing or destruction of all or a part of the rented premises; and
 4. A description of any available relocation benefits to be provided by the project applicant.
- I. Required Findings. In addition to the requirements for findings of fact as established by California law or other provisions of this code, the approval of a conditional use permit for a timeshare facility shall require the following additional findings:
1. The proposal is in conformance with the city's general plan, this section, and other applicable requirements of this zoning code;
 2. The property is physically suitable for use as a timeshare facility; and
 3. The use of the property as a timeshare facility will not cause an undue burden on adjacent and nearby property owners.
- J. Transient Occupancy Tax. Timeshare facilities shall be subject to all applicable provisions of Chapter 3.24 of the municipal code. (Ord. 299 § 1 (part), 1997; Ord. 284 § 1 (Exh. A) (part), 1996)

9.60.290 Compatibility review for partially developed subdivisions.

- A. Purpose. Residential subdivisions are often developed in phases, either by the same or different developers or by individual owner-

builders. This section imposes requirements to ensure that units in later phases of such projects are compatible in design and appearance with those already constructed.

- B. For purposes of this section, the term “compatible” means residential buildings which are similar in floor area and harmonious in architectural style, mass, scale, materials, colors, and overall appearance.
- C. Applicability. This section applies to all second story additions, proposed major design deviations, and new residential units which are different from those originally constructed and/or approved and which are proposed for construction within a partially developed subdivision, except for a custom home subdivision, project or phase. Proposed minor design deviations are not subject to this section. These requirements are in addition to other applicable regulations in this code.
 - 1. Minor Design Deviation. A minor design deviation can be approved by the Planning Division without a public hearing. Minor design deviation means a modification of an approved architectural unit within a subdivision that involves items such as, but not limited to, less than ten percent change in square footage of existing constructed or approved units; columns, dormer vents, window size changes, plant-on locations, color, and stucco texture changes. The Director may refer the minor design deviation to the planning commission as a business item under the site development permit process.
 - 2. Major Design Deviation. A major design deviation is subject to the compatibility review for partially developed subdivisions. A major design deviation means a ten percent or more change in square footage of existing constructed or approved units; any exterior architectural modification not defined as a minor design deviation.
- D. Site Development Permit Required. Residential units subject to this section are subject to approval of a site development permit by the planning commission per Section 9.210.010. Applications for such permits shall be filed with the Planning Division on forms prescribed by the director together with: (1) all maps, plans, documents and other materials required by the director; and (2) all required fees per Chapter 9.260. The director shall provide the necessary forms plus written filing instructions specifying all materials and fees required to any requesting person at no charge.

- E. Acceptance of Applications as Complete. Within thirty days of receipt of a permit application, the director shall determine whether the application is complete and shall transmit such determination to the applicant. If the application is determined not to be complete, the director shall specify in writing those parts of the application which are incomplete and shall indicate the manner in which they can be made complete. No application shall be processed until all required materials have been submitted and the application deemed complete.
- F. Public Hearing Required. A public hearing shall be noticed and held per Section 9.200.110 prior to planning commission approval or denial of any site development permit consisting of the construction of a total of five houses within a tract under the compatibility review provisions of this section. Construction of a total of five or less units shall require review and approval of the planning commission as a business item. The Director may require that additional notice be given by enlarging the notification radius or by other means determined by the director.
- G. Precise Development Plan. A site development permit approved under the compatibility review provisions of this section constitutes a precise development plan. Therefore, the residential development authorized under the site development shall be in compliance with the plans, specifications and conditions of approval shown on and/or attached to the approved permit.
- H. Required Findings. In addition to the findings required for approval of a site development permit, the following findings shall be made by the decision-making authority prior to the approval of any site development permit under the compatibility review provisions of this section:
 - 1. The development standards of subsection I of this section have been satisfied.
 - 2. The architectural and other design elements of the new residential unit(s) will be compatible with and not detrimental to other existing units in the project.
- I. Development Standards for Compatibility Review. No residential unit shall be approved under compatibility review unless the planning commission determines that it complies with the following development standards:
 - 1. A two-story house shall not be constructed adjacent to or abutting a lot line of an existing single-story home constructed in the same subdivision.

2. If lot fencing has been provided in the subdivision, the new developer shall provide the same or better type of fencing for the new dwelling(s), as determined by the planning commission, including any perimeter subdivision fencing.
3. Proposed single-family dwellings shall be compatible to existing dwellings in the project or to dwellings which are approved for construction as shown on the plans and materials board, unless otherwise approved by the planning commission, with respect to the following design elements:
 - a. Architectural material such as roof material, window treatment and garage door style;
 - b. Colors;
 - c. Roof lines;
 - d. Lot area; and
 - e. Building mass and scale.
4. At least one specimen tree (i.e., minimum of a twenty-four-inch box size (one and one-half-inch to two-inch caliper) and minimum ten-foot tall, measured from top of box) shall be provided in the front yard and street side yard with the total number of trees on each lot to be the same as that provided for on the original units.
5. Residential units with identical, or similar, front elevations shall not be placed on adjacent lots or directly across the street from one another.
- J. Commission Discretion on Unit Types. The planning commission, in reviewing dwelling units under this section, may limit the type and the number of a particular unit to be constructed within a subdivision.
- K. Appeals. The applicant or another aggrieved party may appeal decisions of the planning commission in accordance with the provisions of Section 9.200.120. (Ord. 509 § 1, 2013; Ord. 361 § 1 (Exh. A), 2001; Ord. 325 § 1 (Exh. A), 1998; Ord. 299 § 1, 1997; Ord. 284 § 1 (Exh. A), 1996)

9.60.300 Restrictions on multistory buildings at project boundaries.

Any structure within 70 feet of an existing one story residence within an adjacent subdivision shall be limited to one story.

9.60.310 Resort residential.

- A. Purpose. Resort residential provides for the development and regulation of a range of specialized residential uses that are

individually owned but rented for periods of thirty consecutive days or less, on a regular basis and oriented to tourist and resort activity as part of a golf/resort country club. Land uses include single-family detached or attached residential uses, eating and drinking facilities, small accessory retail and personal service shops, and recreational buildings.

B. Review Process. Resort residential uses are permitted when developed as part of a residential golf country club. The conditional use application review process shall be used subject to Section 9.210.020.

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

ITEM	QUANTITY
Minimum lot frontage	30 ft.
Maximum building height	28 ft. (1)
	22 ft. (1) adjacent to an image corridor
Maximum no. of stories	2
Minimum livable reserved floor area excluding garage	420 sq. ft.
Minimum front yard setback from:	
Street or parking stall curb	8 ft.
Pedestrian circulation walks	5 ft.
Garage/carport setback-from street curb	5 ft.
Minimum building to building setback:	
Without partial attachment (see note)	6 ft.
With partial attachment (see note)	4 ft.
Minimum interior/exterior side yard setbacks	3 ft. (2)
Minimum rear yard setback	5 ft.
Maximum allowable wall height	8 ft.
Minimum parking required	1 space per bedroom
	1 space per 300 sq. ft. GFA

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

1. Chimneys, roof vents, finials, spires, and similar architectural features not containing usable space are permitted to extend up to three feet above the maximum structure height.

2. Residential units supporting mechanical equipment shall be allowed within side yard setback area with a minimum three-foot clearance to the side property.
- D. Allowable Resort Residential Units and Commercial Uses. The density of the allowable units is determined by the underlying general plan land use designation. The eating and drinking facilities, small accessory retail and personal service shops, and recreational buildings shall be an integral part of the development. These facilities shall not utilize more than five acres of the total site.
- E. Transient Occupancy Tax. Resort residential shall be applicable to all provisions of Chapter 3.24 of this code. (Ord. 325 § 1 (Exh. A) (part), 1998)

9.60.320 Reasonable Accommodation

- A. Purpose and intent.
 1. To establish a procedure for requesting reasonable accommodation for persons with disabilities in the application of land use, zoning and building policies and practices.
 2. To fully comply with the intent and purpose of the federal Fair Housing Act and California Employment and Housing Act.
 3. The City encourages the development community to coordinate with property owners to incorporate interior residential design modifications for people requiring special adaptations, when requested by the property owner. Such modifications may include wider interior doorways, zero-entry showers, and lowered kitchen countertops that enhance accessibility.
- B. Applicability. This section applies to persons with disabilities, their representatives, and developers of housing for individuals with disabilities who seek equal access to housing under fair housing laws and flexibility in the application of relevant regulations, policies, practices, and procedures.
- C. Definitions. See Chapter 9.280.
- D. Submittal Procedure. Any person with a disability, his/her representative, or developer of housing for individuals with disabilities may request reasonable accommodation as it pertains to land use, zoning, and building regulations according to the following parameters:
 1. A written request shall be submitted to the Director and shall contain the following information.
 - a. Applicant's name, address, and telephone number;
 - b. Address of the property for which the request is being made;
 - c. Property owner(s) name and address;
 - d. Current use of the property;

- e. Description of requested accommodation and why it is deemed necessary;
 - f. Policy or regulation for which reasonable accommodation is being sought.
 2. The City shall provide assistance, if necessary, to ensure that the reasonable accommodation process is accessible.
 3. Information identified as confidential by the applicant shall be safeguarded and shall not be made available to the public.
 4. If the project for which the reasonable accommodation request is being made requires other discretionary approvals (such as design review, conditional use permit, zone change, etc.), the applicant shall file the written reasonable accommodation request in conjunction with the application for discretionary approval.
- E. Review Procedure.
 1. If no approvals are being sought other than the request for reasonable accommodation, the request shall be reviewed by the Director or his/her designee, and he/she shall make a written determination within 45 days of the original request date,, in accordance with Section 9.60.350(G).
 2. If the request for reasonable accommodation is submitted concurrently with other discretionary land use applications, it shall be reviewed by the authority reviewing the discretionary application, and the authority shall make a written determination within 30 days of the original request date, in accordance with Section 9.60.350(G).
 3. The reviewing authority may request additional information from the applicant, consistent with fair housing laws, if deemed necessary. In this event, the 30-day review and decision period is stayed until the applicant responds to the request.
- F. Findings and Determination Procedure.
 1. The authority's written decision shall grant, grant with modifications, or deny the request for reasonable accommodation, consistent with fair housing laws.
 2. The findings shall be based on the following considerations:
 - a. Whether the subject property will be used by an individual with disabilities protected under fair housing laws;
 - b. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under fair housing laws;
 - c. Whether the requested accommodation would impose undue financial or administrative burdens on the City;
 - d. Whether the request for accommodation would require a fundamental alteration in the nature of a City program or law;
 - e. Potential impacts on surrounding land uses;

- f. Alternative reasonable accommodations that may provide an equivalent level of benefit;
3. The reviewing authority may impose Conditions of Approval deemed reasonable and necessary.
4. The reviewing authority's written determination shall give notice of the applicant's right to appeal.
5. If the reviewing authority fails to render a written decision within the 30-day time period allotted in Section 9.60.350(F), the request shall be deemed granted.

While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the subject property shall remain in effect.

G. Appeals Process.

1. The applicant may appeal an adverse decision in writing to the Planning Commission within thirty (30) days of the date of the reviewing authority's written decision.
2. If necessary, the City shall provide assistance in filing an appeal to ensure that the appeals process is accessible.

9.60.330 Planned Unit Development Standards

- A. Purpose. The purpose of the Planned Unit Development is to allow flexibility in the design of residential projects, and encourage the development of creative, high-quality residential projects that provide attractive living environments in a setting that is different from standard single family home development.
- B. Permit Required. Planned Unit Developments (PUD) shall require approval of a Conditional Use Permit.
- C. Design Guidelines Required. All PUDs shall be required to submit design guidelines that include:
 1. A site plan that shows building and unit footprints, common and private open space areas, parking areas, roadways/driveways/alleys, and access points.
 2. Architectural plans that include elevations, floor plans, roof plans, lighting and landscaping plans. The graphic plans must be accompanied by text that describes minimum development standards, building materials, landscape palette and lighting details.
 3. For projects proposing two or more story structures, a massing plan that depicts the relationship of the structures within the project to each other, and to development adjacent to the project. The

massing plan shall be accompanied by text that describes how the project is compatible with surrounding development.

4. A common area plan that describes in text the area(s) to be devoted to common area, and the amenities to be provided, as well as a calculation of the percentage of common area provided in relation to the residential units.
 5. A circulation plan that provides graphics and text describing the roadway/driveway/alleyway cross-section dimensions, parking areas, and entryway treatments.
- D. Development Standards. All PUDs shall be subject to the following development standards.
1. Density. The maximum density allowed in a PUD shall not exceed the general plan and zoning designation on the property.
 2. In order to encourage creative design, development standards in PUDs can be proposed by the applicant. The applicant must demonstrate in the project's design guidelines that reduced setbacks are offset with project amenities.
 3. Common Areas. A PUD must provide 30% of the net project area (not including city street dedications, interior streets or parking areas), as common area. Common area cannot include parking lot landscape areas, landscaped areas of less than 5 feet in width, or any open space area provided for the exclusive use a residential unit. Common areas can include passive and active areas, and must provide amenities for the community as a whole. Amenities can include:
 - Passive park, at least ½ acre in size, and not including retention basins
 - Swimming pool, with or without spa
 - Clubhouse/recreation room
 - Tot lot with play equipment
 - Picnic tables and barbeque areas
 - Tennis court
 - Basketball court
 - Volleyball court
 - Bocce ball or horseshoe pitch
 - Softball, baseball or soccer field
 - Putting green, driving range or similar golf-oriented area
 - Par course

- Off-street continuous trail or paseo (allowing a loop through the project)
- Community garden
- Daycare center or similar children’s activity building
- Other facilities as determined appropriate by the Director

A minimum number of amenities shall be provided based on the number of units within a project, as shown below.

0-25 units	2 amenities
26-50 units	3 amenities
51-100 units	4 amenities
101 or more units	5 amenities

4. Parking: Parking shall be provided consistent with Chapter 9.150. As provided in that chapter, variations from parking requirements can be proposed in a PUD, with appropriate substantiation.

5. Signage. Signage shall be provided consistent with Chapter 9.160.

E. Required Findings. The following findings shall be made by the decision-making authority prior to the approval of any Planned Unit Development:

1. Consistency with General Plan. The project is consistent with the general plan.
2. Consistency with Zoning Code. The project is consistent with the provisions of this zoning code.
3. Compliance with CEQA. Processing and approval of the permit application are in compliance with the requirements of the California Environmental Quality Act.
4. Architectural Design. The architectural design of the project, including, but not limited to, the architectural style, scale, building mass, materials, colors, architectural details, roof style and other architectural elements are compatible with surrounding development and with the quality of design prevalent in the city.
5. Site Design. The site design of the project, including, but not limited to, project entries, interior circulation, pedestrian and bicycle access, pedestrian amenities, screening of equipment and trash enclosures, exterior lighting, and other site design elements are compatible with surrounding development and with the quality of design prevalent in the city.
6. Landscape Design. Project landscaping, including, but not limited to, the location, type, size, color, texture and coverage of plant materials, has been designed so as to provide visual relief,

complement buildings, visually emphasize prominent design elements and vistas, screen undesirable views, provide a harmonious transition between adjacent land uses and between development and open space, and provide an overall unifying influence to enhance the visual continuity of the project.

Chapter 9.65 VILLAGE COMMERCIAL DISTRICT

- A. Introduction. The provisions of this chapter implement an overlay zoning district for the area covered by The Village at La Quinta Design Guidelines, as set forth in the document containing said guidelines. (Ord. 323 § 2 (Exh. A) (part), 1998)
- B. Applicability. The Village overlay district (VOD) shall apply within the boundaries of The Village at La Quinta Design Guidelines, as established in the guidelines document and as may be amended by resolution of the city council. Notwithstanding the requirements set out in this chapter, the provisions of the underlying zoning district shall be in effect and govern development and permitted uses for properties located in said underlying district. The Village overlay district shall be appropriately designated on the city’s official zoning map. (Ord. 323 § 2 (Exh. A) (part), 1998)
- C. Permitted Uses. Permitted uses in The Village at La Quinta are shown in Table 9-5.

Chapter 9.70 NONRESIDENTIAL DISTRICTS

9.70.010 Summary of district regulations.

- A. Purpose. This chapter contains the purpose and intent of each nonresidential district.
- B. Permitted Uses. Chapter 9.80 specifies the land uses allowed in each nonresidential district.
- C. Development Standards. Development standards (such as minimum setbacks and maximum building heights) for each nonresidential district are contained in Chapter 9.90.
- D. Supplemental Regulations. Sections containing supplemental regulations applicable to nonresidential uses are as follows:

Table 9-4 Supplemental Nonresidential Regulations	
9.100.010	Purpose and intent

9.100.020	Parking and signs
9.100.030	Fences and walls
9.100.040	Landscaping
9.100.050	Screening
9.100.060	Detached accessory structures
9.100.070	Satellite dish and other antennas
9.100.080	Holiday sales lots
9.100.090	Produce and flower stands
9.100.100	Outdoor vendors
9.100.110	Outdoor storage and display
9.100.120	Sidewalk sales and commercial events
9.100.130	Temporary outdoor events
9.100.140	Seasonal sales businesses
9.100.145	Temporary holiday period outdoor storage
9.100.150	Outdoor lighting
9.100.160	Caretaker residences
9.100.170	Construction and guard offices
9.100.180	Relocatable buildings
9.100.190	Recycling collection facilities
9.100.200	Trash and recyclable materials storage
9.100.210	Noise control
9.100.220	Operational standards
9.100.230	Service station standards
9.100.240	Child day care centers
9.100.250	Single room occupancy (SRO) hotels
9.100.260	Used vehicle sales not associated with a new vehicle sales facility
9.100.270	Drive-Through Facilities
9.100.280	Emergency shelters

(Ord. 325 § 1 (Exh. A) (part), 1998; Ord. 284 § 1 (Exh. A) (part), 1996)

9.70.030 CR Regional Commercial District.

- A. Purpose and Intent. To provide for the development and regulation of regionally oriented commercial areas located along the Highway 111 corridor as shown on the general plan. The CR district is intended to provide a broad range of goods and services serving the entire region. Representative land uses include corporate headquarters, regional service centers, research and development facilities, major community facilities, major medical facilities, overnight commercial lodging, entertainment, and automobile-oriented sales and services.
- B. Permitted Uses. Chapter 9.80 lists permitted land uses.

- C. Development Standards. Chapter 9.90 contains development standards and illustrations. Approval of a specific plan is required for any development or land division greater than ten acres in the CR district. (Ord. 466 § 1, 2009; Ord. 284 § 1 (Exh. A) (part), 1996)

9.70.040 CP Commercial Park District.

- A. Purpose and Intent. To provide for the development and regulation of heavy commercial and light industrial uses located within the Highway 111 corridor as shown on the general plan. Representative uses include automobile repair, warehousing and storage, office/showroom, office/warehouse, high-tech light manufacturing, and similar uses which serve the needs of the local and regional trade area.
- B. Permitted Uses. Chapter 9.80 lists permitted land uses.
- C. Development Standards. Chapter 9.90 contains development standards and illustrations. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.70.050 CC Community Commercial District.

- A. Purpose and Intent. To provide for the development and regulation of medium- to large-scale commercial areas located at the intersections of arterial highways as shown on the general plan. The CC district is intended to provide for the sale of general merchandise, hardware and building materials, food, drugs, sundries, personal services and similar goods and services to meet the needs of a multi-neighborhood area.
- B. Permitted Uses. Chapter 9.80 lists permitted land uses.
- C. Development Standards. Chapter 9.90 contains development standards and illustrations. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.70.060 CN Neighborhood Commercial District.

- A. Purpose and Intent. To provide for the development and regulation of small-scale commercial areas located at the intersections of arterial highways as shown on the general plan. The CN district is intended to provide for the sale of food, drugs, sundries and personal services to meet the daily needs of a neighborhood area.
- B. Permitted Uses. Chapter 9.80 lists permitted land uses.
- C. Development Standards. Chapter 9.90 contains development standards and illustrations. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.70.070 CT Tourist Commercial District.

- A. Purpose and Intent. To provide for the development and regulation of a narrow range of specialized commercial uses oriented to tourist and resort activity, located in areas designated on the general plan.

Representative land uses include destination resort hotels, conference-oriented hotels and motels, eating and drinking establishments, accessory retail and personal service shops and recreational uses.

- B. Permitted Uses. Chapter 9.80 lists permitted land uses.
- C. Development Standards. Chapter 9.90 contains development standards and illustrations. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.70.080 CO Office Commercial District.

- A. Purpose and Intent. To provide for the development and regulation of office-oriented uses serving the local and regional trade area, located as shown on the general plan. Representative land uses include financial, medical, legal, professional service uses, and limited accessory retail uses.
- B. Permitted Uses. Chapter 9.80 lists permitted land uses.
- C. Development Standards. Chapter 9.90 contains development standards and illustrations. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.70.090 MC Major Community Facilities District.

- A. Purpose and Intent. To provide for major community facilities such as government offices, fire and police stations, post offices, public schools, libraries, community centers, corporate yards and similar uses at locations identified on the general plan. Emergency shelters are also permitted.
- B. Permitted Uses. Chapter 9.80 lists permitted land uses.
- C. Development Standards. Public and utility projects shall be subject to the same standards as private sector projects. Chapter 9.90 contains development standards and illustrations. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.70.100 Village Commercial District

- A. Role of The Village at La Quinta Design Guidelines. The provisions of this chapter, regulating uses and structures within The Village at La Quinta area, implement the concepts and guidance set forth in The Village at La Quinta Design Guidelines (“guidelines”). Land uses and development proposed in The Village area shall be designed and evaluated in conjunction with those guidelines.
- B. Purpose of Design and Development. The following purpose statements reflect the design concepts envisioned by the guidelines:

1. Develop The Village area as a year-round commercial, residential and recreational location, serving residents and guests of the greater La Quinta community;
2. Promote development standards to accommodate projects and activities which will provide goods, services and housing in a design environment supportive of the concepts set out in the guidelines: promoting pedestrian accessibility and scale, maintaining connections to La Quinta's artistic and architectural heritage, and guiding design to acknowledge and embrace the desert environment. (Ord. 498 § 1, 2012; Ord. 323 § 3 (Exh. B), 1998)

9.70.110 Permitted uses.

- A. Permitted uses in the VC zoning district will combine urban living, essential day-to-day neighborhood goods and services, tourism and visitor-based retail and entertainment opportunities, and facilities necessary for the operational demands of such uses.
- B. Except as otherwise approved as part of a specific plan for the property, the uses permitted in the VC zoning district are listed in Table 9-5.

Chapter 9.80 NONRESIDENTIAL PERMITTED USES

9.80.010 Development permits required.

Whether a nonresidential land use or structure is permitted within a zoning district shall be determined in accordance with this title. In most cases development to establish a use also requires approval of a site development permit and/or other permits as set forth in Chapter 9.210., approval of a specific plan is required for any development or land division in the CR district. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.80.020 Table of permitted uses.

- A. Uses and Structures Permitted. Table 9-5, Permitted Uses in Nonresidential Districts, following, specifies those uses and structures which are permitted within each nonresidential district. The letters in the columns beneath the district designations mean the following:
 1. "P": Permitted as a principal use within the district.
 2. "A": Permitted only if accessory to the principal use on the site.
 3. "C": Permitted as a principal or accessory use if a conditional use permit is approved.
 4. "M": Permitted if a minor use permit is approved.

5. "T": Permitted as a temporary use only.
 6. "X": Prohibited in the district.
 7. "S": Permitted under a specific plan.
- B. Uses Not Listed in Table. Land uses which are not listed in Table 9-5 are not permitted unless the planning or the planning commission determines that such use is within one of the permitted use categories listed (e.g., principal use, conditional use, etc.) in accordance with Section 9.20.040.

Table 9-5 Permitted Uses in Nonresidential Districts								
P = Permitted use A = Accessory use C = Conditional use permit M = Minor use permit T = Temporary use permit X = Prohibited use	Regional Commercial	Commercial Park	Community Commercial	Neighbor-hood Commercial	Tourist Commercial	Office Commercial	Major Community Facilities	Village Commercial
Land Use	CR	CP	CC	CN	CT	CO	MC	VC
Retail Uses								
Retail stores under 10,000 sq. ft. floor area per business	P	P	P	P	P	P	X	P
Retail stores ¹ , 10,000—50,000 sq. ft. floor area	P	P	P	P	X	X	X	P
Retail stores ¹ , over 50,000 sq. ft. floor area	P	C	M	X	X	X	X	X
Food, liquor and convenience stores under 10,000 sq. ft. floor area, open less than 18 hours/day ²	P	A	P	P	A	A	X	P
Food, liquor and convenience stores under 10,000 sq. ft. floor area, open 18 or more hours/day ²	M	X	M	M	M	X	X	M
Plant nurseries and garden supply stores, with no propagation of plants on the premises, subject to Section 9.100.120 (Outdoor storage and display)	P	X	P	P	X	X	X	P
Showroom/catalog stores, without substantial on-site inventory	P	P	P	X	X	X	X	X
General Services								

Table 9-5 Permitted Uses in Nonresidential Districts								
P = Permitted use A = Accessory use C = Conditional use permit M = Minor use permit T = Temporary use permit X = Prohibited use	Regional Commercial	Commercial Park	Community Commercial	Neighborhood Commercial	Tourist Commercial	Office Commercial	Major Community Facilities	Village Commercial
Land Use	CR	CP	CC	CN	CT	CO	MC	VC
Barbershops, beauty, nail and tanning salons and similar uses	P	A	P	P	P	A	X	P
Miscellaneous services such as travel services, photo and video services, shoe repair, appliance repair, and similar uses	P	A	P	P	P	A	X	P
Laundromats and dry cleaners, except central cleaning plants	P	X	P	P	P	X	X	M
Printing, blueprinting and copy services	P	P	P	P	P	P	X	P
Pet grooming—without overnight boarding	P	X	P	P	P	X	X	P
Office and Health Services								
Banks	P	X	P	P	P	P	X	P
General and professional offices	P	P	P	P	P	P	P	P
Medical offices—physicians, dentists, optometrists, chiropractors and similar practitioners, 3 or fewer offices in one building	P	P	P	P	P	P	X	P
Medical centers/clinics—four or more offices in one building	P	X	P	C	X	P	X	P
Surgicenters/ medical clinics	P	P	P	C	X	P	X	X
Hospitals	C	X	X	X	X	X	C	X
Convalescent hospitals	C	X	C	X	X	X	C	X
Veterinary clinics/animal hospitals and pet boarding (indoor only)	M	M	M	M	X	X	X	M
Dining, Drinking and Entertainment Uses								

Table 9-5 Permitted Uses in Nonresidential Districts								
P = Permitted use A = Accessory use C = Conditional use permit M = Minor use permit T = Temporary use permit X = Prohibited use	Regional Commercial	Commercial Park	Community Commercial	Neighbor-hood Commercial	Tourist Commercial	Office Commercial	Major Community Facilities	Village Commercial
Land Use	CR	CP	CC	CN	CT	CO	MC	VC
Restaurants, other than drive-through	P	A	P	P	P	X	A	P
Restaurants, drive-through	P	A	P	X	P	X	X	X
Restaurants, counter take-out with ancillary seating, such as yogurt, ice cream, pastry shops and similar	P	P	P	P	P	X	A	P
Bars and cocktail lounges	C	C	C	C	C	X	X	C
Dance clubs and nightclubs	C	C	C	X	C	X	X	C
Dancing or live entertainment as an accessory use	A	A	A	A	A	X	X	A
Theaters, live or motion picture	P	X	M	M	M	X	A	M
Tobacco shops without onsite smoking, as per the provisions of the Heath and Sanitation Code	P	X	P	P	A	X	X	P
Cigar lounges, hookah bars, and similar uses with onsite smoking, as per the provisions of the Health and Sanitation Code	M	X	M	M	A	X	X	M
Recreation Uses								
Bowling alleys	P	X	P	X	P	X	X	C
Pool or billiard centers as a principal use	C	C	C	X	C	X	X	C
Pool or billiard tables as accessory use (3 tables or less)	A	A	A	A	A	A	X	A

Table 9-5 Permitted Uses in Nonresidential Districts								
P = Permitted use A = Accessory use C = Conditional use permit M = Minor use permit T = Temporary use permit X = Prohibited use	Regional Commercial	Commercial Park	Community Commercial	Neighbor-hood Commercial	Tourist Commercial	Office Commercial	Major Community Facilities	Village Commercial
Land Use	CR	CP	CC	CN	CT	CO	MC	VC
Game machines as an accessory use	A	A	A	A	A	A	X	A
Golf courses and country clubs (see GC district permitted uses, Chapter 9.120)	X	X	X	X	A	X	X	X
Driving range unlighted	P	A	C	X	P	A	P	X
Tennis clubs or complexes	C	A	C	X	X	A	C	X
Health clubs, martial arts studios, and dance studios, 5,000 sq. ft. floor area or less	P	P	P	P	P	P	P	P
Health clubs, martial arts studios, and dance studios, over 5,000 sq. ft. floor area	M	M	M	M	M	M	M	M
Libraries	P	P	P	P	P	P	P	P
Museum or	P	P	P	P	P	P	P	P
Arts and crafts studios, including classes	P	P	P	P	P	P	P	P
Parks, unlighted playfields and open space	P	P	P	P	P	P	P	P
Lighted playfields	X	X	X	X	X	X	C	C
Bicycle, equestrian and hiking trails	P	P	P	P	P	P	P	P
Indoor pistol or rifle ranges	X	C	X	X	X	X	X	X
Miniature golf/recreation centers	C	X	X	X	M	X	X	X
Ice skating rinks	M	M	M	X	M	X	M	X
Assembly Uses								
Lodges, union halls, social clubs and community centers	P	P	P	P	X	X	P	P

Table 9-5 Permitted Uses in Nonresidential Districts								
P = Permitted use A = Accessory use C = Conditional use permit M = Minor use permit T = Temporary use permit X = Prohibited use	Regional Commercial	Commercial Park	Community Commercial	Neighbor-hood Commercial	Tourist Commercial	Office Commercial	Major Community Facilities	Village Commercial
Land Use	CR	CP	CC	CN	CT	CO	MC	VC
Churches, temples and other places of worship	M	M	M	M	X	M	X	M
Mortuaries and funeral homes	M	M	M	X	X	X	X	X
Public and Semipublic Uses								
Fire stations	P	P	P	P	P	P	P	P
Government offices and police stations	P	P	P	P	P	P	P	P
Communication towers and equipment (freestanding, new towers) subject to Chapter 9.170	C	C	C	C	C	C	C	C
Communication towers and equipment (co-location, mounted to existing facility) subject to Chapter 9.170	M	M	M	M	M	M	M	M
Electrical substations	X	M	X	X	X	X	M	X
Water wells and pumping stations	P	P	P	P	P	P	P	P
Reservoirs and water tanks	X	X	X	X	X	X	P	X
Public flood control facilities and devices	P	P	P	P	P	P	P	P
Colleges and universities	C	M	X	X	X	M	C	C
Vocational schools, e.g., barber, beauty and similar	M	C	C	X	X	C	C	C
Private elementary, intermediate and high schools	C	C	C	C	C	C	C	C
Helicopter pads	X	X	X	X	C	X	C	X
Public or private kennels and animal shelters (with indoor or outdoor pet boarding)	X	C	X	X	X	X	C	X
Residential, Lodging and Child daycare Uses								

Table 9-5 Permitted Uses in Nonresidential Districts								
P = Permitted use A = Accessory use C = Conditional use permit M = Minor use permit T = Temporary use permit X = Prohibited use	Regional Commercial	Commercial Park	Community Commercial	Neighborhood Commercial	Tourist Commercial	Office Commercial	Major Community Facilities	Village Commercial
Land Use	CR	CP	CC	CN	CT	CO	MC	VC
Existing single family home	X	X	X	X	X	X	X	P
Townhome and multifamily dwelling as a primary use ^{3,4}	C ³	C ⁴	C	C	C	C	X	C
Residential as an accessory use, e.g., caretaker residences per Section 9.100.160	M	M	M	M	M	M	M	M
Child daycare facilities, centers and preschools as a principal use, subject to Section 9.100.240 (also see Accessory Uses)	M	M	M	M	X	M	M	M
Senior group housing	X	X	X	X	X	X	X	M
Rooming and boarding houses	X	X	X	X	X	X	X	M
Single room occupancy (SRO) hotels, subject to Section 9.100.250	C	X	X	X	X	X	X	X
Emergency shelters	P	P	P	P	P	P	P	X
Transitional shelters for homeless persons or victims of domestic abuse	C	X	X	X	X	X	C	X
Single family residential	X	X	X	X	X	X	X	X
Mixed-use projects subject to 9.110.130	P	P	P	P	P	P	X	P
RV rental parks and ownership/membership parks	X	X	X	X	M	X	X	X
Resort residential	S	X	C	X	C	X	X	
Hotels and motels	P	X	P	X	P	X	X	P
Timeshare facilities, fractional ownership, subject to Section 9.60.290	P	X	P	X	P	X	X	P

Table 9-5 Permitted Uses in Nonresidential Districts								
P = Permitted use A = Accessory use C = Conditional use permit M = Minor use permit T = Temporary use permit X = Prohibited use	Regional Commercial	Commercial Park	Community Commercial	Neighborhood Commercial	Tourist Commercial	Office Commercial	Major Community Facilities	Village Commercial
Land Use	CR	CP	CC	CN	CT	CO	MC	VC
Automotive Automobile Uses⁵								
Golf cart, neighborhood electric vehicle (NEV), and electric scooter sales	P	P	P	M	X	X	X	M
Automobile service stations, with or without minimart subject to 9.100.230	C	C	C	C	X	X	X	C
Car washes	M	M	M	X	X	X	X	X
Auto body repair and painting; transmission repair	X	C	X	X	X	X	X	X
Auto repair specialty shops, providing minor auto maintenance: tire sales/service, muffler, brake, lube and tune-up services	C	C	C	X	X	X	X	X
Auto and motorcycle sales and rentals	M	M	X	X	X	X	X	X
Used vehicle sales, not associated with a new vehicle sales facility, as per Section 9.100.260	C	C	X	X	X	X	X	X
Truck, recreation vehicle and boat sales	C	C	X	X	X	X	X	
Auto parts stores, with no repair or parts installation on the premises	P	P	P	P	X	X	X	P
Auto or truck storage yards, not including dismantling	X	C	X	X	X	X	X	X
Private parking lots/garages as a principal use subject to Chapter 9.150, Parking	C	C	C	X	C	C	X	C
Warehousing and Heavy Commercial Uses⁵								

Table 9-5 Permitted Uses in Nonresidential Districts								
P = Permitted use A = Accessory use C = Conditional use permit M = Minor use permit T = Temporary use permit X = Prohibited use	Regional Commercial	Commercial Park	Community Commercial	Neighbor-hood Commercial	Tourist Commercial	Office Commercial	Major Community Facilities	Village Commercial
Land Use	CR	CP	CC	CN	CT	CO	MC	VC
Wholesaling/distribution centers, general warehouses with no sales to consumers	C	P	X	X	X	X	X	X
Mini-storage	X	X ⁶	X	X	X	X	X	X
Lumber yards, outdoor (see retail stores for indoor lumber sales)	X	M	X	X	X	X	X	X
Pest control services	M	P	X	X	X	X	X	X
Contractor offices, public utility and similar equipment/storage yards	X	M	X	X	X	X	P	X
Central cleaning or laundry plants	X	X	X	X	A	X	X	X
Industrial and Research Uses								
Indoor manufacture and assembly of components or finished products	X	P	X	X	X	X	X	X
Research and development	P	P	X	X	X	X	X	X
Recording studios	M	P	X	X	X	X	X	M
Bottling plants	X	P	X	X	X	X	X	X
Recycling centers as a primary use, collection and sorting only, subject to Section 9.100.190	X	C	X	X	X	X	C	X
Off-site hazardous waste facilities	X	C	X	X	X	X	X	X
Accessory Uses and Structures								
Construction and guard offices, subject to 9.100.170	P	P	P	P	P	P	P	P

Table 9-5 Permitted Uses in Nonresidential Districts								
P = Permitted use A = Accessory use C = Conditional use permit M = Minor use permit T = Temporary use permit X = Prohibited use	Regional Commercial	Commercial Park	Community Commercial	Neighbor-hood Commercial	Tourist Commercial	Office Commercial	Major Community Facilities	Village Commercial
Land Use	CR	CP	CC	CN	CT	CO	MC	VC
Portable outdoor vendor uses subject to Section 9.100.100	M	M	M	M	M	M	M	M
Swimming pools as an accessory use	A	A	A	A	A	A	A	A
Indoor golf or tennis facilities as an accessory use	A	A	A	A	A	A	A	A
Outdoor golf or tennis facilities as an accessory use	M	M	M	M	M	M	M	M
Antennas and satellite dishes, subject to Section 9.100.070	A	A	A	A	A	A	A	A
Reverse vending machines and recycling dropoff bins, subject to Section 9.100.190	A	A	A	A	X	X	A	M
Incidental on-site products or services for employees or businesses, such as child day care, cafeterias and business support uses	A	A	A	A	A	A	A	A
Other accessory uses and structures which are customarily associated with and subordinate to the principal use on the premises and are consistent with the purpose and intent of the zoning district, as determined by the director	A	A	A	A	A	A	A	A
Temporary Uses								
Christmas tree sales, subject to Section 9.100.080	T	T	T	T	X	X	T	T

Table 9-5 Permitted Uses in Nonresidential Districts								
P = Permitted use A = Accessory use C = Conditional use permit M = Minor use permit T = Temporary use permit X = Prohibited use	Regional Commercial	Commercial Park	Community Commercial	Neighbor-hood Commercial	Tourist Commercial	Office Commercial	Major Community Facilities	Village Commercial
Land Use	CR	CP	CC	CN	CT	CO	MC	VC
Halloween pumpkin sales, subject to Section 9.100.080	T	T	T	T	X	X	T	T
Stands selling fresh produce in season, subject to Section 9.100.090	T	T	T	T	X	X	T	T
Sidewalk sales, subject to Section 9.100.120	T	T	T	T	T	T	X	T
Temporary outdoor events, subject to Section 9.100.130	T	T	T	T	T	T	T	T
Use of relocatable building, subject to Section 9.100.180	T	T	T	T	T	T	T	T
Holiday period storage subject to 9.100.145	M	M	M	M	M	M	M	M
Other Uses								
Sexually oriented businesses, subject to Section 9.110.080 ⁷	C	X	X	X	X	X	X	X
Medical marijuana dispensaries	X	X	X	X	X	X	X	X
Other uses not listed in this table: per Section 9.20.040, director or planning commission to determine whether use is permitted								

Notes:

- 1 Unless use is specifically listed elsewhere in this table.
- 2 With no consumption of alcohol on the premises.
- 3 If part of a mixed-use project per Section 9.140.120.
- 4 Subject to Section 9.30.070 (RH, High Density Residential District) for density, 9.60.270.
- 5 Subject to Section 9.100.110, Outdoor storage and display.
- 6 Mini-storage warehousing operating on December 17, 2008 (the effective date of the ordinance codified in this section), are considered legal, conforming land uses. Existing facilities may be reconstructed if damaged, and may be modified or expanded within the boundaries of the lot on which they occur as of December 17, 2008 with approval of a site development permit. Any modification or expansion shall conform to

the development standards for the commercial park zoning district contained in Chapter 9.90, Nonresidential Development Standards.

- 7 Property must also be located within the SOB (sexually oriented business) overlay district.

(Ord. 492 § 1, 2011; Ord. 480 § 1, 2010; Ord. 472 § 1, 2009; Ord. 471 § 2, 2009; Ord. 466 § 1, 2009; Ord. 449 § 1, 2007; Ord. 429 § 1, 2006; Ord. 414 § 1, 2005; Ord. 397 § 1 (Exh. A), 2004; Ord. 325 § 1 (Exh. A), 1998; Ord. 307 § 1, 1997; Ord. 299 § 1, 1997; Ord. 284 § 1 (Exh. A), 1996)

Chapter 9.90 NONRESIDENTIAL DEVELOPMENT STANDARDS

9.90.010 Maximum building height.

For purposes of this code, the maximum height of buildings and other structures shall be defined as the vertical distance from finish grade to an imaginary plane above the building site. The imaginary plane shall be established above and parallel to the finish grade adjacent to the exterior walls at a vertical distance equal to the specified maximum height. This definition is illustrated below:

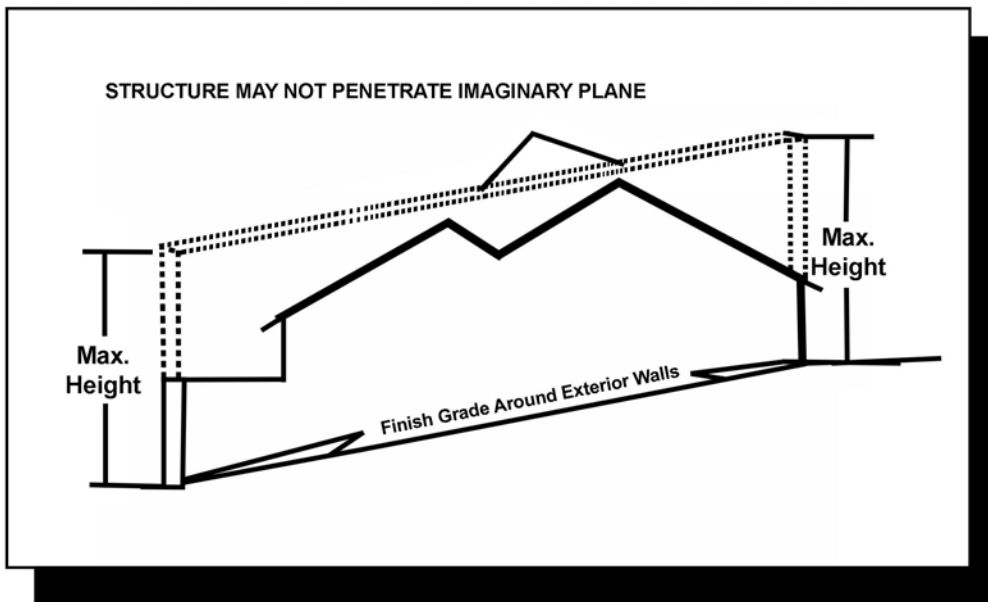


Figure 9-8: Measurement of Building Height

(Ord. 284 § 1 (Exh. A), 1996)

9.90.020 Roof projections.

- A. Encroachments Permitted. Notwithstanding Figure 9-8, architectural features not containing usable square footage, such as chimneys, towers, and spires, are permitted to extend fifteen feet above the maximum structure height set forth in Table 9-6 if approved as part of a site development or other permit. The aggregate floor or “footprint” area of such architectural features shall encompass no more than ten percent of the ground square footage of the structure.
- B. Antennas. Satellite dish or other antennas shall not extend above the maximum structure height specified in Table 9-6 (see Chapter 9.170 for telecommunication facilities and Section 9.100.070, Satellite and other antennas). (Ord. 492 § 1, 2011; Ord. 325 § 1 (Exh. A), 1998; Ord. 284 § 1 (Exh. A), 1996)

9.90.030 Wall projections.

- A. Permitted Encroachments. Roof overhangs, chimneys, awnings and canopies may encroach a maximum of three feet into any of the required setbacks specified in Table 9-6 provided such projections do not extend over the property line.
- B. Prohibited Encroachments. Seating windows, balconies, exterior stairways and similar features shall not encroach into required setbacks. (Ord. 284 § 1 (Exh. A), 1996)

9.90.040 Table of development standards.

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

Table 9-6 Nonresidential Development Standards									
Development Standard		District							
		CR	CP	CC	CN	CT	CO	MC	VC
Minimum—Maximum building site (acres)		n/a	n/a	n/a	1-20	n/a	n/a	n/a	n/a
Maximum building height (ft.) ^{1, 6}		50	35	40	35	40	40	40	35
Maximum number of stories		4	2	3	2	3	3	3	2
Maximum floor area ratio (FAR) ²		.35	.50	.30	.25	.25	.30	n/a	n/a
Minimum	From Highway	50/50	50/50	50/50	n/a	n/a	n/a	n/a	

perimeter building/landscape setbacks (in ft.) ⁴	111 right-of-way ¹								n/a
	From all image corridor ³ rights-of-way ¹ (except Hwy 111) and from all major and primary arterials	30/20	30/20	30/20	30/20	30/20	30/20	30/20	n/a
	From all other perimeter street rights-of-way ¹	20/10	20/10	20/10	20/10	20/10	20/10	20/10	n/a
	From residential districts and PR, OS and GC districts ¹	50/10	50/10	50/10	30/15 ⁵	30/15 ⁵	30/15 ⁵	30/15 ⁵	10/0
Minimum setback from interior property lines within the same project		0	0	0	0	0	0	0	0
Parking and signs		See Chapters 9.150 and 9.160							
Fences and walls		See Section 9.100.030							
Landscaping and screening		See Sections 9.100.040 and 19.100.050							

Notes:

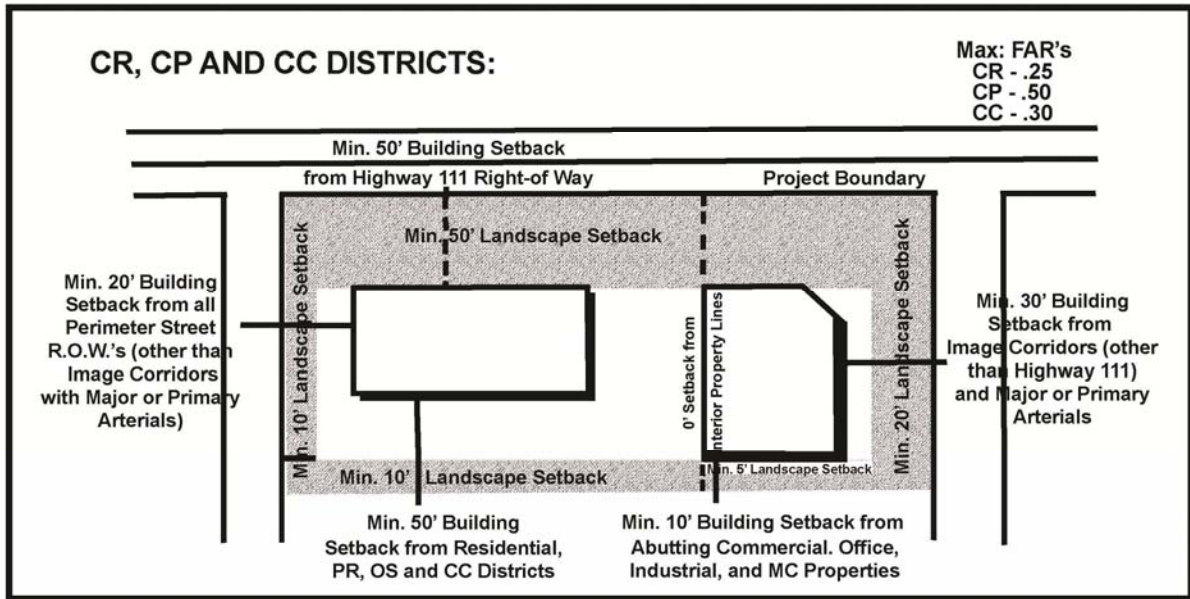
- ¹ All minimum perimeter setbacks shall be increased one foot for every foot in height that building is above thirty-five feet. Mixed use projects are exempt from this requirement.
- ² FAR means the gross floor area of all buildings divided by the building site area.
- ³ See General Plan Exhibit II-4.
- ⁴ Landscape setback shall consist of landscaped area within the building setback. Number given is minimum landscaped setback from the street right-of-way. The remaining building setback may contain parking, driveways and similar facilities. In addition to above landscape setbacks, interior landscaping shall be required as a percentage of the net project area as follows: parking areas: minimum five percent; nonparking areas: minimum five percent (also see Section 9.100.040).
- ⁵ For buildings over one story in CN, CT and CO districts, setbacks shall be increased to 40/20.
- ⁶ Not including basements. Also, notwithstanding above table, the maximum structure height equals twenty-two feet for all buildings within one hundred fifty feet of any general plan image corridor and major or primary arterials.

(Ord. 466 § 1, 2009; Ord. 325 § 1 (Exh. A), 1998; Ord. 299 § 1, 1997; Ord. 284 § 1 (Exh. A), 1996)

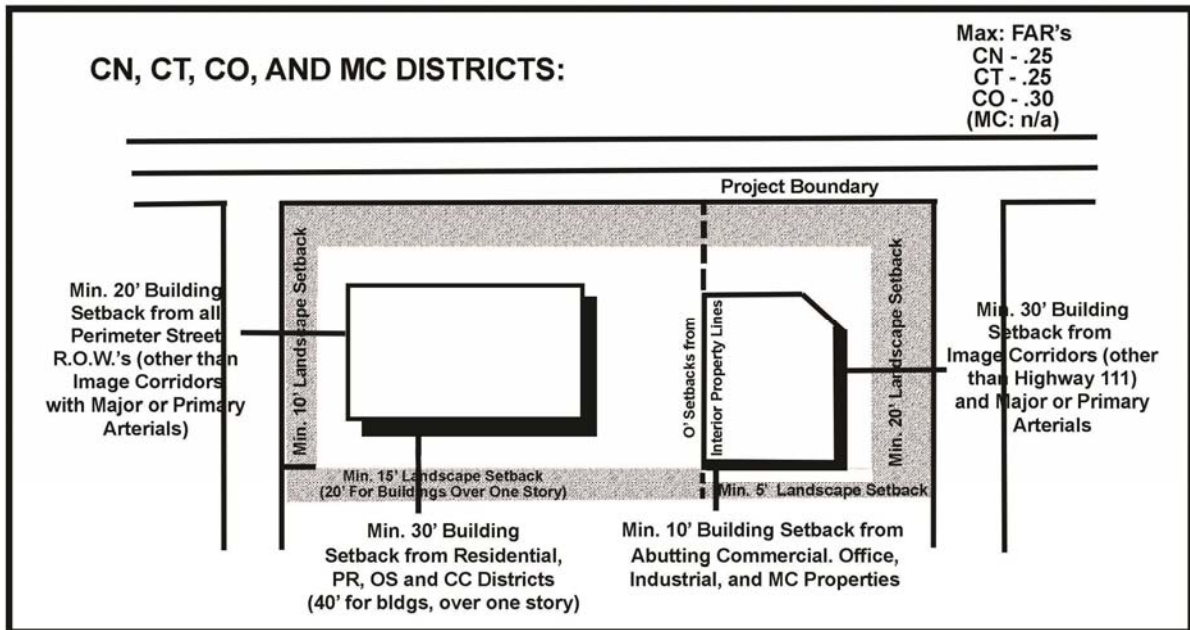
9.90.050 Illustration of development standards.

Figure 9-9:

DEVELOPMENT STANDARDS FOR NONRESIDENTIAL DISTRICTS



INTERIOR LANDSCAPING REQUIRED IN ALL DISTRICTS (in addition to landscape setbacks) AS A PERCENT OF NET PROJECT AREA:
 WITHIN PARKING AREAS: 15%
 WITHIN NON-PARKING AREAS: 5%



(Ord. 284 § 1 (Exh. A) (part), 1996)

9.90.060 Irregular lots.

- A. Purpose. The purpose of this section is to provide standards for the establishment and measurement of setbacks on irregular lots.
- B. Perimeter Setbacks. Perimeter setbacks shall be measured from the property line or the ultimate street right-of-way line, whichever results in the larger setback.
- C. Pie-Shaped Lots. Setbacks on pie-shaped lots shall be measured at the closest point between the building and the angled lot line.
- D. Flag or Panhandle Lots.
 1. Definition. For purposes of this section, “panhandle lot,” “flag lot,” “panhandle building site,” and “flag building site” all mean the following: a lot or building site having its only vehicular access by way of a narrow accessway which serves no other property and which is less than forty feet wide and more than twenty feet long.
 2. Setbacks. All setbacks shall be the same as for other lots in the applicable district. The front lot line shall be the line closest to parallel to the street on which the lot accesses, unless determined otherwise by the Director.
 3. No Structures in Panhandle. No structures shall be permitted in the panhandle portion of the lot nor shall that portion be credited to minimum lot area requirements.

- E. Determination by Director. Where a building site is situated such that any of the property lines are not readily determinable, required setbacks shall be as determined by the director in compliance with the following criterion: required setbacks shall not permit the placement of buildings on the site in a manner that will constitute a grant of special privileges inconsistent with the limitations placed on other properties in the vicinity and incompatible with surrounding uses. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.90.070 Setbacks from surface easements.

Where a surface easement for street, vehicular access, bikeway or recreation trail purposes has been granted across any portion of a lot, the building setback shall be measured from the property line or to the edge of easement, whichever is closer to the building. (Ord. 284 § 1 (Exh. A) (part), 1996)

Chapter 9.100 SUPPLEMENTAL NONRESIDENTIAL REGULATIONS

9.100.010 Purpose and intent.

This chapter sets forth requirements for outdoor storage, sidewalk sales, service stations, noise control, and other special aspects of land use in nonresidential districts. These requirements are in addition to the other regulations set forth in this zoning code. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.100.020 Parking and signs.

Refer to Chapter 9.150 for parking regulations and Chapter 9.160 for sign regulations. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.100.030 Fences and walls.

- A. Purpose. For purposes of this section, “fence” or “wall” means any type of fence, wall, retaining wall, sound attenuation wall, screen or windscreen. The terms “fence” and “wall” are used interchangeably in this section to mean any or all of the preceding structures.
- B. Measurement of Fence Height. Except as otherwise specified in this section, fence heights shall be measured from finish grade at the base of the fence to the highest point of the fence on the interior or exterior side, whichever is higher. In addition, the following provisions shall apply to the measurement of fence height:
 - 1. Open railings, up to forty-eight inches high, placed on top of a retaining or other wall and required for pedestrian safety shall not be included in the height measurement.

2. Fences thirty inches or more apart (between adjoining faces) shall be considered separate structures and their heights shall be measured independently provided the area between the fences is landscaped and provided with a permanent irrigation system. Fences less than thirty inches apart shall be considered one structure and fence height shall be measured from the base of the lower fence to the top of the higher fence.
- C. Height Standards. The construction and installation of fences shall be in compliance with the following standards:
1. Within Main Building Area. In the area of a lot where a main building may be constructed, the maximum freestanding fence height shall be twelve feet.
 2. Setback Areas Not Bordering Streets. The maximum height shall be six feet within any required front, rear or side setback area not adjoining a street. However, where the elevation of an adjoining building site is higher than the base of the fence within a side or rear setback area, the height of the fence may be measured from the elevation of the adjoining building site to the top of the fence. Adjacent to any residential district, fence height shall not exceed eight feet measured from either side.
 3. Setback Areas Bordering Street, Alleys and other Accessways.
 - a. Maximum fence height shall be thirty inches within the first ten feet of the required front setback area (measured from the street).
 - b. Where, because of the orientation of the lots, a property line fence borders both a front yard on one lot and a rear yard on the adjacent lot, the maximum height shall be six feet.
 - c. Any portion of a building site where vehicular access is taken shall conform to the access intersection requirements of subsection D of this section.
 - d. City- or state-required sound attenuation walls bordering freeways or arterial highways may exceed six feet in height if so recommended by a noise attenuation study and approved by the director.
- D. Visibility at Intersections. In regulating fences and other visual obstructions, it is necessary to preserve motorist sight distances and to maintain visual openness. Therefore, notwithstanding subsection (C)(3) of this section, the height of fences, trees, shrubs, and other visual obstructions shall be further restricted as follows:
1. The height of fences, trees, shrubs and other visual obstructions shall be limited to a maximum height of thirty inches within the triangular area formed by drawing a straight line:
 - a. Between two points located on and twenty feet distant from the point of intersection of two ultimate street right-of-way lines;

- b. Between two points located on and five feet distant from the point of intersection of an ultimate street or alley right-of-way on one hand and the edge of a driveway or another alley right-of-way on the other if parkway width is less than twelve feet wide.
 2. For purposes of this code, "point of intersection" means the intersection of the prolongation of the right-of-way lines, excluding any curved portion joining the two lines.
 3. The height restrictions of this subsection shall apply to fences, walls, trees, shrubs, vegetation, or any other material which obstructs or may obstruct visibility.
- E. Nonconforming Fences. Any fence which does not meet the standards of this section but which was legally established prior to the adoption of these standards may be maintained provided such fence is not expanded or its nonconformance with these standards otherwise increased. Any fence which is destroyed or damaged to the extent of more than fifty percent of its total replacement value shall not be repaired, rebuilt or reconstructed except in conformance with the standards of this section.
- F. Prohibited Fence Materials. The use of barbed wire, razor wire or similar materials in or on fences is prohibited in all nonresidential zones. In addition, chain link fencing is prohibited in any location where it is readily visible from off the site. (Ord. 325 § 1 (Exh. A) (part), 1998; Ord. 284 § 1 (Exh. A) (part), 1996)

9.100.040 Landscaping.

- A. Landscape Plans. A landscape and irrigation plan shall be prepared and implemented for all development projects. Landscaping shall consist primarily of trees, shrubs, vines, groundcover, inert materials, or any combination thereof.
- B. Landscaping Standards. Landscaping shall be installed and maintained in accordance with the following standards:
1. In addition to the perimeter landscape setbacks required per Section 9.90.040, interior landscaping shall be provided as follows:
 - a. Landscaping equal to at least five percent of the net parking area shall be provided within parking areas. Parking area landscaping shall be in accordance with the requirements of Section 9.150.080 (Parking facility design standards).
 - b. Landscaping equal to five percent of the net project area to be provided within nonparking areas, such as next to buildings. Totally enclosed uses within the commercial park district such as storage facilities are exempt.
 - c. Perimeter landscape setbacks shall not be credited toward the interior landscaping requirement.

2. All landscaped areas shall be separated from adjacent parking or vehicular areas by a curb at least six inches higher than the parking or vehicular area to prevent damage to the landscaped area.
 3. Permanent automatic irrigation facilities shall be provided for all landscaped areas.
 4. All landscaping shall be maintained in a neat, clean and healthy condition at all times, including proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary, and regular watering.
 5. Height of landscaping along all streets and boundaries shall comply with Section 9.100.030 (Fences and walls).
 6. The majority of the plant material used in landscaped areas shall be water efficient and drought tolerant.
 7. Perimeter setback and parkway areas in the street right-of-way shall have berms and mounds to screen parking areas in the adjacent commercial property. One hundred percent of the longitudinal length adjacent to the street shall have berms and mounds exceeding three feet, but not more than four feet. The berms and mounds shall be undulated and fluctuating in position to accommodate the meandering sidewalk and shall cover not less than sixty-five percent of the landscape setback area. Incidental stormwater that falls on said setback areas may be retained on the setback area.
- C. Use of Landscape Setback Areas for Retention Along Highway 111 Only. The landscape setback area shall not be used for stormwater retention for stormwater falling on the project site, but may be used for some stormwater retention for stormwater falling within the setback area itself and the adjacent street right-of-way provided the retention areas are designed to the following guidelines:
1. The maximum depth of the depressed areas for stormwater retention shall not exceed 2.0 feet below the adjacent street curb.
 2. The maximum slope steepness shall not exceed four to one anywhere in the landscaped setback area, and shall not exceed eight to one in the first six feet adjacent to the curb in the right-of-way.
 3. The basin areas shall have a curvilinear perimeter.
 4. The sidewalk shall not enter any retention area where the sidewalk may be subject to inundation by any fifty-year storm. (Ord. 414 § 1 (part), 2005; Ord. 325 § 1 (Exh. A) (part), 1998; Ord. 299 § 1 (part), 1997; Ord. 284 § 1 (Exh. A) (part), 1996)

9.100.050 Screening.

- A. Screening Required. Screening shall be provided for all nonresidential uses in accordance with this section. The planning commission may also modify screening requirements.
- B. Screening of Mechanical Equipment. Roof-mounted mechanical equipment such as air conditioning, ventilating units, ducting, roof access structures, etc., shall be screened as follows:
 - 1. Screening shall be provided so that the highest point of the equipment is below the surrounding parapet wall or other screening enclosure such that the equipment is not visible from a horizontal line of sight.
 - 2.
 - 3. Screening enclosures shall be an integral part of the roof design and not appear as an “add-on.”
 - 4. Wall-mounted exterior roof access ladders are prohibited if visible from from on-site pedestrian plazas, courtyards, or walkways.
- C. Screening of Facilities. Storage, trash and loading area facilities shall be screened as follows:
 - 1. Storage Areas. All storage, including cartons, containers, materials or equipment shall be screened from public view as required by Section 9.100.110 (Outdoor storage and display).
 - 2. Trash Areas. All outdoor trash and waste bins shall be enclosed by a solid wall not less than six feet in height in accordance with Section 9.100.200. Gates shall not open toward a public street. Landscaping or decorative overhead structures such as trellises shall be integrated into the enclosure design if it is visible from higher terrain or buildings.
 - 3. Loading Areas. Loading platforms and berths shall be screened from adjacent streets and from residential, open space and recreation areas.
- D. Screening of Property. Screening of property shall be installed in accordance with the following standards:
 - 1. Height Standards. All screening shall comply with the height standards of Section 9.100.030 (Fences and walls).
 - 2. Abutting Residential and Open Space Areas. Screening shall be installed along all building site boundaries where the premises abut areas zoned or designated for residential or open space uses. Required screening shall be at least six feet in height except where prohibited by Section 9.100.030 (Fences and walls).
 - 3. Parking Along Public Streets. Screening shall be installed to shield views of parking areas from public streets in accordance with Section 9.150.080 (Parking facility design standards).
 - 4. Allowance for Grade Differential. In order to take into account the effect of grade differentials on visibility, the city decision-making

authority may require increased or decreased screening than that set forth in this section if the finished elevation within five feet of the site boundary is different from that of the building site.

5. Wall Articulation. To avoid visual monotony, long straight stretches of wall or fence shall be avoided. Walls and fences shall be varied by the use of such design features as offsets (i.e., jogs), open panels (e.g., containing wrought iron), periodic variations in materials, texture or colors, and similar measures.
6. Wall Planting. Shrubs and/or vines shall be planted on one or both sides of perimeter walls to add visual softening except where determined infeasible or unnecessary by the decision-making authority. Plant spacing shall be appropriate to the growth habits of the selected plant species and shall be designed to provide interest and variety along the wall rather than creating a complete covering of the entire wall surface. Where the decision-making authority determines that screening is not required, walls may incorporate tubular steel, wrought iron or other open design.
7. Screening Materials. Screening shall consist of one or a combination of the following types:
 - a. Walls. A wall shall consist of concrete, stone, brick, tile or similar type of solid masonry material a minimum of six inches thick. Walls shall utilize durable materials, finishes and colors consistent with project buildings.
 - b. Solid Fences. Solid fences may be used for screening, and the materials used for these fences, if approved by the decision-making authority.
 - c. Berms. Landscaped berms may be used for screening or in combination with walls, solid fences, and plant screens.
 - d. Plant Screens. Plant materials, when used as a screen, shall consist of compact evergreen plants. Such planting shall provide screening at initial installation.
(Ord. 325 § 1 (Exh. A), 1998; Ord. 284 § 1 (Exh. A), 1996)

9.100.060 Detached accessory structures.

- A. Permitted Accessory Structures. Detached accessory structures are permitted on nonresidential parcels containing a primary use subject to the following requirements:
 1. Foundation. Accessory structures shall be placed on a permanent foundation.
 2. Height and Placement. Except as specified in subsection (A)(3)(a) of this section, detached accessory structures may be placed or constructed only where main buildings are permitted and shall not exceed twelve feet in height.

3. **Setback Reductions.** Detached accessory structure shall be screened from both street and public parking area views, subject to the following requirements:
 - a. **Height.** The height limit for buildings which are less than ten feet from the property line shall be ten feet.
 - b. **Screening.** Screening materials shall be not less than six feet high and shall be in compliance with Section 9.100.030 (Fences and walls). Screening may consist of one or more of the following:
 - i. **Walls.** A wall shall consist of concrete, stone, brick, tile or similar type of solid masonry material a minimum of four inches thick.
 - ii. **Solid Fences.** A solid fence shall be constructed of wood or other materials to form an opaque screen.
 - iii. **Planting.** Plant materials, when used as a screen, shall consist of compact evergreen plants provided with a permanent automatic irrigation system. They shall be of a kind, or used in such a manner, as to provide screening having a minimum thickness of two feet within eighteen months after initial planting. Plant materials shall be maintained in a neat, clean and healthy condition at all times.
- B. **Prohibited Locations.** Detached accessory structures are prohibited in the following locations:
 1. Where fences and walls are limited to a maximum height of two and one-half feet as specified in Section 9.100.030 (Fences and walls).
 2. Within the front fifty feet or front half of any building site, whichever is less.
 3. Within the panhandle portion of a panhandle building site. (Ord. 325 § 1 (Exh. A), 1998; Ord. 299 § 1, 1997; Ord. 284 § 1 (Exh. A), 1996)

9.100.070 Satellite dish and other antennas.

- A. **Permits Required.** The following antennas are allowed in nonresidential districts:
 1. **Permitted Commercial Antennas.** Commercial television, radio, microwave, communication towers, and related facilities are permitted as principal uses in all districts subject to approval of a conditional use permit and conformance with the requirements of Chapter 9.170 (Wireless Telecommunication Facilities)

2. Permitted Accessory Antennas Other than Those Described Above. Roof-mounted antennas screened from a horizontal line of sight and ground-mounted antennas which do not exceed ten feet in height and which meet the requirements of subsection B of this section may be permitted as accessory structures. All other antennas shall require approval of a conditional use permit.
- B. Development Standards. Antennas within nonresidential districts may be ground-mounted or building-mounted provided the following requirements are met:
1. Any antenna which is the principal use on a lot shall comply with the district setback standards for main buildings.
 2. A ground-mounted antenna which is an accessory use shall be located within the rear yard (minimum five-foot from the rear property line) or may be located within a side yard if not within the required side yard setback. Ground-mounted antennas are prohibited from exterior (street) side yards unless not visible from the street.
 3. Antennas, including roof-mounted antennas, shall not exceed the building height standards for the district in which they are located.
 4. All accessory antennas shall be screened from both horizontal and vertical line of sight. Decorative overhead structures such as trellises may be required if the antenna is visible from surrounding higher buildings or terrain.
 5. Compliance with Chapter 9.170 of the LQMC. (Ord. 492 § 1, 2011; Ord. 325 § 1 (Exh. A), 1998; Ord. 284 § 1 (Exh. A), 1996)

9.100.080 Holiday sales lots (including Christmas tree lots and Halloween pumpkin sales lots).

Temporary Holiday sales facilities are permitted subject to approval of a temporary use permit and the following requirements:

- A. The facility shall not be established prior to 30 days prior to the Holiday in any calendar year.
- B. Such a facility shall not engage in the sale of any merchandise not directly associated with the applicable Holiday.
- C. The applicant shall secure an electrical permit.
- D. The facility shall be removed and the premises shall be cleared of all debris and restored to the condition existing prior to the establishment of the facility within 15 calendar days of the applicable Holiday. A cash

bond or other guarantee shall be posted prior to establishment of the facility to ensure cleanup.

- E. Each facility shall comply with fire prevention standards as approved and enforced by the fire marshal.
- F. Off-street parking and vehicular access shall be provided to the satisfaction of the Director.

Signs shall be restricted to one banner sign per street frontage, each sign not exceeding thirty-two square feet. Other signs and advertising devices such as pennants, flags, A-frame signs, are prohibited. (Ord. 480 § 1, 2010; Ord. 284 § 1 (Exh. A) (part), 1996)

9.100.090 Produce and flower stands.

Temporary fresh produce and flower stands are permitted subject to approval of a temporary use permit and the following requirements:

- A. Fresh produce and flowers may be sold from a temporary sales facility. The temporary use permit for a sales facility shall include permitted dates of operation.
- B. A fresh produce sales facility shall be open for business only during the season when locally grown produce and flowers are harvested and available for sale. The temporary use permit for a fresh produce stand shall include permitted dates of operation, up to a maximum of ninety days.
- C. Such a facility may not sell items not directly associated with fresh produce or flowers.
- D. The applicant shall secure an electrical permit if electric power is to be provided.
- E. The facility shall be removed and the premises cleared of all debris and restored to the condition prior to the establishment of the facility by the date indicated on the temporary use permit. A cash bond or other guarantee shall be posted prior to establishment of the facility to ensure cleanup.
- F. Each facility shall comply with fire prevention standards as approved and enforced by the fire marshal.
- G. Off-street parking and vehicular access shall be provided to the satisfaction of the director.
- H. Signs shall be restricted to one banner sign per street frontage, each sign not exceeding thirty-two square feet. Other signs and advertising devices such as pennants, flags, A-frame signs, and light strings are prohibited. (Ord. 325 § 1 (Exh. A) (part), 1998; Ord. 299 § 1 (part), 1997; Ord. 284 § 1 (Exh. A) (part), 1996)

9.100.100 Outdoor vendors.

- A. Definition. See Chapter 9.280
- B. Minor Use Permit. An outdoor vendor use may be established as an accessory use in any nonresidential district upon approval of a minor use permit pursuant to Section 9.210.020. All such uses shall comply with the following standards:
 - 1. An outdoor vending use may only be established as accessory to the principal use on the parcel.
 - 2. The location of the outdoor vending use shall not interfere with access to adjacent buildings or with pedestrian circulation. No portion of the vending use shall be located in a parking lot, street, or other area intended for vehicular parking, access or circulation.
 - 3. The outdoor vending site shall not exceed one hundred fifty square feet. The vending site includes all areas separated from pedestrian access and used for vending activities, including storage.
 - 4. The outdoor vending use shall not be located on public sidewalk or within a public street right-of-way.
 - 5. The operator/owner shall obtain other necessary licenses and permits required for such activities by city ordinances. (Ord. 325 § 1 (Exh. A) (part), 1998; Ord. 284 § 1 (Exh. A) (part), 1996)

9.100.110 Outdoor storage and display.

- A. Purpose. This section provides regulations for the permanent outdoor storage and display of merchandise, materials and equipment.
- B. Where Permitted. The storage and/or display of any merchandise, materials or equipment outside of an enclosed building is prohibited except where permitted in accordance with this section, Section 9.80.040 pertaining to permitted uses, Section 9.100.120 pertaining to sidewalk sales and special events, or where permitted by a conditional use permit.
- C. Equipment, Lumber and Storage Yards. Any uncovered equipment and/or materials storage area, including vehicle storage, shall comply with the following regulations:
 - 1. Use Permit. The establishment of any outdoor equipment or materials storage use shall require approval of a conditional use permit pursuant to Section 9.210.020.
 - 2. Location. An equipment, material or storage yard use shall only be located where a main building is permitted by the applicable district regulations.

3. Screening. Outdoor storage yards shall be screened whenever they abut the boundary of the building site or are located between a building and an abutting street. The screening materials shall be not less than five feet high and shall be in compliance with Section 9.100.030 (Fences and walls). Screening may consist of one or a combination of the following types:
 - a. Walls. A wall shall consist of concrete, stone, brick, tile or similar type of solid masonry material a minimum of six inches thick.
 - b. Solid Fences. Solid fences may be used for screening if approved by the decision-making authority. Such fences shall be constructed of wood or other materials with a minimum nominal thickness of two inches and shall form an opaque screen. All wood fencing shall be constructed of not less than a grade of construction heart or merchantable and better redwood or No. 2 and better (no holes) western red cedar, stained or painted to match or complement the adjacent wall or structure. Alternatively, if left in natural color, all wood shall be treated with a water-repellant material.
 - c. Plant Screens. Plant materials, when used as a screen, shall consist of compact evergreen plants. Such planting shall be of a kind or used in such a manner so as to provide screening with a minimum thickness of two feet within eighteen months after initial installation. Permanent automatic irrigation shall be provided. If, eighteen months after installation, plant materials have not formed an opaque screen or if an opaque screen is not maintained, the planning director may require that a wall, solid fence or berms be installed.
- D. Outdoor Display and Sales. Outdoor sales and display areas in conjunction with retail uses such as nursery and garden supply stores or departments within retail stores shall comply with the following standards:
 1. Fencing. The outdoor sales and display area shall be enclosed by a wall or fence at least four feet high which obscures views from streets or public parking areas into the area. The color and materials used to fence the area shall be complementary to the color and materials used in buildings on-site. Chain link fencing is not permitted.

2. within an adjacent building, it shall be enclosed by a wall which is, by exterior appearance, an extension of the adjacent building. The design of the building and outdoor area shall appear as a single structure.
- E. Minor Outdoor Merchandise Display. A maximum of ten square feet shall be allowed for outdoor display of merchandise. A permit shall be established prior to any outdoor merchandise display occurring. The outdoor display of merchandise shall be located immediately adjacent to the business and at no time further than ten feet from said business, shall not interfere with pedestrian access and ADA compliance, and shall only be in place during business hours.
- F. Outdoor Display and Sales for Commercial Retail Uses Greater than One Hundred Thousand Square Feet. Outdoor display and sales areas in conjunction with retail commercial businesses having over one hundred thousand square feet of gross floor area (GFA) may be permitted subject to the approval of a conditional use permit in accordance with Section 9.210.020. The conditional use permit shall establish standards for each facility in addition to the requirements of this section:
1. Area. Outdoor display and sales areas shall not exceed ten percent of the gross floor area of the retail commercial building.
 2. Locations. Outdoor display and sales areas shall be restricted to those locations identified on an approved plan-designated area and shall comply with the following standards:
 - a. Permitted locations for outdoor display and sales areas shall be in conformance with all current fire, health, building and safety codes.
 - b. Outdoor display and sales areas may be permitted within designated portions of sidewalk, patios, and similar areas within proximity to the storefront.
 - c. No outdoor display and sales area shall obstruct an entrance or exit to any building, impede the flow of pedestrian or vehicular traffic, or obstruct access to any parking space or drive aisle.
 - d. Permanent modifications to the building, landscaping, or site plan for purposes of outdoor display shall require approval through the city's development review process.
 3. Performance Standards. Items and materials to be displayed outdoors within designated areas shall comply with the following standards:

- a. All items and materials to be displayed outdoors shall be in conformance with current fire, health, building and safety codes.
 - b. No item shall be displayed in a manner that causes a safety hazard or public nuisance.
 - c. Fixtures and tables used to display merchandise shall be maintained in good repair.
 - d. Signs, flags, banners, placards, balloons, streamers, spot lighting, amplified music, or similar features shall be prohibited unless otherwise permitted and approved through a separate sign permit.
 - e. Outdoor display and sales areas shall be kept clean and maintained on a continual basis.
4. Authority to Suspend Operations. Failure to comply with these provisions is subject to suspension or revocation of a permit.
- G. Vehicle Sales. The outdoor display and sales of vehicles shall be subject to the approval of a conditional use permit in accordance with Section 9.210.020. The use permit shall establish standards for each such facility. Such standards shall include at a minimum:
1. Landscaping. Perimeter landscaping conforming to that required for the applicable zoning district per Chapter 9.90.
 2. Lighting. Outdoor lighting conforming to the standards of Section 9.100.150.
 3. Vehicle Display. Precise delineation of the location and limits of outdoor vehicle display and storage areas, plus prohibition of focal display areas elevated more than one foot above the average finish grade of the overall outdoor display area. (Ord. 506 § 1, 2013; Ord. 497 § 1, 2012; Ord. 325 § 1 (Exh. A), 1998; Ord. 284 § 1 (Exh. A), 1996)

9.100.120 Sidewalk sales and commercial events.

- A. Purpose. This section provides regulations for: (1) the temporary outdoor sale of merchandise by retail businesses, and (2) special outdoor commercial events within shopping centers.
- B. Definitions. See Chapter 9.280.
- C. Temporary Use Permit Required. Sidewalk sales and special events in commercial centers are permitted subject to issuance of a temporary use permit and compliance with the following provisions:
 1. Up to 6 sidewalk sales may occur annually. The applicant shall notify the Planning Division a minimum of one week prior to each

sidewalk sale. Failure to comply with this provision could lead to revocation of the Temporary Use Permit.

2. The application for a temporary use permit for a sidewalk sale or a special commercial event shall include a site plan indicating the location of the temporary uses and demonstrating maintenance of adequate parking, site circulation and emergency access.
3. A sidewalk sale or a special commercial event may be conducted over a maximum of four consecutive days and no more than once per month at any location, not to exceed six times per year. Each special commercial event shall require the approval of a temporary use permit. Special commercial events which benefit nonprofit organizations can be held more than six times per year if conducted on sidewalk areas and approved by the Director regardless of who is sponsoring or participating in the event.
4. Adequate and legal pedestrian access shall be maintained around merchandise or displays placed on a sidewalk or walkway.
5. Adequate vehicle access shall be maintained around merchandise, displays or temporary structures placed in parking areas.
6. A cash bond or other guarantee shall be posted for removal of the temporary use and cleanup and restoration of the activity site within seven days of the conclusion of the event.
7. The application shall be reviewed by the fire marshal and the event shall comply with fire prevention standards and emergency access requirements as approved and enforced by the fire marshal.
8. Temporary signs may be permitted subject to the provisions of Section 9.160.060 (Permitted temporary signs). (Ord. 497 § 1, 2012; Ord. 325 § 1 (Exh. A), 1998; Ord. 284 § 1 (Exh. A), 1996)

9.100.130 Temporary outdoor events.

Temporary Special events include, but are not limited to pageants, fairs, carnivals, large athletic, religious or entertainment events, and large neighborhood or community gatherings. Such activities may be permitted in compliance with the following provisions:

- A. A temporary use permit shall be approved by the Director for gatherings of fifty or more. The temporary use permit may be referred to the planning commission as a business item at the discretion of the director.

- B. Applications for permits or certificates required by this section shall be referred by the Director to other affected city departments or other public agencies for review and comment.
- C. The following findings shall be made by the decision-making authority in conjunction with approval of a temporary use permit:
 - 1. The event will not be detrimental to the health, safety and general welfare of the community in the area of the proposed event.
 - 2. There is adequate area to conduct the event and to accommodate the anticipated attendance.
 - 3. Sufficient parking will be provided for the anticipated attendance.
 - 4. Food service operations, medical facilities, solid waste facilities, sewage disposal methods and potable water service have been provided. (Approval by the health officer may be required.)
 - 5. Fire protection plans and facilities have been provided to the satisfaction of the fire marshal.
 - 6. Security plans and facilities have been provided to the satisfaction of the sheriff.
 - 7. Public roadways providing access to the event are capable of accommodating the anticipated traffic volumes in a reasonable and safe manner with minimal disruption to local traffic circulation.
- D. Activities conducted on property owned by or leased to the city and public road rights-of-way may require an encroachment permit issued by the public works director.
- E. The event shall not exceed ten consecutive days. Events recurring more than four times in a calendar year are not considered temporary and shall not be eligible for approval under this section. Provided however, fine art and craft shows may be approved for ten calendar days in each month, except during city sponsored fine art events.
- F. A cash bond or other guarantee for removal of the temporary use and cleanup and restoration of the activity site to its condition before the event within seven days of the event's conclusion shall be required.
- G. Other applicable permits such as building, electrical, health and tent permits, shall be obtained by the applicant.
- H. Signs for the event shall be allowed as follows:
 - 1. Maximum of one temporary banner per street frontage, not to exceed thirty-two square feet.
 - 2. Maximum one temporary portable sign on- or off-site on private property, not to exceed fifty-five square feet.

3. Maximum thirty off-site temporary directional signs, nine square feet in area, subject to the provisions of Section 9.160.060, subsections C through H with the exception of subsection E.
4. Maximum fifteen bunting signs, with maximum size to be approved by the Director.
5. Posting period, locations and related details shall be as approved in the temporary use permit for the event.
6. Other signs and advertising devices, such as pennants, flags, A-frame signs, are prohibited. (Ord. 338 § 1 (Exh. A), 2000; Ord. 293 § 1 (part), 1996; Ord. 284 § 1 (Exh. A) (part), 1996)

9.100.140 Seasonal sales businesses.

- A. Purpose. This section provides regulations for temporary businesses operating at a single location within an existing commercial building or interior tenant space on a seasonal or short-term basis for a period not to exceed ninety consecutive days within a calendar year. This chapter shall not apply to those businesses which intend to operate, or have been in operation, longer than a ninety-day period at a single location.
- B. Where Permitted. Seasonal sales businesses may be permitted with a temporary use permit as per Section 9.210.050 when identified as a permitted land use under Section 9.80.040.
- C. City Business License Required. All seasonal businesses shall obtain a city business license and have a point of sale within the city of La Quinta.
- D. Signs. Temporary signs for seasonal sales businesses shall be permitted in accord with Section 9.160.050 through approval of the temporary use permit. Permitted temporary sign material shall be limited to a minimum one-inch thick plastic formed lettering affixed to the building façade. All sign lettering shall promptly be removed upon expiration of the temporary use permit and the façade shall be restored to its prior condition. Seasonal sales businesses shall not be permitted an additional sign permit for a “grand opening” banner or permanent sign. (Ord. 480 § 1, 2010).

9.100.145 Temporary holiday period outdoor storage.

- A. Purpose. This section provides regulations for the temporary outdoor storage of merchandise, materials and equipment specifically required for interior sales and display during the period from November 1 to January 15 (holiday period).
- B. Where Permitted. The storage of any merchandise, materials or equipment outside of an enclosed building is prohibited except where

permitted in accordance with this section, Section 9.80.040 pertaining to permitted uses, Section 9.100.120 and 9.10.130 pertaining to sidewalk sales and special events, or where permitted by a conditional use permit.

- C. Permit Required. Holiday period storage can be included in a Site Development Permit, when a commercial building is constructed; or with a Minor Use Permit, if holiday period storage is to occur after a commercial building has been constructed and occupied without inclusion of holiday period storage in the Site Development Permit application. If approved, holiday period storage can occur every year subsequent to the approval without renewal, provided that the location, number of storage facilities and fencing, if any, are consistent with the original approval.
- D. Locational Criteria. Holiday period storage must occur entirely within enclosed facilities (including storage containers or sheds) located at the rear of and immediately adjacent to the business they serve. Holiday period storage shall not obstruct vehicular or pedestrian travel ways, trash enclosures, or other permanent components of a business or building.
- E. Site Plan Required. The Site Development Permit or Minor Use Permit application shall be accompanied by a site plan which clearly shows the location, type and number of storage facilities to be provided, their location, and any proposed fencing.
- F. Findings. The findings required under Section 9.210.020 shall apply.
- G. Revocation of Permit. The Director may revoke a permit allowing holiday period storage if the Director finds that the conditions of approval, site plan or other documentation provided in the original approval have not been implemented or have been modified without City approval.
- H. Duration of Storage. Under no circumstances shall holiday period storage occur on any commercial site before November 1 or after January 15 of any year.

9.100.150 Outdoor lighting.

- A. Purpose. This section is intended to provide standards for outdoor lighting which allow adequate energy efficient lighting for public safety while minimizing adverse effects of lighting, such as lighting which:
 - 1. Has a detrimental effect on astronomical observations; and/or
 - 2. Inefficiently utilizes scarce electrical energy; and/or

3. Creates a public nuisance or safety hazard.
- B. Applicability. All outdoor artificial illuminating devices shall be installed and operated in conformance with the provisions of this section, plus any Uniform Building Codes presently or subsequently administered or adopted by the city. Any language contained therein which may conflict with this section shall be construed as consistent with this section.
- C. Parking Lot Lighting. Parking lot lighting shall conform to this section and to Section 9.150.080 (Parking facility design standards).
- D. Alternate Materials and Methods of Installation. The provisions of this section are not intended to prevent the use of any material or method of installation not specifically prescribed by this section provided any such alternate has been approved. The building official may approve any such alternate provided that findings can be made that the proposed design, material or method:
 1. Provides approximate equivalence to those specific requirements of this section; or
 2. Is otherwise satisfactory and complies with the intent of this section.
- E. Definitions. See Chapter 9.280.
- F. General Requirements.
 1. Shielding. All exterior illuminating devices, except those exempt from this section and those regulated by subsection G of this section shall be fully or partially shielded as required in the table contained in this subsection.
 - a. "Fully shielded" means the fixture shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted, thus preventing the emission of light above the horizontal.
 - b. "Partially shielded" means the fixture shall be shielded in such a manner that the bottom edge of the shield is below the plane centerline of the light source (lamp), minimizing the emission of light rays above the horizontal.
 2. Filtration. Those outdoor light fixtures requiring a filter per the table following shall be equipped with a filter consisting of a glass, acrylic or translucent enclosure. Quartz glass does not meet this requirement.

3. Height. Building-mounted lights shall be installed below the eave line or below the top of wall if there are no eaves. Pole or fence-mounted decorative and landscape lights shall be located no more than eight feet above grade.
4. All exterior lighting shall be located and directed so as not to shine directly on adjacent properties.
5. Requirements for Shielding and Filtering. The requirements for shielding and filtering light emissions from outdoor light fixtures shall be as set forth in the following table.

Table 9-7		
Requirements for Shielding and Filtering of Outdoor Lighting		
(see also footnotes following table)		
Fixture Lamp Type	Shielding Requirement	Filtering Requirement
Low pressure sodium ²	Partially	None
High pressure sodium	Fully	None
Metal halide ³	Fully	Yes
Fluorescent	Fully ⁴	Yes ⁵
Quartz ⁶	Fully	None
Incandescent, greater than 160 watts	Fully	None
Incandescent, 160 watts or less	None	None
Mercury vapor	Fully ⁷	Yes ⁷
Fossil Fuel	None	None
Glass tubes filled with neon, argon or krypton	None	None
Other sources	As required by the building official	

Footnotes:

- ¹ Most glass, acrylic or translucent enclosures satisfy these filter requirements. Quartz glass does not meet this requirement.
- ² This is the preferred light source to minimize undesirable light into the night sky affecting astronomical observations.
- ³ Metal halide display lighting shall not be used for security lighting after eleven p.m. (or after closing hours if before eleven p.m.) unless fully shielded. Metal halide lamps shall be in enclosed luminaries.
- ⁴ Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding.
- ⁵ Warm white and natural lamps are preferred to minimize detrimental effects.
- ⁶ For the purposes of this section, quartz lamps shall not be considered an incandescent light source.
- ⁷ Recommended for existing mercury vapor fixtures. The installation of new mercury fixtures is prohibited.

G. Prohibited Lighting.

1. Outdoor Building/Landscaping Illumination. The unshielded outdoor illumination of any building, landscaping, signing, or other purpose

is prohibited except with incandescent fixtures less than one hundred sixty watts, fossil fuels, and/or glass tubes (see table in subsection F of this section).

2. New Mercury Vapor Installations. The installation of mercury vapor fixtures is prohibited. All existing mercury vapor lights installed shall be fully shielded.

H. Procedures for Compliance.

1. Applications.

- a. Any individual intending to install outdoor lighting fixtures (other than incandescent of one hundred sixty watts or less) shall submit an application to the building and safety department providing evidence that the proposed work will comply with this section.
- b. Any individual applying for a building permit and intending to install outdoor lighting fixtures (other than incandescent of one hundred sixty watts or less) shall as a part of the application submit such evidence as may be requested that the proposed work will comply with this section.
- c. Utility companies, lighting or improvement districts entering into a duly approved contract with the city in which they agree to comply with the provisions of this section shall be exempt from applying for and obtaining a permit for the installation of outdoor light fixtures, including residential security lighting.

2. Contents of Application. The application shall contain, but shall not necessarily be limited to the following, all or part of which may be part of or in addition to the information required elsewhere in the city regulations for the required permit:

- a. Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, height, supports, and other devices.
- b. Description of the illuminating devices, fixtures, lamps, supports, shielding, filtering and other devices. This description may include but is not limited to, wattage, lighting output, manufacturers catalog cuts, and drawings (including sections where required).
- c. The above required plans and descriptions shall be sufficiently complete to enable the building official to readily determine whether compliance with the requirements of this section will be secured. If such plans and descriptions cannot enable this

ready determination, by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall submit evidence of compliance by certified test reports as performed by a recognized testing lab.

3. Issuance of a Permit. Upon the determination that the installation will be in compliance with the requirements of this section, the building official shall issue a permit for installation of the outdoor lighting fixtures, to be installed per the approved application.
 4. Appeals. Appeal procedures of the zoning regulations for decisions of the building official shall apply.
 5. Amendment to Permit. Should the applicant desire to substitute outdoor light fixtures or lamps after a permit has been issued, the applicant must submit all changes to the building official for approval, with adequate information to assure compliance with this section.
- I. Exemptions.
1. Nonconforming Fixtures. All outdoor light fixtures existing and fully and legally installed, prior to the effective date of Ordinance 148 (the original ordinance adopting these outdoor lighting regulations) may remain in use as nonconforming structures indefinitely provided, however, that no change in use, replacement, structural alteration, and (after abandonment) no restorations of outdoor light fixtures other than bulb replacement shall be made unless it thereafter conforms to the provisions of these regulations.
 2. Fossil Fuel Light. Light fixtures using fossil fuel (i.e., light produced directly or indirectly by the combustion of natural gas or other utility type fossil fuels) are exempt from the requirements of this section.
 3. Government Facilities. Those facilities and lands owned and operated or protected by the federal government, the state of California, the county of Riverside, or the city of La Quinta are exempted by law from all requirements of this section. Voluntary compliance with the intent of this section at those facilities is encouraged.
 4. Recreational Facilities. The illumination of outdoor recreational facilities, public and private, is exempt from the requirements of this section with the following limitations:
 - a. The light fixtures for outdoor recreational facilities shall meet the shielding requirements in the table in subsection F of this section.

- b. No such outdoor recreational facility shall be illuminated by nonconforming means after ten p.m. except to conclude a specific recreational or sporting event or any other activity conducted at a ballpark, outdoor amphitheater, arena, or similar facility in progress prior to ten p.m.
- J. Temporary Exemptions.
- 1. Request for Temporary Exemptions. Any individual may submit application for a minor use permit, on a form prepared by the Planning Division, to the building official for a temporary exemption to the requirements of this section. Such exemptions shall be valid for thirty days. The request for temporary exemption shall contain, at a minimum, the following information:
 - a. Specific exemptions and justification for exemptions requested;
 - b. Type, use and hours of operation of exterior light involved;
 - c. Duration of time for requested exemption;
 - d. Type of lamp and calculated lumens;
 - e. Total wattage of lamp or lamps;
 - f. Proposed location and heights of exterior light;
 - g. Physical size of exterior lights and type of shielding and/or filtering provided;
 - h. Previous temporary exemptions, if any.
 - 2. Special Exemption. The Director may grant a special exemption to the requirements of the table in subsection F of this section only by approval of minor use permit which includes a written finding that there are extreme geographic or geometric conditions warranting the exemption and that there are no conforming fixtures that will otherwise suffice. The request for a special exemption shall contain, at a minimum, the information specified in items a through g of subsection (J)(1) of this section.
 - 3. Additional Information. In addition to the information required in subsection (J)(1) of this section, the building official may request any additional information which would enable the building official to make a reasonable evaluation of the request for temporary exemption.
 - 4. Appeal for Temporary Exemption. The building official, within five days from the date of the properly completed request for temporary exemption, shall approve or reject in writing the request. If rejected, the individual making the request shall have the right to appeal to

the planning commission for review pursuant to the procedures applicable to any other appeal of a decision of the building official.

5. Extension of Temporary Exemption. Any individual requesting a temporary exemption for a period greater than thirty days, or an extension beyond the original thirty-day period for a temporary exemption shall apply for a minor use permit to the planning commission and city council. The conditional use permit application shall contain (in addition to other use permit requirements) the information specified in subsections (F)(1) through (F)(3) of this section.
- K. Public Nuisance. Any light fixture installed after the effective date of the ordinance codified in this zoning code which violates the provisions of this section constitutes a public nuisance and shall be abated.
- L. Premises Identification.
 1. Street numbers or addresses assigned by the city or the county shall be provided for all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property.
 2. All dwelling units shall have a wall-mounted internally or externally illuminated address sign displayed in a prominent location. The illumination source for the address sign shall be controlled by a photocell sensor or a timer. As an option, the address sign may be attached to a single-residence mail box pedestal with the same illumination source as stated above. If this option is chosen, both sides of the mailbox shall have said address numbers displayed.
- M. Display Lighting Use. With the approval of a minor use permit, searchlights and laser lights may be used. Display lighting is defined as a beam of light projected into the sky. This type of lighting shall comply with the following requirements:
 1. Permits shall be issued for grand openings only. A grand opening shall commemorate an initial building or project opening, a change in ownership of an existing business, or remodel/enlargement of over fifty percent of the floor area or a new business in an existing building.
 2. The only uses allowed to apply for this permit are: shopping centers with not less than fifty thousand square feet of least area, hotel with fifty plus rooms, or part of an automall.
 3. The application for a permit must be received two weeks prior to the event commencing.

4. Hours of operation should be limited from dusk to ten p.m.
5. Use of the display light(s) is limited to a maximum period of six days per calendar year.
6. Section 5.64.060 of the Municipal Code, regarding use of searchlights shall be complied with.
7. Use of display lights may be in conjunction with an entertainment event or similar activity.
8. FAA approval shall be obtained prior to each event, if required. (Ord. 361 § 1 (Exh. A) (part), 2001; Ord. 325 § 1 (Exh. A) (part), 1998; Ord. 284 § 1 (Exh. A) (part), 1996)

9.100.160 Caretaker residences.

Caretaker residences may be developed in any nonresidential district for the exclusive use of personnel employed for the maintenance and security of the principal use subject to the following standards:

- A. One (1) caretaker residence shall be located in a building which complies with all building setbacks established for the district in which it is located.
- B. The residence shall be a minimum of six hundred square feet in floor area.
- C. The residence may be a portion of a building primarily devoted to nonresidential uses or may be a separate building. If it is a separate building, the location, design and materials of the residence shall be consistent and integral with the site plan and building design for the principal use.
- D. Two off-street parking spaces shall be provided in addition to the parking required for the principal use(s). (Ord. 299 § 1 (part), 1997; Ord. 284 § 1 (Exh. A) (part), 1996)

9.100.170 Construction and guard offices.

The temporary placement of a trailer, recreational vehicle or relocatable building or the temporary use of a permanent structure on an active construction site for use as a construction and/or watchman's quarters, and the establishment of a materials and equipment storage yard, shall be permitted with a grading or building permit subject to the following requirements:

- A. Placement. The office shall not be moved onto the site nor otherwise established until issuance of a precise grading permit or, if there is no grading permit, until issuance of the building permit.
- B. Removal. Any trailer or temporary building shall be removed from the site prior to the issuance of certificates of occupancy for the last new building on the site. The site of the temporary building shall then be

- restored to its original condition, paved or surfaced for dust control, landscaped, or otherwise improved in accordance with the approved project plans or temporary use permit.
- C. Conversion. Any permanent structure or portion of a permanent structure devoted to temporary uses shall be converted to a permitted use prior to the issuance of certificates of occupancy for the final buildings to be constructed.
 - D. Use of Existing Building During Construction. The use of an existing lawfully established building may continue during construction or relocation of another building on the same building site upon approval of a temporary use permit and compliance with the following provisions:
 - 1. Prior to occupancy of a new building, the existing building shall be brought into conformity with any additional regulation rendered applicable by the placement of a new building on the site. Conformity shall be accomplished by removal, reconstruction, relocation, conversion, change of use or any combination thereof.
 - 2. The director shall require the landowner to provide a guarantee, which may include a bond, to ensure full compliance with the zoning regulations upon completion of the new building or sooner if, in the directors opinion, work pertaining to the completion of all facilities required by law is not being diligently pursued.
 - E. Utilities. The office shall be supplied with an electric meter and sewer and water facilities. (Ord. 325 § 1 (Exh. A) (part), 1998; Ord. 284 § 1 (Exh. A) (part), 1996)

9.100.180 Relocatable buildings.

A relocatable building or trailer may be permitted to serve as any use permitted in the applicable zoning district subject to the approval of a temporary use permit application and the following additional provisions:

- A. The temporary use permit application shall include the following:
 - 1. A description of the proposed uses and operating characteristics for all uses on the site, both temporary and permanent.
 - 2. A plot plan showing the location of all uses and structures, both temporary and permanent.
 - 3. Supplementary exhibits, as required by the director to adequately review the proposal, such as building elevations, landscaping, grading, access and utility service.
- B. A temporary use permit for a relocatable building or trailer may be conditionally approved and failure to comply with the required conditions shall be grounds for the revocation of the permit.
- C. A cash bond to insure removal of the building and restoration of the site for each relocatable building or trailer shall be posted with the

director to guarantee removal of each coach from the site upon expiration of the temporary use permit.

- D. A temporary use permit for a relocatable building shall be approved for a maximum of two years from date of approval. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.100.190 Recycling collection facilities.

A. Drop-Off Bins and Reverse Vending Machines. Drop-off bins and reverse vending machines for the collection of nonhazardous household materials (e.g., cans, bottles, paper, etc.) for recycling purposes may be established as an accessory use to an existing primary use in any nonresidential district. If located outside of a building, a minor use permit approved pursuant to Section 9.210.020 shall be required for drop-off bins. All such outdoor facilities shall comply with the following standards:

1. Drop-Off Bins. Drop-off bins shall be established only in conjunction with an existing nonresidential use which is in compliance with zoning, building and fire codes.
 - a. The drop-off facility shall be no larger than five hundred square feet, not including space that is periodically used to remove materials or replace containers. It shall comply with the building setbacks for the district and shall not occupy parking spaces required by the primary use.
 - b. The facility shall be screened from view from public streets and primary parking areas.
 - c. The facility shall not obstruct pedestrian, vehicular and emergency access.
 - d. The bins shall be constructed and maintained with durable waterproof and rustproof materials, covered and secured from unauthorized entry or removal of materials when the facility is closed, and shall be large enough to accommodate the materials collected and the collection schedule. Any deposit or storage of materials outside of the containers is prohibited.
 - e. The facility shall be maintained free of odor, litter and other nuisances, on a daily basis. A trash receptacle shall be located adjacent to the drop-off facility for disposal of containers used to carry materials to the facility and materials unacceptable for recycling. Trash and recyclables shall be collected from the drop-off facility regularly.
 - f. Facilities within one hundred feet of a property zoned or occupied by residential uses shall operate only between the hours of nine a.m. and seven p.m.
 - g. Containers shall be clearly marked to identify the type of materials which may be deposited. The facility shall be clearly

- identified with the name and telephone number of the operator and hours of operation, and shall display a notice that no material shall be left outside the recycling enclosure or containers. Total signage shall not exceed sixteen square feet and shall not be illuminated.
2. Reverse Vending Machines. Reverse vending machines shall only be established in conjunction with an existing nonresidential use which is in compliance with the zoning, building and fire codes.
 - a. Machines shall be located adjacent to the main building on the site and within thirty feet of the entrance to the primary use and shall not obstruct pedestrian or vehicular circulation.
 - b. Machines shall not occupy any parking spaces required by the primary use.
 - c. Machines shall occupy no more than fifty square feet of floor or ground space per installation, including any protective enclosure, and shall be no more than eight feet in height.
 - d. Machines shall be clearly signed to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call, if the machine is inoperative. Sign area shall be limited to four square feet per machine and shall be located on the machine.
 - e. The installation shall be maintained free of litter and odor at all times. A trash receptacle shall be located adjacent to the machine(s) for disposal of containers used to carry materials to the facility and materials unacceptable for recycling. Trash and recyclables shall be collected from the recycling facility regularly.
 - B. Recycling Collection Centers. Recycling collection centers may be permitted in the CP and MC districts with approval of a conditional use permit pursuant to Section 9.210.020. Such facilities may accommodate nonhazardous recyclable materials collection and packaging for bulk transport only. Any activity involving hazardous materials or waste shall be subject to the approval of the Fire Department and the Riverside County Department of Environmental Health. No reprocessing or recycling of materials into new products shall be permitted. All such facilities shall comply with the following standards:
 1. The collection center shall be screened from public view by operating within an enclosed building or within a screened outdoor yard on a site which complies with the landscaping and screening standards of Sections 9.100.040 and 9.100.050.
 2. The facility shall comply with the setback requirements of the applicable zoning district pursuant to Section 9.50.030.
 3. All exterior storage of materials shall be in sturdy containers and the facility shall be secured from unauthorized entry or removal of

materials when the facility is closed. Any containers provided for after-hours drop-off shall comply with the standards for drop-off facilities set forth in subsection A1 of this section.

4. The facility shall be maintained free of odor, litter and other nuisances at all times.
5. If the facility accommodates public drop-off of materials, separate access routes and parking/unloading areas shall be provided for public drop-off and for commercial truck traffic. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.100.200 Trash and recyclable materials storage.

- A. Purpose. This section is intended to implement the provisions of State Public Resources Code Section 42900 et seq. which requires local jurisdictions to provide regulations governing adequate areas for collection and loading of recyclable materials in multiple-family residential and nonresidential development projects. This section also addresses the related subject of common trash areas in such projects.
- B. Recycling Containers Required. In addition to standard trash receptacles, recyclable materials receptacles of sufficient volume to meet the needs of the project shall be provided by the following developments:
 1. Any new multiple-family residential project with five or more units and a common solid waste collection area;
 2. Any new single-family residential area with a common solid waste collection area serving five or more units;
 3. Any new nonresidential project; and
 4. Any existing multiple-family project of five or more units, or nonresidential project which expands by thirty percent or more in floor area.
- C. Recycling Plan Required. Each nonresidential development which is required to provide recycling containers under the provisions of this section shall submit a recycling plan to be processed in conjunction with the site development permit. The recycling plan shall include a description of the anticipated materials and volumes to be recycled and a description of the facilities to be provided for collecting general refuse and recyclable materials.
- D. Trash Enclosure Required. Nonresidential developments and attached and multifamily residential projects with common trash areas shall locate trash and recyclable materials containers within an enclosed area. Enclosures for trash and recycling containers shall comply with the following standards:
 1. Enclosure Placement. Separate enclosures shall be provided for trash and recyclable materials in nonresidential districts. The enclosures shall be:

- a. Located within two hundred fifty feet of all businesses served by the enclosure;
 - b. Directly available to collection vehicles via alleys or driveways to avoid the necessity of substantial hand carrying of containers or hand pushing of dumpsters; and
 - c. Located substantially away from public viewscape, pedestrian and vehicle circulation areas unless determined infeasible by the decision-making authority.
2. Enclosure Design. Enclosures shall be constructed on a concrete pad sloped to drain under the gate. Enclosures shall be of an adequate size to accommodate the containers they enclose per disposal company and city standards. Access to the containers for collection shall also meet disposal company requirements. Enclosure walls shall be at least six feet high and shall be made of strong, durable materials consistent with the colors and finishes of nearby buildings. Doors shall be self-latching, metal or metal-framed, and of heavy duty construction sufficient to withstand hard usage. Interior concrete or metal curbs shall be included to prevent damage to the enclosure walls from collisions with large, heavy containers. Decorative overhead structures such as trellises shall be integrated into the design if the enclosure is visible from higher terrain.
 3. Trash Areas. All outdoor trash and waste bins shall be enclosed by a solid wall not less than six feet in height in accordance with this section. Gates shall not open toward a public street. Decorative overhead structures such as metal trellises shall be integrated into the enclosure design or tall landscaping planted on the affected side if it is visible from higher terrain or buildings.
- E. Weather Protection. Each enclosure or individual container shall be designed and maintained so that deposited materials are contained during windy periods. Enclosures or containers designated for recyclable materials which could be damaged or be rendered unmarketable by rain or other environmental conditions shall provide adequate protection against such conditions.
 - F. Maintenance. Each enclosure shall be maintained to preserve its appearance and function and to minimize litter, odor and other nuisances. Trash and recyclables shall be collected regularly. (Ord. 284 § 1 (Exh. A, B) (part) 1996)

9.100.210 Noise control.

- A. Purpose. The noise control standards for nonresidential land use districts set forth in this section are established to prevent excessive sound levels which are detrimental to the public health, welfare and safety or which are contrary to the public interest.
- B. Noise Standards. Exterior noise standards are set forth below. Residential property, schools, hospitals, and churches are considered noise sensitive land uses, regardless of the land use district in which they are located. All other uses shall comply with the “other nonresidential” standard. All noise measurements shall be taken using standard noise measuring instruments. Measurements shall be taken within the receiving property at locations determined by director to be most appropriate to the individual situation.

Land Use Compatibility for Community Noise Environments

Land Uses	CNEL (dBA)						
	50	55	60	65	70	75	80
Residential - Single Family Dwellings, Duplex, Mobile Homes	A						
		B					
					C		
						D	
Residential – Multiple Family	A						
		B					
					C		
						D	
Transient Lodging: Hotels and Motels	A						
		B					
					C		
							D
School Classrooms, Libraries, Churches, Hospitals, Nursing Homes and Convalescent Hospitals	A						
		B					
					C		
							D
Auditoriums, Concert Halls, Amphitheaters	B						
				C			
Sports Arenas, Outdoor Spectator Sports	B						
				C			
Playgrounds, Neighborhood Parks	A						
				C			
						D	
Golf Courses, Riding Stables, Water Recreation, Cemeteries	A						
				C			
							D
Office Buildings, Business, Commercial and Professional	A						
				B			

						D
Industrial, Manufacturing, Utilities, Agriculture	A					
					B	
						D

Source: California Department of Health Services, "Guidelines for the Preparation and Content of the Noise Element of the General Plan," 1990



Normally Acceptable: With no special noise reduction requirements assuming standard construction.



Conditionally Acceptable: New construction or development should be undertaken only after a detailed analysis of the noise reduction requirement is made and needed noise insulation features included in the design



Normally Unacceptable: New construction is discouraged. If new construction does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.



Clearly Unacceptable: New construction or development should generally not be undertaken.

Exterior Noise Standards		
Receiving Land Use	Noise Standard	Time Period
Noise sensitive	65 dB(A)	7:00 a.m.—10:00 p.m.
	50 dB(A)	10:00 p.m.—7:00 a.m.
Other nonresidential	75 dB(A)	7:00 a.m.—10:00 p.m.
	65 dB(A)	10:00 p.m.—7:00 a.m.

If the noise consists entirely of impact noise, simple tone noise, speech or music, or any combination thereof, each of the noise levels specified in the table in this section shall be reduced by five dB(A).

- C. Noise Limits. It is unlawful for any person at any location within the city to create any noise, or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, when such noise causes the noise level, when measured on any adjacent property, to exceed:
1. The noise standard for a cumulative period of more than thirty minutes in any hour;
 2. The noise standard plus five dB(A) for a cumulative period of more than fifteen minutes in any hour;
 3. The noise standard plus ten dB(A) for a cumulative period of more than five minutes in any hour;

4. The noise standard plus fifteen dB(A) for a cumulative period of more than one minute in any hour; or
 5. The noise standard plus twenty dB(A) for any period of time.
 6. For purposes of this section, the term “cumulative period” means the number of minutes that a noise occurs within any hour, whether such minutes are consecutive or not.
- D. Ambient Noise Level. If the ambient or background noise level exceeds any of the preceding noise categories, no increase above such ambient noise level shall be permitted.
- E. Exemptions. The following are exempt from the noise restrictions of this section:
1. Emergency vehicles or other emergency operations.
 2. City maintenance, construction or similar activities.
 3. Construction activities regulated by Section 6.08.050 of the La Quinta Municipal Code.
- F. Enforcement. The city building official shall have the responsibility and authority to enforce the provisions of this section. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.100.220 Operational standards.

All uses and developed properties within any nonresidential district shall comply with the following standards for development, operation and maintenance.

- A. Equipment. All ground-mounted mechanical equipment, including heating and air conditioning units and trash receptacle areas, shall be completely screened from surrounding properties. Such screening shall consist of perimeter walls or fencing (if permitted), screen walls, or dense landscaping.
- B. Utilities. All utility connections shall be designed to coordinate with the architectural elements of the site so as not to be exposed except where required by utility provider.
- C. Electrical Disturbance, Heat and Cold, Glare. No use except a temporary construction operation shall be permitted which creates changes in temperature or direct glare, detectable by the human senses without the aid of instruments, beyond the boundaries of the site. No use shall be permitted which creates electrical disturbances that affect the operation of any equipment beyond the boundaries of the lot.
- D. Fire and Explosive Hazard. All storage of and activities involving inflammable and explosive materials shall be provided with adequate

safety and firefighting devices to the specifications of the Uniform Fire Code. All incineration is prohibited. Smoke detectors shall be installed in all new construction as required by city code.

- E. Radioactivity. In all nonresidential districts, the use of radioactive materials shall be limited to measuring, gauging and calibration devices, and medical X-ray diagnostic equipment.
- F. Vibration. No use except a temporary construction operation shall be permitted which generates inherent and recurrent ground vibration perceptible, without instruments, at the boundary of the lot on which the use is located.
- G. Energy Conservation. Buildings shall be located on the site to provide adjacent buildings adequate sunlight for solar access. Upgrades and retrofits to existing buildings, in accordance with energy reduction measures CI-1 through CI-6 of the City's Greenhouse Gas Reduction Plan, are encouraged. New buildings should be designed to minimize energy consumption consistent with energy efficiency measures ND-1 through ND-3 of the City's Greenhouse Gas Reduction Plan, to the greatest extent possible.
- H. Toxic Materials. No land or building shall be used or occupied in any manner which creates an unhealthful, dangerous, noxious or otherwise objectionable condition due to the use, storage or proximity to toxic materials.
- I. Liquid or Solid Waste. No discharge of liquid or solid wastes, at any point into public sewer, private sewage system, stream, storm drain or into the ground shall be permitted, except in accordance with the standards approved by the State Department of Health and/or specified by the sewage utility provider. No materials or wastes shall be deposited on any property in such form or manner that they may be transferred off the property by natural causes or forces, such as wind or rain. Any wastes which could be attractive to rodents or insects shall be stored outdoors only in closed containers. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.100.230 Service station standards.

- A. Use Permit Required. Gas and service stations may be permitted subject to Table 9-5, Permitted Uses in Nonresidential Districts. All uses to be placed on the service station site (e.g., mini-market, sale of alcoholic beverages, etc.) must be specifically included in the approval.

- B. Signs. Service station signage shall be in accordance with Chapter 9.160 (Signs).
- C. Hazardous Materials. All service stations shall comply with the requirements of the Fire Department and the Riverside County Department of Environmental Health pertaining to hazardous materials, underground storage tanks, product lines, dispensing equipment, etc.
- D. Standards for Service Stations Without Repair Facilities.
 - 1. Permitted Uses. Permitted uses include: sale of petroleum products, including fuel and oil, related automotive accessories, and similar retail uses; and automobile services such as washing and detailing. The following uses are specifically prohibited: sale of tires and batteries and similar products for which necessary facilities for installation and disposal of used materials are not present; automobile or equipment repair, storage or renting. All retail uses except petroleum dispensing shall occur within a building and all service uses shall occur in a specific location designated in the approved conditional use permit.
 - 2. Storage and Display. All merchandise shall be stored and/or displayed within the service station building.
 - 3. Screening. An opaque screen at least six feet in height shall be installed along all site boundaries which abut residentially zoned properties. Screening along all street boundaries shall be a minimum of thirty-six inches high, including any site elevation difference. Screening shall consist of a wall, including retaining walls, an earthen berm with landscaping or any combination thereof. All screening shall comply with the height standards in Section 9.100.030 (Walls and fences).
- E. Standards for Service Stations with Repair Facilities.
 - 1. Additional Uses Permitted. Permitted uses include those for service stations without repair facilities plus minor vehicle service and repair (e.g., tuneup, lubrication, battery and tire sales and service). The following uses are specifically prohibited: major engine repair and rebuilding, transmission repair, autobody repair or painting, automobile or equipment storage or renting. All retail and repair uses except petroleum dispensing shall occur within a building and all non-repair service uses shall occur in a specific location designated in the approved use permit.
 - 2. Storage and Display. All merchandise shall be stored and displayed within the service station building.

3. Reverse Mode Required. All service stations which include service bays shall be designed in the “reverse” or “backup” mode, i.e., service bay openings oriented away from streets.
 4. Screening. Screening requirements shall be the same as for service stations without service bays.
- F. Removal of Abandoned Stations. Any service station which is closed for more than twelve consecutive months shall be deemed abandoned and shall be removed from the site at the expense of the property owner including the removal of buildings and structures and all underground storage tanks and any necessary site remediation due to tank leakage or other aspects of the service station use. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.100.240 Child daycare centers.

Child daycare centers or preschools in nonresidential districts shall conform to the following requirements regardless of the number of children served by the facility:

- A. A conditional use permit shall be required to establish a child daycare center per Section 9.210.020. In addition, all facilities shall comply with this section and with any additional requirements imposed as part of the conditional use permit or by any other applicable permit.
- B. All facilities shall be licensed and operated in accordance with state, county, and local health, safety, and other regulations.
- C. Outdoor activities shall be limited to the hours between eight-thirty a.m. and seven p.m.
- D. D. All facilities shall provide an on-site pickup/dropoff area. In addition, there shall be an on-site vehicle turnaround or alternatively, separate vehicle entrance and exit points.
- E. All parking, signs and outdoor lighting shall comply with the applicable regulations set forth in Chapter 9.150, Chapter 9.160 and Section 9.100.150, respectively.
- F. All facilities shall comply with the development standards of the district in which they are located, as set forth in Section 9.90.040. (Ord. 325 § 1 (Exh. A) (part), 1998; Ord. 284 § 1 (Exh. A) (part), 1996)

9.100.250 Single room occupancy (SRO) hotels.

Single room occupancy hotels (SROs) shall conform to the following requirements:

- A. Occupancy shall be limited to maximum two persons per unit. Minimum unit sizes (not including toilet compartment) shall be: for one person, one hundred fifty square feet; and for two persons, one hundred seventy-five square feet.
- B. Each SRO unit shall be provided with the following minimum amenities:
 - 1. Kitchen sink with garbage disposal;
 - 2. A toilet and sink located in a separate room within the unit that is a minimum twenty square feet;
 - 3. One closet per person;
 - 4. Telephone and cable TV hookups.
- C. If full bathrooms are not provided in each unit, shared showers shall be provided on each floor at a ratio of one per seven occupants or fraction thereof on the same floor, with doors lockable from the inside.
- D. If full kitchens are not provided in each unit, shared kitchen facilities shall be provided on each floor consisting of a range, sink with garbage disposal, and refrigerator.
- E. If laundry facilities are not provided in each unit, common laundry facilities shall be provided, with one washer and one dryer for every twenty-five units for the first one hundred units and one washer and one dryer for every fifty units over one hundred.
- F. Elevators shall be required for SROs of two or more stories.
- G. A manual fire alarm system and a fully automatic fire suppression system, including a central monitoring system, alarm and fire annunciator, shall be designed and installed to the satisfaction of the fire chief. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.100. 260 Used vehicle sales not associated with a new vehicle sales facility.

- A. Use Permit Required. Used vehicle sales not associated with a new vehicle sales facility may be permitted in certain zoning districts subject to approval of a conditional use permit when consistent with a specific plan as per the nonresidential table of permitted uses. Used vehicle sales facilities are subject to the use and design standards herein.
- B. Signs. Used vehicle sales facility signage shall be approved through a sign program in accord with Section 9.160.090. Balloons, streamers, spinning or animated signs and devices, strobe lights, spotlights, lasers, and inflatable devices shall be prohibited.
- C. Hazardous Materials. All used vehicle sales facilities shall comply with the requirements of the Fire Department and the Riverside County

Department of Environmental Health pertaining to hazardous materials, underground storage tanks, product lines, dispensing equipment, etc.

D. Standards for Used Vehicle Sales Facilities.

1. **Types of Used Vehicles Defined.** Permitted principal use shall consist of the sale of used motorized vehicles to include motorcycles, cars, trucks, and commercial vehicles.
2. **Accessory Uses.** Permitted accessory uses shall include: vehicle service and repair, sales and installation of automotive parts, electronics, and accessories, car washing, and auto detailing. All accessory uses must be specifically included in the conditional use permit approval.
3. **Screening.** A block wall of at least six feet in height and a twenty-foot wide landscaping buffer shall be installed along all site boundaries which abut residentially zoned properties. All screening shall comply with the height standards in Section 9.100.030 (Walls and fences).
4. **Storage and Display.** All retail, service, repair, and storage uses shall occur wholly within an enclosed building and in a specific location designated in the approved conditional use permit. Focal display areas elevated more than one foot above the average finish grade of the overall outdoor parking lot or display area shall be prohibited. Hoods, trunks, and doors of all vehicles displayed outdoors shall remain closed at all times. Vehicles must be parked on a paved surface and are prohibited from being displayed from sidewalks or within landscaped areas.
5. **Orientation of Service Bays.** Service bays and garage doors shall not be visible from perimeter arterial streets.
6. **Property Standards.** Used vehicle sales facilities shall not be permitted on parcels less than four acres in size.
7. **Outdoor Speakers.** The use of outdoor loudspeakers and intercoms shall be prohibited on projects located within three hundred feet of existing residences. In all other instances, outdoor loudspeakers and intercoms shall be subject to the provisions of Section 9.100.210 (Noise control). (Ord. 480 § 1, 2010; Ord. 472 § 1, 2009)

9.100.270 Drive-Through Facilities.

Drive-through facilities shall conform to the following regulations:

1. No drive-through facility shall be permitted within two hundred feet of any residentially zoned or used property.
2. Safe on- and off-site traffic and pedestrian circulation shall be provided including, but not limited to, traffic circulation which

- does not conflict with entering or exiting traffic, with parking, or with pedestrian movements.
3. A stacking area shall be provided for each service window or machine which contains a minimum of seven tandem standing spaces inclusive of the vehicle being served. The standing spaces shall not extend into the public right-of-way nor interfere with any internal circulation patterns.
 4. The drive-through facility shall be designed to integrate with existing or proposed structures, including roof lines, building materials, signs and landscaping.
 5. Vehicles at service windows or machines shall be provided with a shade structure.
 6. Amplification equipment, lighting and location of drive-through elements and service windows shall be screened from public rights-of-way and adjacent properties per the provisions of subsection L of this section.
 7. Exits from drive-through facilities shall be at least three vehicles in length, shall have adequate exiting sight-distance, and shall connect to either a signalized entry or shall be limited to right turns only. The drive aisle shall be a minimum of twelve feet in width.

9.100. 280 Emergency Shelters.

A. Purpose.

1. To ensure the Zoning Code facilitates emergency shelters under the Housing Accountability Act (California Government Code Section 65589.5) and in accordance with the requirements set forth in California Government Code Section 65583, as amended.
2. To provide zoning, development, and management procedures for emergency shelters.
3. To implement the City's General Plan Housing Element policies and programs relating to the provision of emergency shelters.

B. Definitions. See Chapter 9.280.

C. Development Standards.

1. The maximum capacity of an emergency shelter shall be 20 beds or persons.
2. On site management and security shall be provided on a 24 hour/7 day per week basis.
3. Residency in an emergency shelter shall be limited to six months or less per individual.

Chapter 9.110 SPECIAL PURPOSE/OVERLAY DISTRICTS

9.110.010 Summary of district regulations.

- A. Purpose. This chapter contains the purpose and intent of each special purpose district together with a summary of the zoning regulations applicable to each.
- B. Permitted Uses. Chapter 9.120 specifies the land uses allowed in each nonresidential district.
- C. Development Standards. Development standards (such as setbacks and building heights) for special purpose districts are summarized in this Chapter 9.110 and in Chapter 9.130.
- D. Supplemental Regulations.
 - 1. Special Purpose Supplemental Regulations. Chapter 9.140 contains supplemental regulations for each special purpose district, such as hillside conservation regulations, flood hazard reduction requirements and restrictions on sexually oriented businesses.
 - 2. General Supplemental Regulations. General supplemental regulations pertaining to special purpose districts shall be the same as those for nonresidential districts as set forth in Chapter 9.60. Parking shall conform to Chapter 9.150 and signs to Chapter 9.160. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.110.020 Types of special purpose and overlay districts.

- A. Base Districts. The PR, GC, OS and FP districts are base districts designed to provide for park and recreation, golf course and open space land uses respectively.
- B. Overlay Districts. The HC, SOB, EOD, AHO, and MU districts are overlay districts, i.e., districts to be used only in combination with a base district (such as the OS open space or CR regional commercial districts) in order to regulate certain special aspects of land use in the interests of public safety and protection of surrounding properties. In cases where there is a conflict between the regulations of an overlay district and its underlying base district, the overlay district regulations shall control.
- C. Overlay Zoning Designations. When an overlay district is used, the zoning designation shall consist of the base district symbol followed by the applicable overlay district symbol enclosed in parentheses. For example: CR (EOD).

9.110.030 PR parks and recreation district.

- A. Purpose and Intent. To provide for the development and preservation of public and private parks and associated recreation facilities within open space areas.
- B. Development Standards. The development standards for the PR district are set forth in Chapter 9.130. (Note: the GC and OS development standards are the same as those for the PR district.)

9.110.040 GC golf course district.

- A. Purpose and Intent. To provide for the protection and preservation of golf course open space areas in the city.
- B. Development Standards. The same as the development standards for the PR district. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.110.050 OS open space district.

- A. Purpose and Intent. To provide for the protection and preservation of sensitive environmental areas such as areas with significant cultural resources, threatened or endangered plant and wildlife species habitat, scenic resources and significant topographical constraints.
- B. Development Standards. The same as the development standards for the PR district. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.110.060 FP floodplain district.

- A. Purpose and Intent. To protect life and property from flood flows and to establish criteria for land use consistent with state law and with the criteria promulgated by the Federal Emergency Management Agency.
- B. Development Standards. Development standards shall be as required for needed flood control improvements and shall conform to the supplemental requirements for the FP district set forth in Section 9.140.030.
- C. District Boundaries. The FP overlay district shall include all areas within the city that are designated as “Special Flood Hazard Areas Inundated by One-Hundred-Year Flood” on Flood Insurance Rate Maps (FIRM) provided by the Federal Emergency Management Agency (FEMA). These include the “A” and “AO” flood hazard zones. The boundaries of the FP district are generally shown on the official

zoning map. See FEMA FIRM maps for specific locations. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.110.070 HC hillside conservation overlay district.

A. Purpose and Intent.

1. To define those hillside areas which are not developable from either a public safety or an engineering perspective and to prevent inappropriate development on them;
2. For those hillside areas which are developable, to ensure the safety of the public, and to ensure that the placement, density and type of all hillside development within the city is suitable to the topography of the existing terrain, that proposed developments will provide for minimal disturbance of the existing terrain and natural habitat, and that the natural hillside characteristics will be retained wherever practicable;
3. To protect the public from hazards associated with hillside development, including seismic activity, landslides, flooding, inaccessibility from fire and emergency services, lack of water for fire control, wildfires, collapse of roads and similar risks;
4. To protect and conserve hillside ecosystems (Santa Rosa Mountains National Scenic Area) through the retention of unique natural topographic features and hillside characteristics, including drainage patterns, streams, slopes, ridgelines, rock outcroppings, vistas, natural vegetation, and the habitats and migratory routes of animals;
5. To maximize the retention of the city's natural topographic features, including, but not limited to, mountainsides, mountain faces, skyline profiles, ridgelines, ridgecrests, hilltops, hillsides, slopes, arroyos, ravines, canyons, prominent vegetation, rock outcroppings, view corridors, and scenic vistas through the careful limitation and selection of building sites and building pads on said topographic features, thereby enhancing the beauty of the city's landscape;
6. To assure that developmental use of said topographic features will relate to the surrounding topography and will not be conspicuous and obtrusive because of the design and location of the developmental use;
7. To reduce the scarring effects of excessive grading for roads, building pads and cut and fill slopes;

8. To balance public and private interests while preserving the hillsides.
- B. Development Standards. Section 9.140.040 specifies that: (1) the maximum residential density within the HC overlay district shall be one dwelling unit per every ten acres, and (2) other development standards shall follow those of the RVL very low density residential district. The development standards are provided in Table 9-9.

Refer to Section 9.140.040 for additional details regarding development standards, minimum percentages of building sites which must be preserved in a natural state (determined by the average slope of the site), and other requirements of the HC district.

- C. District Boundaries.
 1. The HC hillside conservation overlay district applies to all land within the city designated in the general plan as “open space” and shown on the official zoning map as “HC.” More specifically, the HC district applies to land meeting the criteria for being above “the toe of the slope,” as defined in Section 9.140.040, within the following sections of land (San Bernardino Base and Meridian) within the city:
 - a. T5S, R7E: Sections 19, 30;
 - b. T5S, R6E: Section 36, 25;
 - c. T6S, R6E: Sections 1, 12, 13, 24, 25;
 - d. T6S, R7E: Sections 6, 7, 8, 17, 18, 19, 20, 28, 29, 30, 33;
 - e. T7S, R7E: Sections 4, 5.
 2. The provisions of this section shall also apply to each and every parcel of land within the city (without otherwise being noted on exhibit or map which is added to the city by annexation, dedication or other means) meeting the criteria for being above “the toe of the slope,” as defined in Section 9.140.040. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.110.080 SOB sexually oriented business overlay district.

- A. Purpose and Intent. To designate specific areas where sexually oriented businesses may locate if a conditional use permit is approved and to establish strict standards for the establishment and operation of such sexually oriented businesses in order to ensure that adverse

effects caused by their operational characteristics do not contribute to the blighting or downgrading of surrounding areas.

- B. **Development Standards.** Development standards for the SOB overlay district shall be as provided in the underlying CR regional commercial base district regulations, subject to the additional requirements of the SOB district as set forth in Section 9.140.050. Parking shall be calculated according to the Retail Commercial category in Table 9-12.
- C. **District Boundaries.** The SOB overlay district includes those parcels located in whole or in part within six hundred feet of the centerline of State Highway 111. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.110 090 EOD equestrian overlay district.

- A. **Purpose and Intent.** To permit the keeping of horses (stabling and riding) for the personal recreational pleasure of city residents and to allow for facilities to provide equestrian-related recreational opportunities beyond the individual horse owner.
- B. **Development Standards.** Development standards for the EOD overlay district shall be as provided in the underlying base district regulations, subject to the additional requirements of the EOD district as set forth in Section 9.140.060. In case of conflict between the base district and the EOD regulations, the EOD regulations shall control.
- C. **District Boundaries.** The boundaries of the EOD overlay district shall be as shown on the official zoning map. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.110.100 AHO Affordable Housing overlay district.

- A. **Purpose and Intent.**
 - 1. To permit the development of affordable housing at higher densities within commercial zones and other specified residential sites while maintaining consistency with underlying base land use designations.
 - 2. To provide increased and enhanced housing opportunities for low and very low income residents.
 - 3. To accommodate the City's regional housing need.
 - 4. To encourage lot consolidation and maximize the housing potential of vacant and underutilized sites.
 - 5. To provide mixed use nodes that minimize vehicle trips and enhance proximity to services and mass transit, consistent with implementation measures CI-13 and ND-4 of the City's Greenhouse Gas Reduction Plan, as well as Transportation Demand Management principles.
- B. **Development Standards.** See Table 9-9. In addition:

1. Minimum livable floor area excluding garage shall be 600 square feet.
 2. Minimum project distance buffer from Highway 111 shall be 300 feet.
 3. Minimum common area open space shall be 30%.
- C. District Boundaries. The boundaries of the AHO overlay district shall include the CC, CP, CN, RC, and VC districts and other sites identified on the official zoning map.

9.110.120 Mixed Use overlay district.

- A. Purpose and Intent.
1. To provide opportunities for multi-family residential development in combination with commercial and/or office development in a cohesive and integrated manner.
 2. To facilitate mixed use nodes that minimize vehicle trips and enhance proximity to services and mass transit, consistent with implementation measures CI-13 and ND-4 of the City's Greenhouse Gas Reduction Plan, as well as Transportation Demand Management principles.
- B. Development Standards. Section 9.140.090
- C. District Boundaries. The boundaries of the MU overlay district shall be as identified on the official zoning map.

9.110.130 Agricultural/Equestrian Overlay regulations.

- A. Purpose. To facilitate the development and preservation of rural character at low densities in proximity to Vista Santa Rosa.
- B. Permitted Uses. Section 9.140.110
- C. Development Standards, Residential Uses. See Table 9-9.
- D. Development Standards, All Non-Residential Uses. Section 9.140.110

9.110.140 Southeast Area Overlay

- A. Applicability. The following development standards shall apply to all subdivisions less than ten acres in size located in the RL district, south of Avenue 52, and west of Monroe.
- B. Development Standards.
1. A minimum lot size of twenty thousand square feet shall be required, unless:
 - a. The proposed subdivision establishes a minimum of twenty-five percent open space (exclusive of individual residential lots). Said open space shall include amenities and features such as passive open space, trails, play areas or equipment, picnic

facilities, recreational amenities, clubhouse facilities and/or active use parks. Retention basins may be considered as part of the 25% open space requirement provided they are designed as an integral part of the project, fully landscaped, and accessible for passive and active use.

- b. The minimum lot size within the proposed subdivision is equal to or greater than the minimum lot size of the residential lots within the abutting subdivided properties . However, under no circumstances shall lots be less than ten thousand square feet in size.
 - c. Driveway access should be consolidated with other neighboring properties.
2. All other development standards of the RL district, including, but not limited to, setbacks, building height and parking requirements, shall apply.

Chapter 9.120 SPECIAL PURPOSE PERMITTED USES

9.120.010 Development permits required.

Table 9-8 of this chapter specifies whether a use or structure is permitted within a zoning district. However, in most cases development to establish a land use requires approval of a site development permit and/or other permits as set forth in Chapter 9.210. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.120.020 Table of permitted uses.

Table 9-8, Permitted Uses in Special Purpose Districts, following, specifies those uses and structures which are permitted within each special purpose district. The letters in the columns beneath the district designations mean the following:

- 1. "P": Permitted as a principal use within the district.
- 2. "A": Permitted only if accessory to the principal use on the site.
- 3. "C": Permitted as a principal or accessory use if a conditional use permit is approved.
- 4. "T": Permitted on a temporary basis if a temporary use permit is approved.
- 5. "X": Prohibited in the district.

Table 9-8 Permitted Uses in Special Purpose/Overlay Districts	
	District

	Parks and Recreation	Golf Course	Open Space	Floodplain	Hillside Conservation Overlay	Sexually Oriented Business Overlay	Equestrian Overlay	Affordable Housing Overlay	Agricultural/Equestrian Residential Overlay	Mixed Use Overlay
Land Use	PR	GC	OS	FP	HC	SOB	EOD	AHO	RR	MU
Open space	P	P	P	P	P	P	**	**	**	**
Public parks, lakes and passive recreation facilities	P	X	P	P	P	X	**	**	**	**
Playfields, lighted or unlighted	P	X	X	X	X	X	**	**	**	**
Bicycle, equestrian and hiking trails	P	X	P	P	P	P	**	**	**	**
Libraries and museums	C	X	X	X	C	X	**	**	**	**
Visitor centers	C	X	C	C	C	X	**	**	**	**
Clubhouses and community pools/cabañas	P	A	X	X	X	X	**	**	**	**
Tennis courts or complexes, public	P	A	X	X	X	X	**	**	**	**
Tennis clubs or complexes, private	C	A	X	X	X	X	**	**	**	**
Golf courses and country clubs, including clubhouses and other customary accessory uses	C	P	X	X	X	X	**	**	**	**
Golf courses without above-ground structures, including fairways, greens, tees and golf-cart paths	C	P	X	P	C	X	**	**	**	**
Signs, subject to Chapter 9.160	A	A	A	A	A	A	**	**	**	**
Fences and walls, subject to Section 9.100.030	A	A	A	A	A	A	**	**	**	**
Satellite dish and other antennas, subject to Section 9.100.070	A	A	A	A	A	A	**	**	**	**
Special events, subject to Section 9.100.1300	T	T	T	T	T	T	**	**	**	**
Commercial	T	T	T	T	T	T	T	T	T	T

Table 9-8 Permitted Uses in Special Purpose/Overlay Districts										
	District									
P = Permitted use A = Accessory use C = Conditional use permit T = Temporary use permit X = Prohibited use	Parks and Recreation	Golf Course	Open Space	Floodplain	Hillside Conservation Overlay	Sexually Oriented Business Overlay	Equestrian Overlay	Affordable Housing Overlay	Agricultural/Equestrian Residential Overlay	Mixed Use Overlay
Filming, subject to Section 9.210.050										
Single-family residential	X	X	C	X	C ¹	X	**	**	**	**
Multifamily residential, commercial (except sexually oriented businesses), office or industrial development	X	X	X	X	X	X	**	**	**	**
Sexually oriented businesses, subject to Section 9.140.050	X	X	X	X	X	C	**	**	**	**
Communication towers and equipment (freestanding, new towers) subject to Chapter 9.170	C	C	C	C	C ¹	C	**	**	**	**
Communication towers and equipment (co-location, mounted to existing facility) subject to Chapter 9.170	M	M	M	M	M	M	**	**	**	**
Electrical substations	X	X	M	X	M ¹	X	**	**	**	**
Water wells and pumping stations	P	P	P	P	M ¹	X	**	**	**	**
Water tanks and reservoirs	X	M	M	X	M ¹	X	**	**	**	**
Public flood control facilities and devices	P	P	P	P	P	P	**	**	**	**
Medical marijuana dispensaries	X	X	X	X	X	X ^{**}	X	X	X	X

Table 9-8 Permitted Uses in Special Purpose/Overlay Districts										
	District									
P = Permitted use A = Accessory use C = Conditional use permit T = Temporary use permit X = Prohibited use	Parks and Recreation	Golf Course	Open Space	Floodplain	Hillside Conservation Overlay	Sexually Oriented Business Overlay	Equestrian Overlay	Affordable Housing Overlay	Agricultural/Equestrian Residential Overlay	Mixed Use Overlay
Other principal, accessory or temporary uses not listed above	Director or planning commission to determine whether use is permitted in accordance with Section 9.20.040									
** As permitted in the underlying base district.										
¹ Allowed only if permitted in the underlying base district and only if the additional requirements of the HC overlay district are met (per Section 9.140.040).										

(Ord. 492 § 1, 2011; Ord. 299 § 1, 1997; Ord. 284 § 1 (Exh. A), 1996)

Chapter 9.130 SPECIAL PURPOSE DEVELOPMENT STANDARDS

9.130.010 Table of development standards.

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

Table 9-9 Special Purpose District Development Standards										
Development Standard	District									
	PR	GC	OS	FP	HC	EOD	AHO	A/ER	MU	
Minimum building site	n/a	n/a	n/a	*	20,000 sf	***	1 acre	10,000 sf/20,000 sf multi-family	1 acre	
Minimum lot frontage	n/a	n/a	n/a	n/a	100 ft.	n/a	100	100	n/a	
Maximum structure height (ft.) ¹	28	28	28	*	28	***	40	28	***	
Maximum lot coverage	n/a	n/a	n/a	n/a	30%	n/a	60%	40%	***	
Maximum number of stories	2	2	2	*	2	***	4	2	***	
Minimum setbacks	n/a	n/a	n/a	n/a	Front: 30 Int./Ext. Side: 10/20 Rear: 30	n/a	Front: 20 Int./Ext. Side:	Front: 30 Garage: 20	***	

								10/15 Rear: 20	Side: 20 Rear: 30	
Minimum perimeter building/ landscape setbacks (ft.) ^{2, 4}	From Highway 111 right-of-way	50/50	50/50	50/50	50/50	50/50	50/50	n/a	***	***
	From perimeter street ROWs	30	30	30	*	10' min, 20' average	***	10' min, 20' average	20	***
	From all image corridor ³ rights-of-way (except Hwy 111) and from all major and primary arterials	30/20	30/20	30/20	30/20	30/20	30/20	***	***	***
	From abutting residential property or districts	30	30	30	*	**	***	***	***	***
	From abutting commercial and other nonresidential property or districts	20	20	20	*	**	***	***	***	***
Minimum setback from interior property lines within the same project ⁴	0	0	0	*	**	***	***	***	***	
Parking and signs	See Chapter 9.150 and 9.160									
Fences and walls	See Section 9.100.030									
Landscaping and screening	See Sections 9.100.040 and 9.100.050									

- * As required for needed flood control structures.
- ** As provided in the HC supplemental regulations, Section 9.140.040.
- *** As provided in the underlying base district regulations, subject to the additional requirements of the overlay district in Chapter 9.140
- 1 Not including basements. Also, notwithstanding above table, the maximum structure height equals 22 feet for all buildings within 150 feet of any General Plan image corridor and major or primary arterials.
- 2 Landscape setback shall consist of landscaped area within the building setback. Number given is minimum landscaped setback from the street right-of-way. The remaining building setback may contain parking, driveways and similar facilities.
- 3 The image corridors as identified in the General Plan
- 4 In the AHO, for interior yards, 5 ft. minimum plus 1 ft. additional setback for every foot of building height above 28 feet, or fraction thereof, up to a maximum setback of 15 ft. when said height above 17 ft. is located between 5 and 10 ft. from said side yard property line. If the building is over 28 feet in height, the setback is 10 ft. plus 1 ft. for every foot over 28 ft. in height or fraction thereof, to a maximum setback of 15 ft. The additional setback may be provided entirely at grade level or may be a combination of at grade and airspace above the 28-foot building height.

Chapter 9.140 SUPPLEMENTAL SPECIAL PURPOSE REGULATIONS

9.140.010 Purpose and intent.

The regulations of this chapter are intended to provide standards for specialized aspects of land use within special purpose districts such as hillside conservation

standards, flood hazard reduction measures, and restrictions on the location and operation of sexually oriented businesses. (Ord. 284 § 1 (Exh. A), 1996)

9.140.020 PR, GC and OS regulations.

The permitted uses and development standards for the PR parks and recreation, GC golf course and OS open space districts are set forth in Chapters 9.120 and 9.130. (Ord. 284 § 1 (Exh. A), 1996)

9.140.030 FP Floodplain regulations.

- A. Applicability. The FP district shall include all areas within the city that are designated as “Special Flood Hazard Areas Inundated by One-Hundred-Year Flood” on Flood Insurance Rate Maps (FIRM) provided by the Federal Emergency Management Agency (FEMA). These include the “A” and “AO” flood hazard zones. The boundaries of the FP district are generally shown on the official zoning map. See FEMA FIRM maps for specific locations.
- B. Prohibition of Construction in Floodways. Floodway areas shown on FIRM maps are special flood hazard areas which carry high velocity floodwaters, debris and erosion potential. Therefore, except for necessary public improvements, no fill, structures or other development shall be permitted within floodways.
- C. Flood Hazard Reduction. The following flood hazard reduction measures shall be required of all construction permitted within the FP district:
 - 1. Impact on One-Hundred-Year Flood Elevations. New construction shall not increase the water surface elevation of the projected one-hundred-year flood more than one foot at any point. In addition, new construction shall not create or exacerbate erosive velocities within special flood hazard areas. The city may require certification by a registered professional engineer that this requirement is satisfied.
 - 2. Finish Floor Elevation. The finish floor elevation of the lowest floor of all new buildings shall be at least one foot above the one-hundred-year or base flood elevation shown on the FIRM map. If no base flood elevation is shown on the FIRM map, the city may require certification by a registered professional engineer that the finish floor elevation requirement is satisfied.
 - 3. Anchoring. All new structures shall be anchored to prevent collapse, flotation or lateral movement from hydrostatic and hydrodynamic loading.
 - 4. Water and Sewer Systems. All new and replacement water supply and sanitary sewer systems shall be designed to minimize or

- eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters.
5. Electrical, Plumbing and Heating Systems. All new and replacement electrical, plumbing and heating equipment shall be designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 6. Drainage. On slopes, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- D. Permit Procedures. Proposed construction within the FP district shall require approval of a site development permit in accordance with Section 9.210.010 and any other permits required per Chapter 9.120 (Special Purpose Permitted Uses). In addition, the following requirements shall be satisfied:
1. Plans and Studies. Site development permit applications shall be accompanied by detailed studies and plans sufficient to show to the satisfaction of the public works director that proposed structures are safe from flood flows, that there will be no resulting increase in base flood elevation, and that all other requirements of subsection C of this section have been or will be satisfied.
 2. Requirements of Other Public Agencies. The application shall include evidence of compliance with applicable requirements of federal and other agencies, such as the U.S. Army Corps of Engineers and the Riverside County Flood Control District. (Ord. 284 § 1 (Exh. A), 1996)

9.140.040 HC hillside conservation regulations.

- A. Applicability.
1. The HC hillside conservation overlay district applies to all land within the city designated in the general plan as “open space.” shown on the official zoning map as “HC,” and more specifically described in 9.110.070.
 2. The provisions of this section shall also apply to each and every parcel of land within the city (without otherwise being noted on exhibit or map which is added to the city by annexation, dedication or other means) meeting the criteria for being above “the toe of the slope.”
 3. Except as specifically provided elsewhere in this title, any and all disturbance of natural terrain, grubbing, grading, new use, and every new building and premises or land in the HC district shall be used for or occupied and every building shall be erected, constructed, established, altered, enlarged, maintained, moved into or within such HC district exclusively and only in accordance with regulations set forth in this section.

B. Application of Regulations to Property.

1. In the city general plan, all hillsides and some alluvial fans are designated open space. In general, the dividing line between open space and other land uses is meant to follow and be bounded by “the toe of the slope.” The area above the toe of the slope includes not only hillsides, but also alluvial fans which are not protected by flood control structures, and drainage ways and stream courses which have some potential for flooding. In general, alluvial fans not exceeding twenty percent slope are developable consistent with this section either through the transfer of residential units from contiguous hillside areas, by change of designation, or by providing flood protection.
2. For any parcel subject to the jurisdiction of the city, the city engineer, upon viewing the site and considering a land suitability study submitted by the applicant (in accordance with the requirements of this section) shall determine the boundary between the developable and the undevelopable portions of the parcel by locating the toe of the slope per the following criteria (more than one criterion may apply):
 - a. The point where waterborne alluvial material not exceeding twenty percent slope begins to collect to a depth of one foot or more;
 - b. The dividing line between steeper rock formations and more gently sloping alluvium, i.e., where there is a noticeable break in the angle of slope from steep to shallow;
 - c. Where the slope gradient exceeds twenty percent;
 - d. An area unprotected from flooding potential, i.e., an area above the uppermost flood control structure which intercepts runoff (in the form of either natural watercourses or as overland sheet flow) and directs it to a controlled stormwater diversion channel.

C. Permitted Uses in HC District.

1. No development (except as provided under subsection C4 of this section) shall be approved for slopes exceeding twenty percent.
2. The following uses within the HC district shall be permitted on alluvial fans with slopes not exceeding twenty percent:
 - a. Golf courses (not including above-ground structures), including fairways, greens, tees and golf-cart paths to access them
 - b. Flood control structures;
 - c. Parks, lakes and passive recreation facilities;
 - d. Water wells, pumping stations and water tanks (if properly screened);
 - e. screened or undergrounded);
 - f. TV, cable and radio antennas;
 - g. Hiking, bicycle and equestrian trails;
 - h. Single-family residential uses;

- i. Accessory uses necessary to establish and maintain the permitted uses, such as roads, gatehouses, on-site subdivision signs, parking lots, noncommercial community association, recreation, and assembly buildings and facilities.
3. The following uses within the HC district shall be permitted on slopes exceeding twenty percent:
 - a. Hiking, bicycle and equestrian trails not permitting vehicles
 - b. Access roads which shall be nonvisible unless applicant can prove to the satisfaction of the city that the only access to a nonvisible area must traverse a visible area. (Ownership or nonownership of property is not sufficient proof of reason to place a road in a visible area.) Roads shall not exceed fifteen percent grade.
 - c. Uses listed in subsection (C)(3) of this section may be permitted provided the land was graded or otherwise significantly disturbed prior to January 1, 1996, and only if the scarred location is visible from more than one-quarter of a mile away.
- D. Conditional Use Permit Required. In addition to the requirements of this section, all development within the HC district shall require approval of a conditional use permit pursuant to Section 9.210.020.
- E. Site Development Review Required. All development in the HC district shall be subject to site development review by the planning commission pursuant to Section 9.210.010. "Development" in this context shall include the following: grading, building, grubbing, or permitting any heavy equipment (equipment whose function is digging, clearing, earth-moving, grading, or a similar function disruptive to the natural terrain) access to the HC district property.
- F. Criteria for Review of Grading Plans. The planning commission and city council shall consider the following matters of particular concern in their review of grading proposals in the HC district. Conditions may be attached to the approval of grading plans so as to achieve the purpose and intent of this section and the following objectives:
 1. The health and safety of the public;
 2. The preservation of vegetation and animal habitat, designation of stream courses as open space, preservation of habitat corridors, encouraging revegetation with drought-tolerant native species;
 3. The avoidance of excessive building, padding or terracing and cut and fill slopes to reduce the scarring effects of grading;
 4. The encouragement of sensitive grading to ensure optimum treatment of natural hillside and arroyo features;
 5. The encouragement of imaginative grading plans to soften the impact of grading on hillsides, including rolled, sloping or split pads, rounded cut and fill slopes, and post and beam construction techniques; and

6. The maximum retention of vistas, and natural topographic features including mountainsides, ridgelines, hilltops, slopes, rock outcroppings, arroyos, ravines and canyons.
- G. Engineering Reviews Required. For every home site or for every subdivision proposed within the HC district, the following reports shall be prepared by a California-licensed engineer (licensed in the appropriate discipline), and filed with the city engineer, unless specifically waived by the city engineer based on a visit to the proposed site:
1. Hydrology, drainage and flooding report for all sites;
 2. Soil survey of the sites proposed attesting to stability of all sites and the appropriateness of the construction method proposed;
 3. Underlying geology/engineering report attesting to stability of all sites;
 4. Seismic analysis attesting to the stability of the site(s) and addressing the potential of material above the site(s) impacting the site(s);
 5. Access plan showing the preliminary engineering for roads giving access to the proposed site(s);
 6. Grading plan for the construction site(s) and access routes; and
 7. A utility plan demonstrating the feasibility of providing water for domestic and fire suppression purposes, sewer, power, and other utilities, especially with regard to the scarring effects of the grading necessary to install such utilities.

The city engineer shall specifically approve each proposed site and access route based on the submitted reports.

- H. Other Studies Required. The following studies shall be filed with the Planning Division as a part of the application process:
1. All development in the HC district shall be subject to a report by a qualified biologist addressing the following:
 - a. Natural vegetation and native plants which may be affected by the project;
 - b. Wildlife habitats, migratory routes (e.g., for Bighorn sheep), and native animal species; and
 - c. Plans to maintain corridors for wildlife habitat and movement of animals within HC district.
 2. All development in the HC district shall be subject to a review by a qualified archaeologist addressing the following:
 - a. A review of the literature and records for any known and/or recorded historic or prehistoric resources;
 - b. A survey of the project site for historic or prehistoric resources; and
 - c. A final report of findings and recommended mitigation and resource treatment shall be submitted to the Director for review.

3. A plan for the preservation of all areas exceeding slopes above ten percent as specified in subsection (I)(6) of this section, including:
 - a. The designation of all areas exceeding ten percent slope, with the degree of slope noted, and the calculation of the percent to be left undisturbed;
 - b. The designation of all watercourses both natural and man-made, with plans for the preservation and/or reintroduction of native drought tolerant plants. Watercourses shall be designated as open space; and
 - c. A monitoring program (following CEQA) for the preservation of open spaces.
 4. A viewshed study, including plans and sections, showing visibility of proposed project and grading as viewed from surrounding properties located at lower elevations.
- I. Grading, Grubbing and Scarring Control.
1. No permits shall be issued for any grading, grubbing, building or structure in the HC district until grading plans, slope planting and irrigation plans, and building elevations for design review have been submitted to the planning commission for approval. In reviewing plans for grading, slope planting and irrigation, native revegetation, mitigation of scarring caused by grubbing and grading, preservation of the natural state of the hillsides and water courses (based on slope angle) and building elevations, the commission and council shall consider the purpose and intent of this section and the criteria established in this section, together with applicable standards and shall approve the design if all applicable provisions are met.
 2. Conditions may be applied when the proposed development does not comply with applicable standards so as to bring such development into conformity or the plans and drawings may be disapproved and the city shall specify the standard or standards that are not met.
 3. Any person who fails to protect the natural terrain, defaces, grades, grubs, scars or otherwise disrupts the natural terrain in the HC district without prior city approval of plans for such work subject to this section shall have created a public nuisance which shall be abated. Abatement may include the property owner undertaking the restoration (under city supervision and monitoring), or that failing, city-contracted restoration of the disrupted area. The property owner may be charged the cost of the restoration together with the direct costs of supervision and monitoring of the restoration. If the property owner fails to reimburse the city for the costs incurred, a lien against the property for payment may be instituted.
 4. Any plans which are being considered by the city for development shall, at the time of discovery of the creation of the public nuisance,

be denied by the decision-making authority. After such time as the public nuisance has been completely abated, the plans may be resubmitted upon payment of all required fees.

5. The provisions of this section shall be in addition to other municipal code titles and regulations applicable to grading activities within the city. No grading shall be conducted, nor shall any grading permit be issued for grading in the HC district until grading plans and special drawings showing grading and topography as viewed from critical locations within the neighborhood or community have been approved by the planning commission.

J. Development Standards.

1. **Maximum Density and Minimum Lot Size.** In the HC district, the maximum density permitted shall be one residential unit per ten acres. On a contiguous parcel which includes areas both above and below the “toe of the slope,” residential units may be clustered together below the “toe of the slope” to take advantage of buildable areas with lower slope angles, provided the overall density for the parcel of one unit per ten acres is not exceeded. Structures shall remain single-family, separated, on individual lots having an area of at least twenty thousand square feet.
2. **Setback Requirements.** The requirements for the RVL very low density district shall apply.
3. **Maximum Building Height.** The requirements for the RVL district shall apply except that no structure shall be placed in such a way that its outline is visible above a ridgeline.
4. **Parking.** Off-street requirements shall conform to Chapter 9.150.
5. **Roof Equipment.** No roof-top equipment for heating, cooling or other purposes shall be permitted.
6. **Architecture.** The architectural treatment of structures within the HC district shall be compatible with the setting of the structure and shall be generally consistent with requirements of the desert setting and other architectural treatments found elsewhere in the city. Use of indigenous materials for the structure of walls should be encouraged. Fencing and walls shall conform to the standards for the RC cove residential district standards as set forth in Section 9.30.050.
7. **Landscaping.**
 - a. On the cut or pad occupied by the structure, landscaping may be left to the choice of the homeowner providing some selection of drought-tolerant species is included. Elsewhere on the site (or within open space), native vegetation shall be undisturbed or shall be recreated after approved grading.
 - b. The applicant or developer shall be responsible for the maintenance of all slope planting and irrigation systems until such time as the properties are occupied or at the time a new

- property owner or homeowner's association accepts the responsibility to maintain the landscaping in common areas, or other maintenance district formation is established.
8. Utilities. All utilities shall be placed underground except for water tanks and substations, which shall be appropriately screened and painted in colors to blend into the background.
- K. Land Divisions in HC District. In order to assure compliance with the provisions of this section, the following requirements shall apply to the proposed division of any property which is partially or completely within the HC district: A preliminary grading plan prepared in accordance with the provisions of municipal code Title 13 and this section shall be submitted (together with other requirements of this section) with every conditional use permit, tentative subdivision map or parcel map filed for approval. The preliminary grading plan shall show at least one practical, usable and accessible building site which can be developed in accordance with the provisions of this section within each proposed lot or parcel.
- L. Transfer of Development Rights.
1. Transfers of development rights shall follow the procedures and standards set forth in Chapter 9.190.
 2. Any owner of property within the HC district may transfer development rights from the HC district on the basis of one residential unit per ten acres.
 3. Development rights may be transferred as follows:
 - a. Transferred to a subdivided portion of the same property below "the toe of the slope," as presented in a conditional use permit; or
 - b. By means of sale to any area of the city which has been zoned for residential purposes, provided the increase for any particular parcel does not exceed twenty percent of the general plan density designation;
 - c. Development rights may be retained by an individual;
 - d. Transfer rights may be further sold as provided in Chapter 9.190.
 4. Any owner of property within the HC district may sell, bequeath or transfer the development rights of the property, in accordance with this section and Chapter 9.190 to any governmental jurisdiction or any properly organized nonprofit organization whose charter allows for the ownership of public open space. The governmental jurisdiction or nonprofit organization may retain or sell or transfer acquired development rights in accordance with Chapter 9.190.
- M. Relocation of Toe of Slope. If, as a result of an approved developmental project, a flood control structure is placed higher on a hillside area so that an area of alluvial fan becomes protected from flooding potential, or if the location of the toe of the slope is moved by

alteration of some other criterion set forth in subsection B of this section for determining the location of the toe of the slope, the new area below the toe of the slope shall remain within the HC district. The conditional use permit approved for the development shall determine the effective density of any new developable portion of the new area by virtue of the transfer of development rights from the hillside areas to the new area.

- N. Ownership and Maintenance of Recreation/Open Space.
1. Those areas located within a hillside development controlled by this section which are to remain as undeveloped open space, such as undevelopable slopes and natural landmarks, may be offered for dedication for game preserve, recreation or open space purposes. Such areas may be offered to a public agency or to a nonprofit land trust, conservancy or similar organization whose charter allows for the ownership of recreation and open space which will preserve the natural open space in perpetuity.
 2. If an offer of dedication under subsection N1 of this section is not accepted, the developer shall make provisions for the ownership and care of the open space in such a manner that there can be necessary protection and maintenance thereof. Such area shall be provided with appropriate access and shall be designated as a separate parcel or parcels which may be maintained through special fees charged to the residents of the subject development or through an appropriate homeowner's association or maintenance district.
- O. Change in Designation of HC Land. All lands within the HC hillside conservation district are designated on the general plan land use policy diagram as "open space." A property owner may propose a change from this designation and from the HC district zoning by means of all of the following procedures:
1. Approval of a general plan amendment from open space designation to an equally appropriate category.
 2. Approval of a change of zone from HC to an equally appropriate district.
 3. Approval of a specific plan for the property.
 4. Satisfaction of the engineering and other reviews required in this section.
 5. Compliance with all other provisions of this section except subsection C, J1, 2 and 3, L and M. (Ord. 299 § 1, 1997; Ord. 284 § 1 (Exh. A), 1996)

9.140.050 SOB sexually oriented business regulations.

- A. Purpose of Regulations.

1. The city council finds that sexually oriented businesses, by their nature, have objectionable secondary effects upon adjacent areas. The purpose of this section is to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods, to prevent crime associated with sexually oriented businesses as defined in Section 5.80.020 of the municipal code, to maintain the integrity of residential neighborhoods, to protect minors from the secondary effects of sexually oriented businesses, to protect retail trade occurring adjacent to sexually oriented businesses, to maintain property values within the city, and to protect and preserve the quality of life within the city.
 2. It is not the intent of this section, and this section shall not be so construed, to suppress, regulate or affect in any way the content of communication or expression associated with sexually oriented businesses.
 3. The city council finds that this section allows the establishment of sexually oriented businesses at a reasonable number of locations within the city.
 4. The city council finds that the establishment of the sexually oriented business overlay district best provides the means to adequately regulate sexually oriented business uses in the overall land use plan of the city.
- B. Permit Required. Prior to establishment or transfer of a sexually oriented business, all provisions of Chapter 5.80 of the municipal code shall be met including obtaining the required permit.
- C. Boundaries of SOB Overlay District. The boundaries of the overlay district are described in Section 9.110.080.
(Ord. 284 § 1 (Exh. A), 1996)

9.140.060 EOD equestrian overlay regulations.

- A. Applicability. The EOD equestrian overlay district regulations set forth in this section shall apply to all areas of the city containing the “EOD” overlay designation on the official zoning map. These regulations shall apply in addition to the regulations of the underlying base district. In case of conflict between the base district and the EOD regulations, the EOD regulations shall control.
- B. Definitions. See Chapter 9.280.
- C. Principal Uses. Principal uses permitted in the equestrian overlay district shall be as follows:
1. Any use permitted, either expressly or by conditional use permit, in the underlying zone;

2. The keeping of horses (including ponies or llamas) for personal use of the residents of the property only, not to include any activities beyond that necessary to continue the residents personal use. This may include limited breeding and boarding activities of a non-compensatory nature, such as for other family members' personal use. Up to two horses shall be allowed on a minimum one acre parcel. For parcels in excess of one acre, up to three horses per additional acre or portion thereof, shall be allowed. Foals under one year of age shall not be counted in the maximum number of horses permitted;
 3. Accessory buildings and structures, including stables, corrals, barns, tack rooms, exercise rings, hay barns and other buildings and structures customarily appurtenant to a permitted use;
 4. Farm projects (Future Farms, 4-H or similar projects) conducted by the residents of the premises. Such projects shall involve only the permitted type and number of animals by this title being trained in connection with the education of a person as a member of a recognized farm education organization;
 5. Caretakers and employee housing for on-site employment; providing, that the unit does not exceed one thousand square feet and conforms to the setbacks in the underlying zone.
- D. Conditional Uses. The following uses are permitted if a conditional use permit is approved per Chapter 9.210.020:
1. Commercial stables and riding academies, as defined in this section.
 2. Arenas for the purpose of conducting events such as rodeos and other equestrian-oriented entertainment.
 3. Veterinary offices or hospitals, when established on the same parcel as the principal residence; provided, that only temporary boarding facilities may be established for purposes of boarding sick or injured animals, and that animals not permitted in the underlying zone may not remain at the facility.
- E. Development Standards. The following development standards generally apply to all properties in the equestrian overlay district. Commercial equestrian facilities/uses may be subject to more restrictive requirements through the conditional use process.
1. All accessory buildings shall be limited to two stories in height and a maximum of thirty-five feet, measured from finish grade of the pad.
 2. The following minimum setback requirements shall apply:
 - a. Pastures shall not require any setback. However, if a pasture does not extend to a property line, a minimum ten-foot setback from property line shall be provided.

- b. Accessory buildings (barns, stalls, etc.) shall maintain twenty-five feet from nonoverlay property lines and ten feet from overlay property lines.
 - c. Accessory structures shall maintain thirty-five feet from any nonoverlay properties. A ten-foot setback from adjacent overlay property lines shall be maintained.
 - d. Arenas shall be reviewed for appropriate setback and design as part of the conditional use permit process, as they are not considered accessory uses to residential equestrian. Generally, arenas shall maintain a minimum seventy-five-foot setback from any property line.
 - e. Manure storage containers shall be set back a minimum of fifty feet from any nonoverlay property line and twenty feet from other property lines.
 - f. Manure spreading areas shall not be established within twenty-five feet of any property line.
 - g. No accessory building, use or operation described in this subdivision shall be established or conducted within eighty feet of any residential structure.
3. Fencing.
 - a. Pasture and corral areas, as well as all open areas abutting nonequestrian properties, shall consist of fencing at least five feet high and of such construction as to confine the animals. Fences which are on property lines or are adjoining and running parallel to private streets or bridle trails, shall be three-rail, with a minimum height of five feet from grade, and posts spaced not more than ten feet apart. All posts shall be nominal four inches by nominal six inches minimum, with nominal two inch by nominal six inch minimum rails. This section shall not apply to property lines along any street identified and shown on the circulation element of the general plan, where specific sound attenuation is necessary based on an approved acoustic study prepared for a subdivision map.
 - b. Fencing requirements of this section shall take precedence in the event of any conflicts with the provisions of Section 9.060.030 (Fences and walls), for properties keeping horses within the equestrian overlay district.
 4. Dust Control. Corrals, stables, exercise rings and arenas, and any other disturbed soil area shall be regularly sprinklered or otherwise treated to a degree so as to prevent the emanation of dust, and in addition, all accumulation of manure, mud or refuse shall be eliminated so as to prevent the breeding of flies. Any open areas shall be subject to the requirements of Chapter 6.16 whenever applicable. All nuisance water runoff must be detained on the subject property.

5. Manure Collection. Removal and treatment of manure must occur on a regular basis so as to promote the health, safety and welfare of residents and visitors to the area in accordance with the following standards:
 - a. Stalls shall be cleaned on a daily basis. Straw, hay, sawdust or other bedding materials may be stored or composted for later disposal, but shall not be spread with manure over open areas.
 - b. Manure shall be collected from all source areas daily and may be stored for later disposal in an enclosed container of adequate size. Open manure stockpiles are not permitted. Manure stored for disposal shall be removed from the property within seven days.
 - c. Manure to be used for composting purposes shall be placed in an appropriately designed composting bin in order to properly decompose and eliminate parasites. Only composted manure may be used in any spreading operation.
 - d. Spreading of manure may only occur in conjunction with commercial equestrian uses, and must be conducted over an adequately sized area capable of assimilating the nutrients in the spread material. Such an area may only be operated as part of overall disposal and treatment program approved by the city or established as part of a conditional use permit application.
 - e. Method for removal of manure from the property is at the owner's discretion. Off-site delivery to agricultural or related operations for fertilizer use is permitted. On-site use of composted material is permitted in new or established vegetated areas, such as gardens, landscaping, reestablishment of pasture vegetation, etc.
 - f. Any condition that results in odors, unsightly areas or infestation shall be deemed a public nuisance and/or health hazard and shall be abated within seven days of proper notice. All violations are subject to enforcement provisions of the La Quinta Municipal Code and applicable county health codes.
6. Parking. Parking shall be provided as required by Chapter 9.150, and shall be based upon the overall use of the property or as required by an approved conditional use permit.
7. Lighting. Any proposed lighting must comply with Sections 9.60.160 and 9.100.150 (Outdoor lighting). Lighting of equestrian and related activity areas shall not occur beyond ten p.m. unless otherwise specified by an approved conditional use permit. This restriction does not pertain to general area and yard lighting associated with a primary residential use on equestrian property.
8. Loudspeakers. Loudspeaker systems or other amplified sound are limited to operation or use between eight a.m. and ten p.m. unless otherwise specified by an approved conditional use permit.

- F. Review and Approval Process. Equestrian uses, buildings and structures shall be reviewed in accordance with the following procedures:
1. Accessory buildings, detached or attached, as defined in this section:
 - a. Up to four hundred square feet for each building or structure, to be reviewed with the building permit application for approval by the Director;
 - b. Over four hundred square feet to be reviewed through the site development permit procedures of Section 9.210.010, by the planning commission.
 2. All other permitted buildings are subject to the process identified for the underlying base district and this section.
 3. Conditional Use Permits.
 - a. Conditional uses shall be required to obtain a conditional use permit in accordance with the procedures outlined in Chapters 9.200 (General Permitting Procedures) and 9.210 (Development Review Permits). All uses, buildings and structures identified in subsection D of this section existing prior to the effective date of the ordinance codified in this section shall be considered as nonconformities in accordance with Chapter 9.270 (Nonconformities). Property owners of all such uses, structures and buildings shall file a site plan for the entire facility with the Planning Division within thirty days of the effective date of the ordinance codified in this section.
 - b. In addition to information required for a conditional use permit application filed pursuant to Chapter 9.210, the following information shall be submitted for conditional uses proposed in the EOD overlay district:
 - i. A proposed program for storage, treatment and removal of manure produced by the operation.
 - ii. A fugitive dust control plan, as required by Chapter 6.16 of the La Quinta Municipal Code, addressing control of dust and identification of all potential dust sources.
 - iii. Proposed or potential tentative scheduling of any events or other activities which may produce impacts beyond the scope of the proposed uses routine operations. (Ord. 284 § 1 (Exh. A), 1996)

9.140.070 Condominium hotel development and usage regulations.

- A. Purpose. The specific purposes of these regulations are to assure that condominium hotel projects are conditioned at the time of development approval in such a way as to ensure appropriate public health, safety,

welfare and land use classifications and standards; to mitigate potential impacts of condominium hotels on traffic congestion, air quality, building design and safety, police, fire and emergency services; to assure other adequate public facilities; to allow condominium hotel development projects some financial flexibility subject to the approval of the city council; to prohibit conversion of existing hotels to condominium hotels; and to provide the city with appropriate development and operational controls over condominium hotels

- B. Definitions. The following definitions shall govern the construction and interpretation of this section.
1. Development Agreement. For purposes of this section, the term “development agreement” means any of the following:
 - a. A statutory development agreement entered into pursuant to Government Code Sections 65864 et seq.
 - b. A disposition and development agreement entered into between an applicant and the city; o
 - c. An owner participation agreement entered into between an applicant and the city.
 2. “Effective date” means the date on which the ordinance adopting this section becomes effective
 3. “Operator” means the entity designated by the owner of the condominium hotel or, if all of the common area of a condominium hotel is owned by a condominium owners’ association, designated by such association, to manage the condominium hotel.
 4. “Personal use” means the use or occupancy of a unit by an owner or any nonpaying guest of an owner for whom the owner may, and does, reserve its unit. use of a unit arising out of an exchange program with an affiliated hotel property shall be considered personal use by the owner.
 5. “Unit” means a condominium unit, as shown on a recorded condominium plan, which is located within a condominium hotel.
 6. “Unit owner” or “owner” means an individual or entity that acquires any ownership interest in, and holds title to, one or more units.
- C. Condominium Hotel Regulations. No person or entity shall construct or operate a condominium hotel within the city without first obtaining all necessary entitlements pursuant to this section and pursuant to other applicable provisions of the La Quinta Municipal Code. All other provisions of the La Quinta Municipal Code, including, without

limitation, Title 8 (Buildings and Construction), Title 13 (Subdivisions), and Title 9 (Zoning Code) shall be applicable to the construction and maintenance of condominium hotels; provided however, that the more specific provisions contained in this section shall prevail over any general provisions set forth in the La Quinta Municipal Code. A condominium hotel shall be allowed as a conditionally permitted use, subject to the terms of this section, and only within those zoning districts in which hotels or similar tourist and vacation accommodations are expressly permitted either conditionally or as of right, pursuant to the terms of Title 9 (Zoning Code) and/or any applicable specific plan. Each application for a condominium hotel will be reviewed by the city's planning commission and city council. If the planning commission recommends granting approval of the application, the city council shall set notice of a public hearing to be held within forty-five days thereafter or such later date as may be set by the city council. approval shall be subject to required conditions necessary to carry out the provisions of this section.

- D. Application for Condominium Hotel. An application for a condominium hotel shall include the following six requirements, in addition to any other information that the city may determine is necessary to review the application. No condominium hotel may be approved without approval of all of the following requirements:
1. Development Agreement. A proposed development agreement application, which shall provide for enforcement of all conditions and standards required by this section. In addition to any other provisions that may properly be included within the development agreement, the parties may agree to terms and conditions that are different from, or in addition to, and supersede, the provisions and requirements of this section. The city shall include such terms as it deems necessary to ensure that the condominium hotel operates as the equivalent of a traditional hotel. The development agreement shall also include a draft declaration of covenants, conditions and restrictions pursuant to subsection G of this section.
 2. Conditions, Covenants and Restrictions (CC&Rs). The proposed CC&Rs for the units.
 3. Environmental Assessment. Information necessary for the city to perform an environmental assessment of the proposed condominium hotel project, pursuant to the California Environmental Quality Act (Public Resources Code, Sections 21080 through 21094 and its implementing regulations).

4. Subdivision Application. Each condominium hotel application shall be accompanied by an application for a tentative or vesting tentative map pursuant to Title 13 of the La Quinta Municipal Code.
5. Specific Plan. Each condominium hotel application shall be accompanied by an application for a specific plan or be within an approved specific plan area which permits such use, pursuant to Government Code Sections 65450 et seq.
6. Site Development Permit. Each condominium hotel application shall be accompanied by an application for a site development permit pursuant to Chapter 9.210 of the Zoning Code.
- E. Development Standards. The condominium hotel shall comply with all the development, use, area, parking and other applicable standards of the zone or applicable specific plan in which the project is located.
- F. Condominium Hotel Standards, Conditions and Requirements. In addition to the standards referenced in this section, each condominium hotel is required to meet the following additional standards, conditions and requirements:
 1. No unit may be used as a full-time or permanent residence, except as set forth in subsection (F)(2) of this section.
 2. No more than one unit in each condominium hotel may be used for the full-time or permanent residential occupancy by a person or family serving as the on-site manager of the condominium hotel. Such unit must be owned by the owner or operator of the condominium hotel or the owners' association, and shall not be used for homestead purposes.
 3. At its sole cost and expense, each individual unit owner may choose to hire any rental agent of its selection, or the operator or an affiliate, for the purpose of advertising the rental availability of, and procuring potential renters for, the owner's unit. Unit owners may also rent their units themselves. When not being used for personal use, each unit shall be available for rental as a hotel accommodation. The operator shall have the right, working through the unit owner or its designated rental agent, to book any unbooked room to fulfill demand, and to charge a reasonable booking fee for each such booking.
 4. Hotel guests (whether transient or personal use and not including any on-site manager) are prohibited from occupying or remaining in any unit for more than twenty-nine consecutive days, with a minimum seven-day period intervening between each twenty-nine consecutive day use period.
 5. Personal use shall not exceed: (a) thirty days in the aggregate during the period of November 1st through April 30th; or (b) sixty days in any calendar year, unless the owner engaging in such personal use satisfies all requirements for such excess use as set forth in the declaration.

6. All units shall be completely furnished with furniture, fixtures and equipment to the standards established by the owner or operator of the condominium hotel. A furniture, fixtures and equipment reserve account shall be established and maintained in order to maintain and, when necessary, replace the furniture, fixtures and equipment within the units to maintain the facility in its first class condominium hotel standard.
 7. The proposed location, use, and design of the condominium hotel shall be consistent with the city's general plan, zoning ordinances, and any specific plan covering the area in question.
 8. In accordance with the existing provisions of Chapter 3.24 of the La Quinta Municipal Code, every condominium hotel shall be subject to the city's transient occupancy tax requirements, as may be amended from time to time. The owner of a condominium hotel unit shall receive golf and other benefits which are available to residents of La Quinta on the same terms, and subject to the same conditions, as are applicable to such residents.
 9. Any proposed condominium hotel that will not, as proposed, qualify as a first class condominium hotel shall not be eligible to operate as a condominium hotel in the city of La Quinta.
- G. Provisions for Declaration. The development agreement submitted with the condominium hotel application shall include a draft declaration of covenants, conditions and restrictions (declaration) (which shall be separate and apart from the CC&Rs required to create the units as condominiums pursuant to California law) which must be approved by the Director and the city attorney prior to final approval of the condominium hotel application, and thereafter recorded against the condominium hotel in the Riverside County recorder's office. The declaration shall include the following provisions:
1. The declaration shall require the units to be included within a hotel, and (other than the unit occupied by an on-site manager) made available as a hotel accommodation when not being used for personal use.
 2. The declaration shall require that the operator manage the units for the unit owners pursuant to the operator's then-standard form of agreement, and provide to the condominium hotel, the property, and the occupants and owners of the units, on a seven-day a week basis, any or all on property services commonly provided at first class condominium hotels and resorts, including without limitation, such services as front desk check-in and check-out services (including electronic keys), routine housekeeping, laundry and dry cleaning, room service, catering and other food and beverage services, spa services, concierge services, parking and bellman services to the unit owner and the unit owner's guests. The availability and right to use such services shall be conditioned upon

payment of such charges or fees as may be imposed generally on hotel guests. As to the availability and right to use services such as front desk check-in and use of resort pools, lobbies, recreational facilities, etc., which are not separately charged to hotel guests, use will be conditioned upon the payment of such fees as are determined by the operator to be appropriate to reflect the allocable costs of such services and facilities attributable to each unit within the hotel. The operator shall have the exclusive right to restrict and control access to any and all shared facilities within the condominium hotel, provided the same does not restrict a unit owner's right of access to her, his or its unit, except that unit access shall be subject to mandatory registration at the hotel front desk to obtain a key to the unit, which key shall be an electronic key. The operator's management obligations shall also include upkeep and repair of the interior of each unit, and monitoring and managing repair and replacement of furniture, fixtures and equipment, both at the unit owner's sole cost and expense.

3. The declaration shall require the operator to provide a quarterly report to the city that contains all of the following information on each unit: (a) the number of the unit; (b) the name, address and telephone number of the owner of the unit; (c) whether the operator is and has been the rental agent for the unit during the immediately preceding calendar quarter; (d) the personal use during the immediately preceding calendar quarter; (e) the name and address of any occupant of the unit (other than the owner) whose occupancy exceeded the twenty-nine day maximum; and (f) the TOT that has been collected by the operator and remitted to the city for use of the unit during the immediately preceding calendar quarter.
4. The declaration shall require the condominium hotel owner or, if none, the condominium hotel's owner's association to hire a qualified professional operator to manage, maintain and operate all portions of the condominium hotel in a manner consistent with the first class condominium hotel standard required by this section. The operator shall have at least five consecutive years of experience in the hotel management business in hotels that meet the first class condominium hotel standard and have no fewer than ten other properties (each in separate cities, or distinct and separate projects in any given city, nationally or internationally) under current management. The condominium hotel owner or owner's association, as the case may be, shall provide the city with appropriate documentation to demonstrate that the proposed operator meets the requirements of this subsection, to be approved by city staff prior to issuance of a certificate of occupancy for the condominium hotel. Upon request by the applicant, the city

- manager may waive the experience standards required above upon finding that the proposed operator has comparable substitute experience and qualifications. the declaration shall include provisions regarding proposed changes in the operator.
5. The declaration shall give the condominium hotel owner, operator, and the city the right, power and obligation to enforce the first class condominium hotel standard including, without limitation, the right to enter any portion of the condominium hotel, and any individual condominium hotel units, to cure, or cause the unit owner to cure, any failure to meet the first class condominium hotel standard; and shall permit the enforcement by the city, in its discretion, of this section and the declaration.
 6. The declaration shall provide that hotel guests (whether transient or personal use and not including any on-site manager) are prohibited from occupying or remaining in any unit for more than twenty-nine consecutive days, with a minimum seven-day period intervening between each twenty-nine consecutive day use period.
 7. The declaration shall provide that personal use shall not exceed: (a) thirty days in the aggregate during the period of November 1st through April 30th; or (b) sixty days in any calendar year, unless provisions for such excess use are provided for in the development agreement and are complied with by the unit owner.
 8. Subject to applicable California general law and Department of Real Estate regulations, and unless otherwise provided in the development agreement, the declaration shall provide that the obligation to pay any fees or charges provided for in the development agreement shall be secured by a lien in favor of the city encumbering the units for the amount owed, including any permitted penalties or interest, and that the city shall have the right, but not the duty, to foreclose on any such liens through equitable or legal proceedings.
 9. The declaration shall provide that it shall not be amended without the prior written consent of the city.
- H. Reporting and Inspection. Upon request of the city manager, each owner, the condominium hotel association and the operator shall maintain, on-site, and regularly make available to the city and its employees and agents such information, books, records, and documentation, including all records relating to personal use and transient use of each unit, and also shall allow reasonable access to individual units, as the city finds necessary to have or review in order to ensure that the city may determine and enforce the condominium hotel's compliance with this section and other applicable city laws, regulations, the condominium hotel conditions, the development agreement, and the declaration. The original and, upon each change, every subsequent operator shall immediately advise the Director of its

name, qualifications, address, telephone number and the name of a contact person.

- I. Conversions. An express purpose of these regulations is to preserve and enhance the city of La Quinta's existing hotel inventory. All existing hotels are prohibited from converting to condominium hotels from and after the effective date. Thereafter, no other conversions to condominium hotels shall be allowed in any zone, except that existing hotels with less than twenty units may apply to convert, provided that the hotel, after conversion, would generate an equivalent, or greater amount of municipal revenue, and provided that the city council finds that such conversion is in the best interest of the city.
- J. Prohibited Units. No provision in this section shall be deemed to permit a timeshare, fractional or other vacation ownership unit if otherwise prohibited by the La Quinta Municipal Code. (Ord. 432 § 1, 2006)

9.140.080 AHO Affordable Housing Overlay regulations.

- A. Applicability.
 - 1. The AHO overlay district and the provisions of this section apply to all areas of the city containing the "AHO" overlay designation on the official zoning map. These include the CC, CP, NC, RC, and VC commercial zones, and other sites, as designated on the zoning map. These regulations shall apply in addition to the regulations of the underlying base district. In case of conflict between the base district and the AHO regulations, the AHO regulations shall control.
- B. Definitions. See Chapter 9.280.
- C. Permitted Uses. See Section 9.120
 - 1. Any use permitted, either expressly or by conditional use permit, in the underlying zone;
 - 2. Affordable housing residential units on lots 1 acre or greater in size, including those that are stand-alone, next to, and/or above non-residential uses.
- D. Development Standards, All residential uses. See Section 9.130.

9.140.090 MU Mixed Use Overlay regulations.

- A. Purpose. To facilitate the development of mixed use projects that include both multi-family residential and commercial components in a cohesively designed and constructed manner. The mixed use overlay district will contribute to vehicle trip and associated air pollutant reductions by locating residents in close proximity to services, employment, and transportation hubs, and by providing interconnected multi-purpose paths for alternative modes of transportation.

B. Applicability.

1. The MU overlay district and the provisions of this section apply to all areas designated VC, CR, CP, CC, CN, CT and CO districts. These regulations shall apply in addition to the regulations of the underlying base district. In case of conflict between the base district and the MU regulations, the MU regulations shall control.

C. Definitions. See Chapter 9.280.

D. Permitted Uses.

1. Any use permitted or conditionally permitted in the underlying district.
2. Mixed Use projects consisting of both multi-family residential (apartments, condominiums, and similar housing types) and commercial/office components.

E. Development Standards.

1. Mixed use projects shall include both a commercial and/or office component and a multi-family residential component, which are fully integrated with regard to access, connectivity, and public safety. Residential uses with a density of 12 to 24 units, must comprise a minimum of 35% of the total square footage of the proposed project. Mixed use projects can be designed vertically (residential development over commercial development) or horizontally (residential development next to commercial development).
2. Minimum lot sizes shall be one (1) acre. To maximize design options, development of mixed use projects on lot assemblages or lots greater than one (1) acre is encouraged.
3. The use of vacant pads for mixed use projects in existing commercial development along Highway 111 is encouraged.
4. Minimum densities for residential development shall be 12 dwelling units per acre.
5. Maximum densities for residential development shall be 24 dwelling units per acre. Higher densities may be achieved through density bonuses, where applicable.
6. The residential component of Mixed Use projects shall be subject to the setback requirements of the underlying commercial district.
7. Maximum height. A Mixed Use project may be up to 25% more in height than in the base district, if approved in the Site Development Permit.

Mixed Use Overlay District Maximum Building Height	
Underlying District	Maximum Height
CR	60 feet
CP	45 feet
CC	40 feet

CN	35 feet
VC	45 feet*
CT	55 feet
CO	55 feet

* In the VC underlying district, when a minimum of ½ the required parking spaces are located beneath the principal mixed use structure, the number of stories shall be measured from the finished floor of the building's ground floor and shall not include the parking level.

8. Floor Area Ratio (FAR). Mixed Use projects are exempt from the floor area ratio requirements of the underlying district.
9. The first (ground) floor of a multi-story Mixed Use project located within 300 feet of the Highway 111 right of way shall consist of commercial and/or office development. Residential uses on the first (ground) floor are prohibited.
10. New buildings (constructed after the date of approval of this Code) in Mixed Use projects shall not be longer than 300 feet to facilitate convenient public access around the building.
11. Pedestrian, bicycle, and other non-motorized travel connections, including sidewalks, trails, and/or crosswalks, are required between the commercial/office and residential components of the project, as well as leading to/from street fronts, bus stops, public gathering places, and adjacent properties. They shall be located off-street and separated from vehicle travel lanes and parking lot driving aisles.
12. Physical barriers, such as walls and fences, between the commercial/office and residential components of a Mixed Use project are discouraged. However, they may be used where necessary and appropriate, including for public safety or the screening of outdoor storage facilities.
13. Public spaces.
 - a. Public gathering spaces that provide active and/or passive amenities for passers-by are highly encouraged. Communal spaces may include but are not limited to pedestrian plazas, shaded benches, public art, and landscape or hardscape features.
 - b. Public spaces should be centrally located or located near active land uses to assure their frequent usage and safety.
14. Parking. Parking and loading requirements shall be in conformance with Section 9.150 of this Code, subject to the following provisions:
 - a. Opportunities for shared and/or reduced parking between the commercial/office and residential components of the project are encouraged, subject to the requirements of Section 9.150.070

- (Shared Parking), as a means to better match parking demand with availability during various hours of the day.
- b. Mixed use projects shall provide preferred parking for electric vehicles and vehicles using alternative fuels in accordance with Section 9.150.110.
15. Bicycle racks shall be provided to serve both commercial/office and residential components of the project, and shall comply with the requirements of Chapter 9.150.
 16. Landscaping shall comply with Section 9.100.40 of this Code and the requirements of the underlying district. Additional landscaping may be required to minimize impacts to adjacent properties.
 17. Outdoor lighting shall comply with Sections 9.100.150 and 9.60.160 of this Code.
 18. Signage shall be in conformance with Chapter 9.160 of this Code and the requirements of the underlying district. Monument and other signage that enhances the cohesion of the development may be required.
 19. Entry drive. An entry drive that provides principal vehicular access into the residential component of the project is required.
 20. Entry Statement. Projects with fifty (50) or more residential units shall include vehicular and pedestrian entry statements that convey a sense of arrival into the development. Examples include, but are not limited to, specimen trees, boulder groupings, textured or stamped concrete, and monument signage.
 21. Special attention shall be given to the use of aesthetic treatments, such as colored/textured paving or decorative gates, that contribute to the overall image and connectivity of the development.
 22. New Mixed Use development shall relate to adjacent single family residential districts in the following ways:
 - a. By stepping down the scale, height, and density of buildings at the edges of the project adjacent to less intense development. Step the building down at the ends or sides nearest a single family unit, to a height similar to that of the adjacent single family unit (or of typical single family residences in the vicinity if adjacent to an undeveloped single family zoning district).
 - b. By incorporating architectural elements and materials that are similar to those used in the neighborhood.
 - c. By locating parking areas within the project interior or at the side or back when necessary to achieve the "residential front yard" appearance.
 - d. By avoiding, wherever feasible, the construction of walls on local streets in existing neighborhoods where the wall would be located opposite front yards.
- F. Mixed Use Incentives.

1. Mixed use projects that provide a minimum of 30% of total project square footage for retail uses shall receive a density bonus of 10% for the residential component of the project.
2. Mixed use projects that include pedestrian, bicycle and golf cart circulation and facilities (paths, shaded parking, etc.) separate from vehicular circulation and facilities can reduce their vehicle parking requirement by 15%.
3. Development proposals for mixed use projects shall receive expedited entitlement and building permit processing.
4. Mixed use projects shall receive a ten (10) percent reduction in plan check and inspection fees.
5. Mixed use projects that include a minimum of two (2) public spaces or gathering features, as deemed of sufficient size and purpose by the city, shall receive a density bonus of up to fifteen (15) percent.

9.140.100 Agricultural/Equestrian Overlay

A. Permitted Uses.

TABLE 9-10 PERMITTED USES IN THE AGRICULTURAL/EQUESTRIAN RESIDENTIAL DISTRICT	
LAND USE	
Residential Uses	
Single Family detached dwellings	P
Farmworker housing	C
Mobilehome parks	C
Mobilehome subdivisions and manufactured homes on individual lots	P
Child day care facilities as an accessory use, serving 8 or fewer children, subject to Section 9.60.190	A
Child day care facilities as an accessory use, serving 9-14 children, subject to Section 9.60.190	M
Caretakers residence	P
Open Space and Recreational Uses	
Public parks playfields and open space	P
Bicycle, equestrian and hiking trails	P
Tennis court or other game court as an accessory use associated with a private residence	P
Tennis court or other game court for public use	M
Golf course and country club, with or without driving range	P
Driving Range with or without lights	C
Accessory Uses and Structures	
Home occupations, subject to Section 9.60.110	H
Patio covers, decks and gazebos, subject to 9.60.040	A

Fences and walls, subject to Section 9.60.030	A
Satellite dishes and other antennas subject to Section 9.60.080	A
Swimming pools, spas and cabanas, subject to Section 9.60.070	A
Guest houses, subject to Section 9.60.010 M	A
Second units, "granny flats" and employee quarters, subject to Section 9.60.090 M	A
Garages and carports, subject to Section 9.60.060	A
Keeping of animals, subject to Section 9.60.120	A
Equestrian and Agricultural Uses	
Stables, private	P
Stables, commercial or riding academy	C
Polo grounds, including stables, clubhouse	C
Veterinary offices and hospitals	C
The grazing and breeding of cattle, horses, llamas, or other farm stock or animals, not including hogs, not to exceed five animals per acre of all the land available	P
The grazing and breeding of sheep or goats, not to exceed 15 animals per acre of all land available	P
Farms for rabbits, fish, frogs, chinchilla or other small animals	P
Nurseries, greenhouses, orchards, aviaries, apiaries	P
Tree crop farming	P
Field crop or turf farming	P
Winery and incidental uses with established vineyard	P
Produce stands, subject to Section 9.100.100	P
The drying, packing, canning, freezing and processing of produce resulting from permitted uses when such activity is conducted within permanent buildings and structures	P
Non-commercial raising of hogs, not to exceed two per acre	P
Community auctions and sales yards (2 acre minimum)	C
Feed stores	C
Kennels and catteries, 5 to 10 animals	M
Kennels and catteries, 10 to 25 animals on 1 acre minimum	C
Menageries	C
Commercial composting facilities	C
Other Uses	
Guest ranches and bed and breakfasts	C
Restaurants	C
Fraternal lodge halls	C
Churches, temples and other places of worship	C
Schools	C
Libraries	C
Public utility facilities	P
Communication towers and equipment subject to Section 9.170	C

- B. Designation on Zoning Map. When the A/ER overlay district is used, the zoning designation on the official zoning map shall consist of the base district symbol followed by the overlay district symbol enclosed in parentheses. For example, RL (A/ER).
- C. Development Standards, Residential Uses. See Table 9-9.
- D. Development Standards, All Non-Residential Uses.
 - 1. All buildings shall be limited to two stories in height and a maximum of thirty-five feet, measured from the finished grade 6 of the pad.
 - 2. Setbacks. The following minimum setbacks shall apply from the property line:
 - Pasture: 0 feet
 - Accessory buildings: 20 feet
 - Accessory structures: 20 feet
 - Manure storage: 25 feet
 - 3. Fencing. Properties containing one or more uses may be fenced to a maximum of six feet. Permitted fencing materials include chain link, cement block, wood, wrought iron or tubular steel. Razor wire or concertina wire is permitted for those uses listed under “Equestrian and Agriculture Uses” in Table 9-10.
 - 4. Parking. Parking shall be provided as required by Chapter 9.150.
 - 5. Lighting. All lighting shall comply with Sections 9.60.160 and 9.100.150.
 - 6. Loudspeakers. Loudspeaker systems or other amplified sound are limited to operation or use between eight a.m. and ten p.m. Unless otherwise specified by an approved conditional use permit.
- E. Right to Farm” Intent and Policies.
 - 1. Intent. It is the intent of the city to conserve, protect and encourage the development, improvement, and continued viability of its agricultural land and industries for the long-term production of food and other agricultural products, and for the economic well-being of the citys residents. It is also the intent of the city to balance the rights of farmers to produce food and other agricultural products with the rights of non-farmers who own, occupy, or use land within or adjacent to agricultural areas. It is the intent of this section is to reduce the loss to the area of its agricultural resources by limiting the circumstances under which agricultural operations may be deemed to constitute a nuisance. Nothing in this chapter shall be construed to limit the right of any owner of real property to request that the city consider a change in the zoning classification of his property in accordance with the procedures set forth in the La Quinta Development Code.
 - 2. Policies.

- a. No agricultural activity, operation, or facility, or appurtenances thereof, in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than three years if it was not a nuisance at the time it began.
 - b. This section shall not invalidate any provision contained in the Health and Safety Code, Fish and Game Code, Food and Agricultural Code, or Division 7 (commencing with Section 13000) of the Water Code of the State of California, if the agricultural activity, operation, or facility, or appurtenances thereof, constitutes a nuisance, public or private, as specifically defined or described in any such provision.
 3. This section is not to be construed so as to modify abridge the state law set out in the California Civil Code relative to nuisances, but rather it is only to be utilized in the interpretation and enforcement of the provisions of county ordinances and regulations.
- F. Notice to Buyers of Land.
1. The Director shall cause the following notice to be included on all tentative land division proposed that lies partly or wholly within, or within three hundred feet of any land zoned for primarily agricultural purposes:

Lot(s) No. _____, as shown on this map, is (are) located partly or wholly within, or within three hundred feet of land zoned for primarily agricultural purposes by the County of Riverside and the City of La Quinta. It is the declared policy of the City of La Quinta that no agricultural activity, operation, or facility, or appurtenances thereof, conducted or maintained for commercial purposes in the city, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than three years, if it was not a nuisance at the time it began. The term "agriculture activity, operation, or facility, or appurtenances thereof" includes all uses permitted in the Agricultural Overlay District, and includes, but is not limited to, equestrian activities, the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural commodity, including timber, viticulture, apiculture, or horticulture, the raising of livestock, for bearing animals, fish, or poultry, and any practices performed by a farmer or on a farm as incident to or in conjunction with such

farming operations, including preparation for market, delivery to storage or to market, or to carriers for transportation to market.

2. The city engineer shall cause the notice described in subsection 1 to be included on any final land division proposed for recordation that lies partly or wholly within, or within three hundred feet of, any land zoned for primarily agricultural purposes.
- G. Preservation of Agricultural Land Uses in Perpetuity. Any land owner wishing to continue a land use listed in Table 9-10, Permitted Uses in the Agricultural/Equestrian Residential District, may, at any time, exercise his or her rights under Chapter 9.190: Transfer of Development Rights. (Ord. 489 § 1, 2011; Ord. 368 § 1 (Exh. A), 2002)

Chapter 9.150 PARKING

9.150.010 Purpose and intent.

- A. Purpose. These regulations are intended to: (1) provide for off-street parking of motor vehicles attracted by the various land uses in the city; (2) ensure the health, safety and welfare of the public by preventing obstruction of rights-of-way and fire lanes; and (3) provide for properly designed parking facilities with adequate numbers of parking spaces in order to reduce traffic congestion, promote business and enhance public safety.
- B. Parking Required. Off-street parking is required for all land uses in accordance with this chapter. In the Village Commercial district, any variation on the parking standard can be approved by the Director. (Ord. 284 § 1 (Exh. A), 1996)

9.150.020 Approval of parking facilities.

- A. Permits Required. Except for single-family and duplex residences, establishment of all off-street parking facilities shall be subject to approval of a site development permit in accordance with Section 9.210.010 unless the parking facilities were previously approved in conjunction with a conditional use permit or site development permit and no changes in intensity of use are being proposed. A grading permit shall also be required unless exempted under the city's grading code.
- B. Design Modifications Approved by Director. The Director may, without notice or hearing, permit modifications to the design of parking lots. (Ord. 284 § 1 (Exh. A), 1996)

9.150.030 Provision of parking facilities.

- A. Entities Authorized to Provide Parking. Off-street parking may be provided for a particular land use by any or a combination of the following entities (so long as the appropriate guarantees described in subsection B of this section remain in effect):
1. On property containing the use: the property owner, lessee or agent of the use for which the parking is required; or
 2. On an adjacent or nearby property under the same ownership: the property owner, lessee or agent of the use for which the parking is required; or
 3. On an adjacent property not under the same ownership: an approved adjacent property owner, lessee or agent who reserves spaces on a contract basis for the adjacent use; or
 4. On an adjacent or nearby property not under the same ownership:
 - a. An approved private (for-profit or not-for-profit) parking company which reserves, sells, leases or rents adjacent or nearby parking spaces for that use, or
 - b. An approved private parking association (such as in a shopping center) which creates and allocates parking spaces as credits or shares available to its subscribers/members to meet their parking requirements, or
 - c. A duly authorized public entity (parking district, assessment district, or similar agency) among whose powers include the authority to acquire and make available parking spaces and maneuvering areas, pedestrian walkways, shade structures, landscaping and other improvements.
- B. Continuation of Off-Street Parking Required.
1. The validity of any permit to use property shall be directly contingent on the continued provision and proper functioning of required off-street parking. Failure to continue to provide the required parking in the approved usable condition shall be reason for immediate revocation of all permits for use of the property on the grounds that such parking deficiency constitutes a threat to the public health, safety and welfare.
 2. The owner of any property for which off-street parking is required shall be directly responsible for the continued provision of such parking.
 3. The user of any property for which off-street parking is required shall demonstrate to the satisfaction of the city that the continued

provision of the required parking has been adequately guaranteed for a period of at least as long as the permitted use. Forms of guarantee which may be required by the city include, but are not limited to, the following:

- a. The inclusion of exclusive or joint use rights for the required parking spaces in the lease for structural space on the same property;
- b. A recorded covenant merging together two properties under the same ownership which subordinates all other use claims and obligations to the provision of the required parking on the adjacent parcel.
- c. A contract for parking on other parcels, either:
 - i. A noncancellable provision, or
 - ii. The earliest expiration or cancelable date for parking facilities occurring simultaneously with or after the time limit for the use requiring the parking, or
 - iii. A bond or other acceptable equivalent instrument in favor of the city which guarantees, in the event of the contract cancellation, termination or expiration, suit, court jurisdiction or other occurrence which has the effect of rendering the required parking spaces unavailable, the continued provision of the required parking by means of alternate arrangements. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.150.040 Parking location and accessibility.

A. Location.

1. Residential Uses. Required parking shall be located on the same parcel as the residential building which the parking serves, except that such parking may be located on an adjacent parcel if all of the following conditions are met:
 - a. The adjacent parcel is and continues to be under the same ownership as that of the residential building;
 - b. The parking is on that portion of the parcel where the erection of garages, carports or shade structures is permitted; and
 - c. The placement and distribution of required parking spaces are such that for any dwelling unit, the assigned or reasonably available parking spaces are no further than one hundred feet by walkway to the entry of that dwelling unit.
2. Nonresidential Uses.

- a. Required parking shall be located on the same parcel as the use served, on an adjacent parcel or on a parcel across an alley. Required parking may also be located across a street (other than a major or primary arterial) provided a properly designed crosswalk connects the parking with the use(s) served.
 - b. Required parking spaces shall be within three hundred feet of the uses served by the parking and shall be located in a commercial district.
3. Amended Provisions per Specific Plans. Amended provisions relating to parking location, configuration, and other matters may be imposed in conjunction with a specific plan.
- B. Accessibility.
1. All required off-street parking spaces shall be designed, located, constructed and maintained so as to be fully usable and accessible at all times.
 2. Required off-street parking facilities and driveways shall not be used for any purpose which at any time would preclude the use of the area for the temporary storage of motor vehicles.
 3. Unless otherwise provided by an approved discretionary permit, no owner or tenant shall lease, rent or otherwise make unavailable to intended users any off-street parking spaces required by this chapter.
 4. Required parking spaces shall not be used for the storage of vehicles unless such storage is calculated into the required parking formula.
 5. No required parking spaces shall be used for the display of vehicles for sale unless part of a permitted vehicle sales use.
 6. If an area of parking is for park-and-ride programs, such area shall be in addition to the required parking area. If no additional area is provided for such purposes, the owner/operator of the parking lot shall arrange for part of the parking lot, at peak usage hours, to have encroaching parking removed by means of tickets and/or towing. (Ord. 505 § 1, 2012; Ord. 284 § 1 (Exh. A), 1996)

9.150.050 Determination of spaces required.

- A. Method of Determination. Off-street vehicle parking requirements shall be determined and provided in accordance with this section when the subject building or structure is constructed or a use is established or changed. In determining such off-street parking requirements, the city may use the alternative methods described in this section. The city reserves the option of requiring the use of more than one of these methods, depending on the type, size and mix of uses in a proposed

- development. In the Village Commercial district, any variation on the parking standard can be approved by the Director.
- B. Alternative Methods. Section 9.150.060 specifies the standard number of parking spaces required for most land uses. This schedule is required unless the applicant can show to the satisfaction of the city decision-making authority that it does not apply. Other alternative methods herein below may then be employed to determine the required parking spaces:
1. A recognized authority's shared parking methodology for calculating the peak demand over time for parking in a development of mixed uses using the same parking facilities as specified in Section 9.150.070;
 2. A city methodology for calculating the parking demand for extremely complex or unusual uses or combinations of uses for which the standard schedule, a recognized authority's methodology and/or verifiable data are not applicable. Some or all of the following factors may be utilized in this methodology: expected numbers of occupants, employees, customers or visitors, vehicles stationed on the site, service and loading spaces required, handicapped spaces required, emergency access considerations and use of parking by unauthorized vehicles.
- C. Parking In-Lieu Program in Village Overlay District. The city may permit required parking spaces in the Village Overlay to be reduced through execution of a parking agreement, subject to the following requirements:
1. A binding agreement, recorded against the property, between this city and the property owner. The agreement shall contain, at a minimum, all of the following:
 - a. The agreement shall be binding upon the parties thereto, their heirs, successors and assigns, and shall run with the land;
 - b. A payment schedule with a payment period not exceeding four years. If an assessment/benefit or parking improvement district is established, the obligation of the property owner shall become due and payable under the terms of such district;
 - c. A cash mitigation payment. The amount per space shall be established as determined by the planning and public works departments, plus an inflation factor. The amount will be calculated at the time of agreement execution.
 2. An irrevocable offer from the property owner to participate in any future assessment/benefit or parking improvement district that may be formed in the VC or MU overlay districts.
 3. The money collected may be released to a city-created parking assessment/benefit or parking improvement district, or may be used in the furtherance of general parking improvements in the VC or MU overlay districts, at the option of the city. Any financial

- obligation issued against such property shall be reduced accordingly to the amount of mitigation money paid at the time of the district formation.
4. The property owner shall secure the mitigation payment by providing the city with a second deed of trust in the amount of the total mitigation payment.
- D. Incentive Based Parking Adjustments. In all districts, the following may result in a reduction in parking spaces of up to 15%, subject to approval by the planning commission:
1. Permanent, non-vegetation shade structures covering 50% of all parking spaces.
 2. Increased landscaping and public spaces.
 3. Pedestrian improvements not located in the right of way or project driveways.
 4. Vehicular and non-vehicular connections between projects.
 5. Use of pervious surfaces for drainage, or creative drainage solutions.
 6. New commercial and mixed use development providing preferred parking locations for electric and other alternative fuel vehicles.
 7. Developments that provide a minimum of two (2) parking spaces or 1% of the minimum number of spaces, whichever is greater, for golf carts and neighborhood electric vehicles (NEV) shall receive a parking credit reduction equal to 5 percent (5%) of the standard parking spaces required for that development.

9.150.060 Shared parking.

- A. Reduction in Cumulative Spaces Via Shared Parking. The cumulative parking spaces required for land uses in a given area may be less than the sum of the parking spaces for the individual uses in the area if the city approves a shared parking plan based on one of the following:
1. The approved parking plan was developed and designed based on parking demand established by means of the Urban Land Institutes "shared parking" methodology (as described in ULI: "Shared Parking," 1983) using locally adapted data which consider the Coachella Valley's seasonality and demographics.
 2. The approved parking plan was developed and designed based on the methodology for alternative parking demand determinations in accordance with Section 9.150.050.
 3. In cases where shared parking is desired but insufficient data is available to use either of the preceding methodologies, an

experimental parking arrangement may be temporarily approved subject to all of the following conditions:

- a. Reasonably comparable data from similar joint uses demonstrates to the satisfaction of the city that the joint-use proposal is potentially workable;
 - b. The joint uses are separated in time by a minimum of sixty minutes and/or are for separate days;
 - c. A fifteen percent excess capacity is provided to accommodate unforeseen miscalculation of peak use and/or separation of time;
 - d. The joint time-shared use of parking facilities is a binding part of one or more approved plans for the uses requiring the parking;
- B. Shared Parking Incentive. The approval of a shared parking plan shall entitle the project to an additional 5% FAR over the maximum FAR in the underlying district.

9.150.070 Spaces required by use.

- A. Land Uses Not Listed. If no provisions for the required number of off-street parking spaces are set forth in Tables 9-11 or 9-12 of this section or the provisions are not clear for a specific use, the decision-making authority for the applicable use or project shall determine the number of parking spaces required.
- B. Parking for Residential Land Uses.
1. Table 9-11 contains the minimum number of parking spaces required for each type of residential land use.
Whenever any commercial or industrial use is located on a building site that is also used for residential purposes, parking facilities shall be provided in conformance with Section 9.150.070 (Shared Parking).
- D. Parking for Nonresidential Land Uses.
1. Adequate Parking Required. All nonresidential land uses shall provide off-street parking in compliance with this subsection and with Table 9-12 unless modified by the provisions contained in Section 9.150.050. Table 9-12 sets forth the minimum and maximum requirements for each use. It shall be the responsibility of the developer, owner or operator of any use to provide adequate off-street parking .
 2. Bicycle Parking. In addition to the automobile parking spaces required per Table 9-12, bicycle parking shall be provided for

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certain nonresidential uses in accordance with subsection D3 of this section.

Table 9-11 Parking for Residential Land Uses		
Land Use	Minimum Off-Street Parking Requirement	Additional Requirements
Single-family detached, single-family attached and duplexes	2 spaces per unit in a garage plus 0.5 guest spaces per unit if no on-street parking is available In a garage, tandem parking may be used to meet the above-stated minimum required parking in the RC district only	For all single-family residential zones except RC, parking in excess of the minimum required may be tandem
Employee quarters	One space per unit. This space shall not be tandem.	
Apartments, townhomes and condominiums:		All parking spaces shall be distributed throughout the site to ensure reasonable access to all units.
(1) Studio	1 covered space per unit, plus 0.5 guest spaces per unit	
(2) One- and Two-bedroom	2 covered spaces per unit plus 0.5 guest spaces per unit	
(3) Three or more bedroom	3 covered spaces per unit plus 0.5 covered spaces per each bedroom over three, plus 0.5 guest spaces per unit	
Mobilehome parks	2 covered spaces/unit, which may be in tandem, plus 0.5 guest spaces per unit	
Senior Housing (excluding single family units)	1 covered space per unit, plus 0.5 guest spaces per unit	
Senior group housing/senior citizen hotels and congregate care facilities	0.5 covered spaces per unit plus 0.5 guest spaces per unit	
Lodging and Child Daycare Uses		
Bed and breakfast inns	One space per guest room plus parking for residents as required by this code.	
Boardinghouse, roominghouse, and single room occupancy hotels	1 space per sleeping room	
Child daycare centers, including preschools and nursery schools	1 space per staff member plus 1 space per 5 children. Parking credit may be given if queuing area for more than 4 cars is provided, but resulting parking shall be not less than 1 per staff member plus 1 per 10 children	Stacking analysis may be required to define a drop-off facility that accommodates at least four cars in a continuous flow, preferably one-way, to safely load and unload children

Table 9-11 Parking for Residential Land Uses		
Land Use	Minimum Off-Street Parking Requirement	Additional Requirements
Recreational vehicle parks	One automobile parking space on each recreational vehicle lot plus one space per 20 recreational lots for visitors	

Table 9-12 Parking for Nonresidential Land Uses			
Land Use	Minimum Off-Street Parking Requirement	Maximum Off-Street Parking Requirement	Additional Requirements
Commercial Uses			
Bars and cocktail lounges	1 space per 50 sq. ft. GFA including indoor/outdoor seating areas (see also Restaurants)	1 space per 25 sq. ft. GFA including indoor/outdoor seating areas (see also Restaurants)	
Lumberyards and nurseries	1 space per 1,000 sq. ft. GFA indoor area, plus 1 space per 1,000 sq. ft. of outdoor display or sale area	1 space per 500 sq. ft. GFA indoor area, plus 1 space per 1,000 sq. ft. of outdoor display or sale area	
Model home complexes	10 spaces	N/A	
Personal service establishments	3 spaces per 1,000 s.f.	4 spaces per 1,000 s.f.	
Restaurants: (1) Conventional sit-down, including any bar area	1 space per 125 sq. ft. GFA including indoor and outdoor seating areas	1 space per 75 sq. ft. GFA including indoor and outdoor seating areas	
(2) Drive-through and fast food	1 space per 100 sq. ft. GFA, including indoor and outdoor seating areas, but not less than 10 spaces.	N/A	

Table 9-12 Parking for Nonresidential Land Uses			
Land Use	Minimum Off-Street Parking Requirement	Maximum Off-Street Parking Requirement	Additional Requirements
(1) General retail uses under 100,000 sq. ft. GFA (2) General retail uses 100,000 sq. ft. GFA and greater	1 space per 300 sq. ft. GFA 1 space per 350 sq. ft. GFA	1 space per 250 sq. ft. GFA 1 space per 300 sq. ft. GFA	For shopping centers, freestanding restaurants and non-freestanding restaurant space in excess of 20% of the total shopping center GFA shall be computed separately using the applicable restaurant parking ratio(s)
Furniture and appliance stores	1 space per 1000 sq. ft. GFA	1 space per 750 sq. ft. GFA	
Warehouses, storage buildings or structures used exclusively for storage	1 space per 2,000 sq. ft. of gross area for storage purposes	1 space per 1,000 sq. ft. of gross area for storage purposes	
Mini-storage facilities	1 space per 5,000 sq. ft. plus 2 spaces for any caretaker's unit	N/A	
Office and Health Care Uses			
Convalescent hospitals, nursing homes, children's homes and sanitariums	1 space per 4 beds based on the resident capacity of the facility as listed on the required license or permit		Minimum 30% of required spaces shall be covered by a trellis or carport structure See also senior group housing (senior citizen hotels) under residential uses
General offices, other than medical, dental, banks, savings and loans, credit unions and similar financial	1 space per 300 sq. ft. GFA	1 space per 250 sq. ft. GFA	Minimum 30% of required spaces shall be covered by a trellis or carport

Table 9-12 Parking for Nonresidential Land Uses			
Land Use	Minimum Off-Street Parking Requirement	Maximum Off-Street Parking Requirement	Additional Requirements
institutions			structure Rates are for office uses only. If ancillary uses are included, such as restaurants or retail establishments, parking for such uses must be provided per their applicable rates
Hospitals	1.75 spaces per bed		
Medical or dental offices/clinics	1 space per 200 sq. ft. GFA	1 space per 175 sq. ft. GFA	Minimum 30% of required spaces shall be covered by a trellis or carport structure
Veterinary hospitals and clinics	1 space per 400 sq. ft. GFA exclusive of overnight boarding areas	1 space per 300 sq. ft. GFA exclusive of overnight boarding areas	
Automotive Uses			
Automobile repair facilities	1 space per 250 sq. ft. of sales area	1 space per 200 sq. ft. of sales area, plus 2 spaces per service bay	
Automobile Fueling: (1) Without retail sale of beverage and food items	1 space per 500 sq. ft. GFA	N/A	
(2) With retail sale of beverage and food items	1 space per 400 sq. ft. GFA	N/A	

Table 9-12 Parking for Nonresidential Land Uses			
Land Use	Minimum Off-Street Parking Requirement	Maximum Off-Street Parking Requirement	Additional Requirements
Automobile, truck, boat, and similar vehicle sales or rental establishments	1 space per 500 sq. ft. GFA (not including service bays), plus 1 spaces per service bay	N/A	Parking is for customers and employees, and is not to be used for display.
Car washes: (1) Full-service	10 spaces. (vacuuming or drying areas shall not be counted as parking spaces)	N/A	Applicant may be required to submit a parking study which includes a stacking analysis for the proposed facility
(2) Express-service	2 spaces per facility (wash bays shall not be counted as parking spaces)	N/A	
Industrial Uses			
General manufacturing, research and development and industrial uses	1 space per 500 sq. ft. GFA	N/A	
Warehousing and distribution space	1 space per 1,000 sq. ft. GFA		
Assembly Uses			
Auditoriums, theaters, cinemas	1 space per 3 seats	1 space per 2.5 seats	18 lineal inches of bench shall be considered 1 fixed seat.
Churches, temples and similar places of assembly	1 space per 5 seats of assembly area	1 space per 3 seats of assembly area	18 lineal inches of bench shall be considered 1 fixed seat. Parking will be required at the same rate for other auditoriums, assembly halls or classrooms to be used concurrently with the main

Table 9-12 Parking for Nonresidential Land Uses			
Land Use	Minimum Off-Street Parking Requirement	Maximum Off-Street Parking Requirement	Additional Requirements
			auditorium
Nightclubs, dancehalls, lodge halls and union halls	1 space per 50 sq. ft. GFA, plus required parking for other uses on the site	1 space per 35 sq. ft. GFA, plus required parking for other uses on the site	
Mortuaries and funeral homes	1 space for every 5 seats of assembly room floor area	1 space for every 3 seats of assembly room floor area, plus 1 space for each vehicle stored onsite, plus 5 spaces for employees	
Community centers	1 space per 300 sq. ft. GFA	1 space per 200 sq. ft. GFA	
Lodging and Child Daycare Uses			
Daycare centers, including preschools and nursery schools	1 space per 300 sq. ft. GFA, plus 1.5 spaces per employee	1 space per 250 sq. ft. GFA, plus 1.5 spaces per employee	Stacking analysis shall be required to define a drop-off facility that accommodates safely loading and unloading children
Hotels & Motels	1.3 spaces per guest bedroom. plus required parking for other uses on the site	1.1 spaces per guest bedroom plus required parking for other uses on the site	
Timeshare facilities, fractional ownership and similar facilities	1.5 spaces per dwelling or guest unit plus required parking for other uses on the site	1.3 spaces per dwelling or guest unit plus required parking for other uses on the site	
Recreational Uses			

Table 9-12 Parking for Nonresidential Land Uses			
Land Use	Minimum Off-Street Parking Requirement	Maximum Off-Street Parking Requirement	Additional Requirements
Arcade, game and video	1 space per 200 sq. ft. GFA		
Billiard or pool establishments	1 space per 150 sq. ft. GFA	1 space per 100 sq. ft. GFA	
Bowling alleys	4 spaces per alley plus required parking for other uses on the site	5 spaces per alley plus required parking for other uses on the site	
Golf Uses: (1) Driving ranges	1 space per tee, plus the spaces required for additional uses on the site	N/A	
(2) Pitch and putt, par three and miniature golf courses	3 spaces per hole, plus the spaces required for additional uses on the site	N/A	
(3) Regulation courses	5 spaces per hole, plus the spaces required for additional uses on the site	8 spaces per hole, plus the spaces required for additional uses on the site	
Tennis courts, Handball/racquetball, and other court-based facilities	3 spaces per court	4 spaces per court	
Health clubs, membership gyms and commercial swimming pools	1 space per 200 sq. ft. GFA (for purposes of this use, swimming pool area shall be counted as floor area)	1 space per 150 sq. ft. GFA (for purposes of this use, swimming pool area shall be counted as floor area)	
Libraries/museums	1 space per 300 sq. ft. GFA	1 space per 200 sq. ft. GFA	
Shooting ranges	1 space per shooting station plus 5 spaces for		

Table 9-12 Parking for Nonresidential Land Uses			
Land Use	Minimum Off-Street Parking Requirement	Maximum Off-Street Parking Requirement	Additional Requirements
	employees		
Skating rinks, ice or roller	1 space per 250 sq. ft. GFA=	1 space per 200 sq. ft. GFA	
Stables, commercial	1 space per each 5 horses kept on the premises	1 space per each 4 horses kept on the premises	
Public and Semipublic Uses			
Public utility facilities not having business offices on the premises, such as electric, gas, water, telephone facilities	1 space per employee plus 1 space per vehicle used in connection with the facility	N/A	
Schools: (1) Elementary and junior high or middle schools	2spaces/classroom10 spaces per classroom	N/A	
(2) Senior high schools	20 spaces per classroom	N/A	
(3) Colleges, universities and institutions of higher learning	20 spaces per classroom	N/A	
(4) Trade schools, business colleges and commercial schools		N/A	

3. Required Bicycle Parking. Bicycle parking shall be provided for certain nonresidential uses in order to encourage the use of bicycles and to mitigate motor vehicle pollution and congestion. The minimum bicycle parking requirements for nonresidential uses are as follows:

- a. Land uses required to provide bicycle parking equal to minimum three percent of the total parking spaces required per Table 9-12 include: video arcades, bowling alleys, cinemas/movie theaters, commercial recreation, tennis clubs, health clubs, libraries, schools, and skating rinks.

- b. Land uses required to provide a minimum of five bicycle parking spaces include: churches, clubs/halls, hospitals and restaurants (all categories).
- c. Land uses required to provide a minimum of one bicycle parking for every twenty-five thousand square feet of gross floor area include governmental, general, medical and financial office uses.
- d. In addition to the requirements of subsections (D)(2)(a) through (c) of this section, retail centers shall provide five bicycle parking spaces for each tenant having over twenty thousand square feet of gross floor area. The spaces shall be provided at or near the major tenant's main entry.
- e. Bike racks shall be placed in shaded locations, out of the way of pedestrian flows and shopping cart storage and shall be provided with a mechanism which permits locking a bicycle onto the rack. (Ord. 505 § 1, 2012; Ord. 361 § 1 (Exh. A), 2001; Ord. 325 § 1 (Exh. A), 1998; Ord. 284 § 1 (Exh. A), 1996)

9.150.080 Parking facility design standards.

A. Parking Layout and Circulation.

- 1. Except for single-family detached, single-family attached, duplex and townhome residential uses, no parking facility shall be designed so that vehicles are required to back into a public street to exit the facility.
- 2. No parking space shall be located within three feet of any property line.
- 3. With the exception of single-family detached, single-family attached and duplex residential uses, all parking bays shall be bordered by continuous curbs. Individual wheel stops shall not be permitted in lieu of such curbs.
- 4. All driveways shall be designed for positive drainage.
- 5. Parking bays with ten spaces or more shall connect with other parking bays or drive aisles or shall provide a turnaround area at the end of the bay.
- 6. Parking accessways are those driveways that provide ingress or egress from a street to the parking aisles, and those driveways providing interior circulation between parking aisles. No parking is permitted on an accessway.
- 7. Joint entry driveways are encouraged and shall be arranged to allow parking lot maneuvering from one establishment to another without requiring exit to the street. Adjacent properties shall

maintain agreements which permit reciprocal driveway connections across property lines.

B. Parking Facility Design and Dimensions.

1. **Regular Space Dimensions.** Regular vehicle spaces shall have the following minimum dimensions: width, nine feet; length, seventeen feet to curb plus two feet overhang; where curbs are not provided, a minimum length of nineteen feet is required.
2. **Compact Space Dimensions.** Compact parking spaces can make up 20% of required parking spaces. Compact vehicle spaces shall have the following minimum dimensions: width, eight and one-half feet; length, sixteen feet to curb plus one and one-half feet overhang; where curbs are not provided, a minimum length of seventeen and one-half feet is required. Compact vehicle spaces shall be clearly marked and distributed throughout the parking facility.
3. **End Spaces.** Parking spaces at the end of a parking aisle against a curb or wall shall be widened by two additional feet and/or shall have a backing-out pocket provided.
4. **Parallel Spaces.** Spaces provided for parallel parking shall be a minimum of nine feet wide and twenty-four feet in length to permit room for maneuvering. If a wall or curb in excess of eight inches in height is adjacent to the parallel parking space, the space shall be ten feet in width. All end spaces confined by a curb shall be thirty feet long.
5. **Support Posts.** No support posts or other obstructions shall be placed within one and one-half feet of any parking stall, except that such obstructions are allowed adjacent to the stall within the first six feet of the front of the stall, including any overhang area (see illustration).

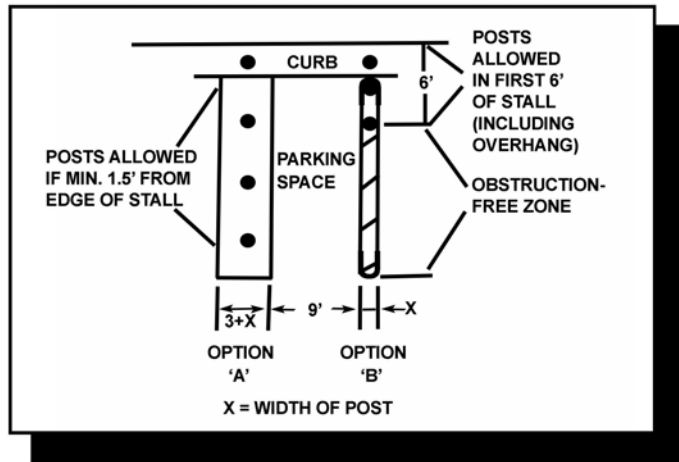


Figure 9-10: Limitations on Obstructions Adjacent to Parking Stalls

6. Parking Aisles. Table 9-13 contains minimum dimensions for parking aisles:

Table 9-13 Minimum Parking Aisle Dimensions		
Parking Angle (degrees)	One-Way Aisle Width (feet)	Two-Way Aisle Width (feet)
0—44 (0° = parallel)	14	26
45—54	16	26
55—64	18	26
65—79	22	26
80—90	26	26

7. Space Marking. All parking spaces in a residential or nonresidential parking lot shall be clearly marked with white or yellow paint or other easily distinguished material with each space marking consisting of a double four inch wide hairpin stripe, twelve inches on-center.

8. Residential Garages. Minimum interior dimensions in residential garages (wall-to-wall) shall be based on providing ten feet in width and twenty feet in depth, per required vehicle parking space. This applies to design of all required garage parking spaces, whether in a tandem parking or side-by-side configuration.

C. Fire Lanes. Fire lanes shall be provided as required by the Fire Department.

D. Pedestrian Circulation.

1. All parking lots shall be designed to provide for the maximum safety and convenience of pedestrians in their movement to and from the parking area.
2. Where possible, landscaped areas shall also contain paved pedestrian walks for the safe movement of pedestrians.
3. On major driveways, crosswalks and sidewalks shall be provided.
4. Textured surfaces, signs and speed bumps shall be used to keep vehicular speeds low.

E. Loading and Other Service Facilities.

1. Off-Street Loading Requirements. Table 9-14 shows the number and size of loading berths required to satisfy the standards set forth in this subsection. However, the planning commission may require more or less loading area if it determines such change to be necessary to satisfy the purpose set forth in subsection (E)(1)(a) of this section:

Table 9-14 Number of Loading Berths Required by Floor Area	
Gross Floor Area (sq. ft.)	Minimum Loading Berths Required
1,000—19,999	1
20,000—79,000	2
80,000—127,999	3
128,000—191,999	4
192,000—255,999	5
256,000—319,999	6
320,000—391,999	7
Each additional 72,000 square feet or fraction thereof	1 additional berth

- a. Each loading berth shall be not less than forty-five feet in length and twelve feet in width exclusive of aisle or maneuvering space, and shall have an overhead clearance of not less than fourteen feet.
- b. Loading berths may occupy all or any part of any required yard space except front and exterior side yards and shall not be located closer than fifty feet from any lot in any residential zone unless enclosed on all sides (except the entrance) by a wall not less than eight feet in height. In addition, the planning commission may require screening walls or enclosures for any loading berth if it determines that such screening is necessary to mitigate the visual impacts of the facility.

- c. Off-street loading facilities shall be located on the same site as the use served.
 - d. No area allocated to loading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading facilities.
 - e. No loading berth which is provided for the purpose of complying with the provisions of this section shall hereafter be eliminated, reduced, or converted in any manner below the requirements established in this title, unless equivalent facilities are provided elsewhere, conforming to this chapter.
- F. Parking Lot Surfacing.
1. All parking areas shall be designed and built with positive drainage to an approved drainage conveyance. No ponding shall be permitted.
 2. All parking and maneuvering areas shall be paved with paving blocks or asphaltic or portland concrete over the appropriate asphaltic base. The structural section of the pavement and base material shall be commensurate with the anticipated loading and shall be calculated in accordance with the method promulgated by the California Department of Transportation (Caltrans).
- G. Valet Parking.
1. Valet parking shall be reviewed by the planning commission in conjunction with the site development permit or other entitlement for the use or separately as a minor use permit per the procedures of Section 9.210.020.
 2. When valet parking is provided, a minimum of twenty-five percent of the required parking area shall be designated and arranged for self-parking to prevent on-street parking and blocking of fire lanes.
- H. Shopping Cart Storage.
1. Every use which utilizes shopping carts shall provide a shopping cart collection area or cart racks.
 2. Cart racks shall be distributed so that no parking space within the facility is more than 100 feet from the nearest cart rack in order to prevent parking spaces from being lost to the random abandonment of shopping carts.
 3. Each cart rack shall include either a steel frame or curbs on the lower side to contain the shopping carts.
 4. If sidewalks adjacent to stores are used for temporary storage of assembled shopping carts, such sidewalks shall be designed with extra width so that pedestrian flows are not blocked by shopping carts. The planning commission may also require a screening wall or landscape screening in front of such a cart storage area.
- I. Underground and Decked Parking.

1. The minimum dimensions for underground, decked or covered parking shall be as required for uncovered surface area parking as specified throughout this section, except additional minimum dimensions may be required for specific circulation conditions or structural impediments created by the parking structure.
 2. Landscaping shall be incorporated into parking structures to blend them into the environment. This shall include perimeter grade planting and rooftop landscaping as deemed appropriate by the planning commission.
 3. Parking structures shall be subject to site development permit review in all cases.
 4. Multiple-level parking structures shall contain light wells (minimum dimensions: twenty by twenty), placed at least every two hundred feet. The base elevation of the light well shall be landscaped.
 5. The planning commission may require that upper levels be set back from the level immediately below in order to minimize the apparent mass of the structure from the street.
- J. Lighting of Parking and Loading Areas.
1. Illumination of parking and loading areas shall conform to the requirements of this subsection and Section 9.100.150 (Outdoor lighting).
 2. Light standard heights shall be as per manufacturer's recommended photometrics, but in no case shall the height exceed the maximum permitted building height of the zone in which it is situated or eighteen feet (measured from finish grade at the base of the standard), whichever is greater. Graduated light standard heights within a site with lower heights in peripheral areas may be required by the planning commission to provide compatibility with adjoining properties and streets.
 3. Average illumination levels at finish grade in parking areas which require lighting shall be between one and two footcandles, with a maximum ratio of average light to minimum light of three to one. Lighting plans shall take into account the placement and growth of landscape materials.
- K. Screening of Parking Areas.
1. Screening Required. Except for single-family detached, single-family attached and duplex residential, all parking areas shall be screened by means of walls or other materials in accordance with this subsection.
 2. Height. Screening shall be a minimum of three feet high adjacent to public streets or nonresidential uses and a minimum of six feet high adjacent to residential uses, except that screening shall not exceed

thirty inches high where required for motorist sight distances as specified in Section 9.100.030.

3. Screening Walls.
 - a. Wall Materials. Walls shall consist of concrete, stucco, plaster, stone, brick, tile or similar type of solid material a minimum of six inches thick. Walls shall utilize durable materials, finishes, and colors consistent with project buildings.
 - b. Wall Articulation. To avoid visual monotony, long straight stretches of wall or fence shall be avoided. Walls and fences shall be varied by the use of such design features as offsets (i.e., jogs), pilasters, open panels (e.g., containing wrought iron), periodic variations in materials, texture or colors, and similar measures. Screening walls or fences may also include open portions (tubular steel, wrought iron, etc.) if the city determines that the desired screening of parking areas and noise attenuation is still achieved.
 - c. Wall Planting. Shrubs and/or vines shall be planted on one or both sides of perimeter walls to add visual softening except where determined infeasible or unnecessary by the city.
4. Other Screening Materials. In addition to walls, if approved by the decision-making authority, screening may consist of one or a combination of the following materials:
 - a. Plant Screens and Berms. Plant materials, when used as a screen, shall consist of compact evergreen plants or landscaped berms (earthen mounds). Such planting shall be of a kind or used in such a manner so as to provide screening with a minimum thickness of two feet within eighteen months after initial installation. Width of landscape strips and other landscaping standards shall be in accordance with subsection M of this section.
 - b. Solid Fences. If permitted in the zoning district, a solid fence shall be constructed of wood or other materials with a minimum nominal thickness of two inches and shall form an opaque screen.
 - c. Open Fences. An open weave or mesh-type fence shall be combined with plant materials to form an opaque screen.

L. Parking Facility Landscaping.

1. Purpose. Landscaping of parking lots is beneficial to the public welfare in that such landscaping minimizes nuisances such as noise and glare, provides needed shade in the desert climate, and enhances the visual environment. Therefore, landscaping shall be incorporated into the design of all off-street parking areas in accordance with this subsection.

2. Preservation of Existing Trees. Where trees already exist, the parking lot shall be designed to preserve as many such trees as feasible (in the opinion of the decision-making authority) in order to make the best use of the existing growth and shade.
3. Screening. Screening of parking areas shall be provided in accordance with subsection L of this section.
4. Perimeter Landscaping. Whenever any parking area, except that provided for single-family dwellings, adjoins a street right-of-way, a perimeter planting strip between the right-of-way and the parking area shall be landscaped and continuously maintained. The width of the planting strip, measured from the ultimate property line (i.e., after street dedication), shall be in accordance with Table 9-15. (See also Nonresidential Development Standards, Chapter 9.90.)

Table 9-15 Required Perimeter Landscaping	
Street or Highway	Minimum Width of Planting Strip (feet)
Highway 111	50
Image corridors	20
Other streets and highways	10

5. Interior Landscaping.
 - a. Within open parking lots (i.e., not including parking structures) containing four or more parking spaces, landscaping equal to at least five percent of the net parking area shall be provided within parking areas. Perimeter planting strips shall not be credited toward this interior landscaping requirement.
 - b. All open areas between curbs or walls and the property line shall be permanently landscaped and continuously maintained. (See also Nonresidential Development Standards, Chapter 9.90.)
 - c. Interior landscaping shall be distributed evenly throughout the entire parking area.
 - d. All landscaped areas shall be separated from adjacent parking or vehicular areas by a curb at least six inches higher than the parking or vehicular area to prevent damage to the landscaped area.
6. Parking Lot Shading. Canopy-type trees shall be placed so as to shade a portion of the total parking area within fifteen years in accordance with Table 9-16.

Table 9-16 Required Parking Lot Shading	
Minimum Required Parking Spaces	Minimum Percent of Parking Area to be Shaded
0–4	n/a
5 or more	50

- a. A shade plan shall be submitted with detailed landscaping plans which shows canopies after fifteen years growth to confirm compliance with the above percentage requirements.
 - b. Shade structures, such as trellises, may be credited for up to fifty percent of the required parking lot shading specified in Table 9-16.
 - c. Tree locations should not interfere with required lighting of public areas or parking areas.
7. Landscaped Planters. All planter beds containing trees shall be at least six feet in width or diameter. All landscape planter beds not containing trees shall be at least three feet in width or diameter.
 8. Curbs Required. All landscaped areas shall be separated from adjacent parking or vehicular areas by a curb or landscape planter at least six inches higher than the parking or vehicular area.
 9. Irrigation. Effective full-coverage irrigation systems shall be installed and maintained in all landscaped areas so that landscaping remains in a healthy growing condition and in compliance with the approved plan. All dead vegetation shall be removed and replaced with the same size and species plant material. Hose bibs shall be placed at intervals of not less than two hundred feet. Irrigation water shall be contained within property lines.
 10. Landscaping of Undeveloped Areas. All undeveloped areas within the interior of any parking area, such as pads for future development, shall be landscaped with appropriate plant material and maintained in good condition.
 11. Landscape Plans. Landscape plans shall be submitted in conjunction with grading and other development plans for all parking facilities with four or more spaces, except for single-family detached, single-family attached and duplex residential. Plans shall include all planting, hardscape, irrigation and other items required by this subsection. Plant lists shall be included giving the botanical and common names of the plants to be used and the container size at time of planting.
- M. Nonconforming Parking. The continuation of uses with parking which does not conform to the provisions of this Chapter 9.150 shall be subject to the provisions of Chapter 9.280 (Nonconformities). (Ord. 505 § 1, 2012; Ord.**

414 § 1, 2005; Ord. 361 § 1 (Exh. A), 2001; Ord. 299 § 1, 1997; Ord. 284 § 1 (Exh. A), 1996)

9.150.090 Handicapped parking.

Handicap Parking Facilities Required. Public accommodations or facilities, including industrial, commercial, professional, institutional and multifamily dwellings of five or more units, shall provide parking spaces for the physically handicapped in compliance with the federal Americans with Disabilities Act (ADA). (Ord. 284 § 1 (Exh. A) (part), 1996)

9.150.100 Nonconforming parking.

- A. Continuation of Uses. A use which was a legal use on the effective date of this code shall be allowed to continue in operation at whatever parking ratio was in effect at the time the use was established, provided such use was properly permitted and parked in accordance with the regulations in effect at that time.
- B. Expansions and Additions. Unless otherwise provided in this Code, any additional uses, intensifications of use, expansions or changes of use which generate a need for added parking shall comply with Chapter 9.150 (Parking). Only the changed portion of the use will be required to conform to said chapter unless an overriding public safety issue, confirmed by the planning commission and the city council, requires a redesign of the existing parking. (Ord. 284 § 1 (Exh. A) (part), 1996)

Chapter 9.160 SIGNS

9.160.010 Purpose and intent.

Purpose. These regulations are intended to implement the goals and policies of the general plan by:

- A. Providing minimum standards to safeguard and enhance property values and protect public and private investment in buildings and open spaces;
- B. Preserving and improving the appearance of the city as a place to live, work and visit;
- C. Encouraging sound signing practices to aid business and provide directional information to the public;
- D. Ensuring that signs effectively identify business and other establishments;
- E. Preventing excessive and confusing signing displays;
- F. Reducing traffic hazards and promoting the public health, safety and welfare by minimizing visual competition among signs. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.160.020 Exempt signs.

A. Signs Not Requiring Sign Permits. The signs listed in Table 9-17 following do not require a sign permit nor shall their area and number be included in the aggregate area or number of signs permitted for any premises or use. However, this exemption shall not be construed as relieving the sign owner of the responsibility of: (1) obtaining any building or other permits required for sign erection, if any; (2) proper sign maintenance; or (3) compliance with applicable provisions of this chapter or of any other law or ordinance. Exempt signs shall not be illuminated nor placed within any public right-of-way unless specifically permitted herein below.

Table 9-17 Exempt Signs Not Requiring a Sign Permit*			
Sign Type	Placement	Maximum Area	Illumination
1. Official notices issued by any court or public body or officer and notices posted by any public officer in the performance of a public duty or by any person giving legal notice	n/a	n/a	n/a
2. Within residential districts, address or identification signs	Building-mounted	1 sq. ft. aggregate	Required
3. Signs located in the interior of any building or enclosed outdoor area which are designed and located to be viewed exclusively from within such building or outdoor area	n/a	n/a	Yes
4. Tablets, stained glass windows or dates of erection cut into the surface of a wall or pedestal or projecting not more than two inches	Building-mounted or freestanding	3 sq. ft.	No
5. Directional, warning or informational signs required by or authorized by law or by a governmental authority, including signs necessary for the operation and safety of public utility uses	n/a	n/a	Yes
6. Incidental accessory signs and placards (e.g., open/closed signs, six signs maximum per premises)	Window or building-mounted	3 sq. ft. aggregate	No
7. Temporary decorations clearly incidental and customary and commonly associated	n/a	n/a	Yes

Table 9-17 Exempt Signs Not Requiring a Sign Permit*

Sign Type	Placement	Maximum Area	Illumination
with any national, local or religious holiday, provided such signs are erected no earlier than forty-five days from the applicable holiday and removed within twenty-one days after the applicable holiday.			
8. Sculptures, fountains, mosaics and design features which do not incorporate advertising or premise identification	n/a	n/a	Yes
9. Property signs (e.g., “No Trespassing,” “No Parking,” etc.), informational/directional signs (e.g., “Restrooms,” “Exit,” etc.) and warning signs (e.g., “High Voltage”)	Building-mounted or freestanding	3 sq. ft.	Yes
10. Vehicular directional signs used to identify street entrances and exits, maximum three feet if freestanding	Building-mounted or freestanding	3 sq. ft.	Yes
11. Directional pavement marking	n/a	n/a	n/a
12. Newspaper stand identification	n/a	3 sq. ft.	No
13. Within commercial districts, chalkboards or small placards (e.g., restaurant menu boards)	Building-mounted	3 sq. ft.	Indirect only
14. Vending machine signs and automatic teller signs	n/a	n/a	Yes
15. Directional and nonprofit public information signs for public, quasi-public, and nonprofit uses on public or private property, adjacent to an arterial thoroughfare. Number, shape, location and height (maximum 6 feet) of signs shall be approved by the director of planning and public works	Freestanding	n/a	No
16. Within commercial zones, temporary information window signs fronting on a street, parking lot or common on-site area, not covering more than 25% of the area of the window(s) within which they are placed for a period not to exceed 14 days nor more than 6 times per calendar year. No more than 3 signs per elevation with windows may be installed at any one time	Window-mounted	No one window sign shall exceed 4’ high or 8’ long (32 sq. ft.)	No

Table 9-17 Exempt Signs Not Requiring a Sign Permit*			
Sign Type	Placement	Maximum Area	Illumination
17. Within residential zones, temporary decorative flags clearly incidental which may or may not be associated with any national, local or religious holiday	Building-mounted	7 sq. ft.	No
18. Temporary for sale, lease, open house, or rent signs located on the subject property. One sign per street frontage.	Freestanding	6 sq. ft., 4 feet high. Aggregate not to exceed 12 sq. ft.	No
19. Temporary for sale, lease, open house, or rent signs located on commercial/ten acre residential parcels in one ownership. One sign per street frontage	Freestanding	12 sq. ft. 6 ft high. Aggregate not to exceed 24 sq. ft.	No
Signs in residential districts requiring a permit	See Section 9.160.040		
Signs in nonresidential districts requiring a permit	See Section 9.160.050		
Temporary and semi-permanent signs	See Sections 9.160.060 and 9.160.070		

* In this table:
 " n/a" means not applicable or no restriction
 " Building-mounted" means signs mounted flush-to-wall only

B. Repainting. The repainting of a sign in original colors shall not be considered an erection or alteration which requires sign approval unless a structural, text or design change is made. (Ord. 468 § 1, 2009; Ord. 394 § 2 (Exh. A) (part), 2003; Ord. 293 § 1 (part), 1996; Ord. 284 § 1 (Exh. A) (part), 1996)

9.160.030 General sign standards.

- A. Applicability. Signs in the city of La Quinta, including exempt, permanent, semipermanent and temporary signs, are subject to the general standards of this section.
- B. Planned Sign Programs. Planned sign program review is required, per the provisions of Section 9.160.090D, for submissions which: (1) include three or more permanent signs; (2) are in conjunction with review of a site development permit by the planning commission; or (3) include a request

- for a sign adjustment to a sign previously approved under a planned sign program.
- C. Interpretation of Provisions. Where a matter of interpretation arises regarding the provisions of this chapter, the more specific definition or more rigorous standard shall prevail. Whenever the Director determines that the application of any provision of this chapter is uncertain, the issue shall be referred to the planning commission for determination.
- D. Application of Standards. If the director determines that a staff-reviewed sign does not conform to one or more of the general standards set forth in this section, the applicant shall be given the option of modifying the sign or applying for a minor adjustment.
- E. Measurement of Sign Area. Sign area shall be measured as follows:
1. Basic Rule. Sign size or area shall be defined as the entire area of the sign face, including nonstructural perimeter trim but excluding structures or uprights on which the sign is supported.
 2. Window Signs. Window sign area shall be considered to be the entire area of any sign placed on or inside a window and not painted directly on the glass. For signs painted directly on the glass, area measurement shall be the same as that for wall signs, following.
 3. Individual Letters. The area of wall or window signs composed of individual letters painted on or otherwise affixed to the wall or window shall be considered to be the area within the single continuous perimeter encompassed by a straight-line geometric figure which encloses the extreme limits of the letters or other characters.
 4. Double-Faced Signs. If a sign is double-faced with only one face visible from any ground position at one time, its sign area shall be considered to be the area of either face taken separately. Thus, if the maximum permitted sign area is twenty square feet, a double-faced sign may have an area of twenty square feet per face.
 5. Three-Dimensional Signs. If a sign has three or more faces, its sign area shall be considered to be the sum of the areas of each individual face. Thus, if a sign has four faces and the maximum permitted sign area is twenty square feet, the maximum allowable area for each face is only five square feet.
 6. Separated-Panel Signs. The sign area of open or separated panel signs, i.e., those signs having empty spaces between copy panels, shall be considered to be the entire area encompassed by the sign face, including the empty spaces between panels.
- F. Measurement of Sign Height. Sign height shall be measured as follows:
1. Building-Mounted Signs. The height of building-mounted signs shall be measured from the average finish grade directly beneath the sign.
 2. Freestanding Signs. The height of a freestanding sign shall be measured from the top of curb of the nearest street (or the edge of pavement of such street where there is no curb) to the top of the sign or any vertical projection thereof, including supporting columns and/or

design elements. However, in cases where the director determines that a freestanding sign is not oriented to any particular street or is too far from such a street to reasonably apply the foregoing standard, sign height shall be measured from the average finish grade at the base of the sign.

G. Sign Placement.

1. Setback From Street. Freestanding signs shall not be located within five feet of a street right-of-way nor within a corner cutoff area identified in Section 9.100.030D.
2. No Off-Premises Signs. All signs shall be located on the same premises as the land use, business and/or activity identified by the sign, unless specifically permitted to be off-premises under the provisions of this chapter, or incorporated and approved as part of a temporary use permit application.
3. Utility Lines. No sign shall be located closer to overhead utility lines than the distance prescribed by California law or by the rules duly promulgated by agencies of the state or by the applicable public utility.
4. Traffic Safety. No sign shall be located in such a manner as to obstruct free and clear vision of pedestrian and vehicular traffic.
5. Public Right-of-Way. No sign shall be located within, over or across a public right-of-way unless specifically permitted in this chapter.

H. Illumination. Illumination from or upon any sign shall be shaded, shielded, directed or reduced so as to avoid undue brightness, glare or reflection of light on private or public property in the surrounding area so as to avoid unreasonably distracting pedestrians or motorists. "Undue brightness" is illumination in excess of that which is reasonably necessary to make the sign reasonably visible to the average person on an adjacent street. Illuminated signs which face or are adjacent to residentially zoned property shall be restricted to minimize the illumination, glare or reflection of light which is visible from the residentially zoned property.

I. Maintenance. Any sign displayed within the city, together with supports, braces, guys, anchors, and electrical components, shall be maintained in good physical condition, including the replacement of defective parts. Exposed surfaces shall be kept clean, in good repair and painted where paint is required. The Director may request the director of building and safety to order the repair or removal of any sign determined by the director to be unsafe, defective, damaged or substantially deteriorated.

J. Landscaping of Freestanding Signs. All freestanding signs shall include, as part of their design, landscaping and/or hardscaping about their base so as to prevent vehicles from hitting the sign, to improve the overall appearance of the installation, and to screen light fixtures and other appurtenances. The applicant shall maintain all landscape areas in a healthy and viable condition.

K. Inspection. All sign owners and users shall permit the periodic inspection of their signs by the city upon ten days' notice.

- L. Specific Plan Standards to Apply. Signs to be located within the boundaries of a specific plan or other special design approval area shall comply with the criteria established by such plan or area. (Ord. 506 § 1, 2013; Ord. 284 § 1 (Exh. A), 1996)

9.160.040 Permanent signs in residential districts.

Signs identified in Table 9-18 are permitted in residential districts subject to approval of a sign permit per Section 9.160.0

Table 9-18 Permanent Signs Permitted in Residential Districts With a Sign Permit					
Note: Freestanding signs shall not be located within 5 feet of a street right-of-way nor within a corner cutoff area identified in Section 9.60.030.					
Note: "ID" means identification sign.					
Sign Type and Placement	Maximum Number	Maximum Area (sq. ft.)	Maximum Height	Illumination	Additional Requirements
Building-mounted or freestanding project/neighborhood/apartment complex ID sign	2 per entry street (1 if double-faced)	24	6 ft., or top of wall if building-mounted	Indirect only	1 single-faced sign permitted on each sign of street (1 sign only if double-faced)
Building-mounted or freestanding directory sign for multitenant buildings or complexes	1 per entrance to building or complex	18	6 ft.	Indirect only	Signs are to be designed and oriented to direct pedestrian traffic
Building-mounted or freestanding apartment rental (permanent)	1 of either per street frontage	6	6 ft.	Indirect only	Permanent sign giving rental information for buildings or complexes containing 15 or more units
Other uses	1 freestanding	24	6 ft.	Indirect only	1 sign may be changeable copy
	2 building-mounted	24 aggregate	Top of wall		
Signs in nonresidential districts requiring a permit				See Section 9.160.050	

Signs exempt from sign permit approval	See Section 9.160.020
Temporary and semi-permanent signs	See Section 9.160.060 and 9.160.070

(Ord. 284 § 1 (Exh. A) (part), 1996)

9.160.050 Permanent signs in nonresidential districts.

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

Table 9-19 Permanent Signs Permitted in Nonresidential Districts With a Sign Permit					
Notes					
Freestanding signs shall not be located within 5 feet of a street right-of-way nor within a corner cutoff area identified in Section 9.100.030.					
“ID” means identification sign.					
Signs required by law shall be allowed at the minimum size specified by such law.					
Sign Type and Placement	Maximum Number	Maximum Area	Maximum Height	Illumination	Additional Requirements
Freestanding center or complex ID sign for multitenant building or multibuilding shopping center or other commercial or office complex	1 per street frontage	0.25 sq. ft. per lineal ft. of street frontage up to maximum of 50 sq. ft. per sign and 100 sq. ft. aggregate for all signs	8 ft.	Direct or indirect for all signs	Aggregate sign area may not be combined among street frontages. Letter height shall be a minimum 10” high
Building-mounted or permanent window ID signs for individual commercial or office tenants	1 flush-mounted plus 1 under-canopy per tenant frontage along a street or	Flush-mounted: 1 sq. ft. per lineal ft. of lease frontage up to maximum of 50 sq. ft. aggregate	8 ft.	Direct or indirect for all signs	ID signs for tenants above the ground floor in buildings with only interior access above ground floor shall require a

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

Notes
 Freestanding signs shall not be located within 5 feet of a street right-of-way nor within a corner cutoff area identified in Section 9.100.030.
 "ID" means identification sign.
 Signs required by law shall be allowed at the minimum size specified by such law.

Sign Type and Placement	Maximum Number	Maximum Area	Maximum Height	Illumination	Additional Requirements
	along a common-use parking lot with no direct street frontage	Under-canopy: 3 sq. ft.			sign program
Freestanding ID sign for individual commercial or office building	1	50 sq. ft.	8 ft.	Direct or indirect for all signs	Allowed only if building has minimum 200 ft. of street frontage
Building-mounted ID sign for individual commercial or office building	2 (but no more than 1 per each side of building)	1 sq. ft. per lineal ft. of building frontage along a street up to maximum of 50 sq. ft. aggregate	Top of wall	Direct or indirect for all signs	
Building-mounted or freestanding directory sign for multitenant buildings or complexes	1 per entrance to building or complex	18 sq. ft.	Top of wall or 6 ft. if freestanding	Direct or indirect	Signs are to be designated and oriented to direct pedestrian traffic

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

Notes					
Freestanding signs shall not be located within 5 feet of a street right-of-way nor within a corner cutoff area identified in Section 9.100.030. "ID" means identification sign. Signs required by law shall be allowed at the minimum size specified by such law.					
Sign Type and Placement	Maximum Number	Maximum Area	Maximum Height	Illumination	Additional Requirements
Business A-board type signs	1 per business	10 sq. ft. per side	n/a	Indirect only	Signs shall be located no further than 20 feet from the main store entrance, shall not interfere with pedestrian access/ADA compliance, and shall only be placed during business hours
Gas/service stations	1 freestanding sign per street frontage, combining business identification and gas prices 1 building-mounted ID	50 sq. ft. aggregate	8 ft. Top of wall	Direct or indirect for all signs	Allowed only for stations which are not accessory to other uses. Price sign must show the lowest price per gallon of all grades, including taxes

Table 9-19 Permanent Signs Permitted in Nonresidential Districts With a Sign Permit					
Notes					
Freestanding signs shall not be located within 5 feet of a street right-of-way nor within a corner cutoff area identified in Section 9.100.030.					
“ID” means identification sign.					
Signs required by law shall be allowed at the minimum size specified by such law.					
Sign Type and Placement	Maximum Number	Maximum Area	Maximum Height	Illumination	Additional Requirements
Theaters, cinemas and cabarets	1 freestanding and 1 building-mounted sign, of which 1 sign may be combination ID and attraction board	Aggregate allowed: 20 sq. ft. plus 10 sq. ft. per screen/stage over 1, up to a maximum of 40 sq. ft.	Top of wall or 12 ft. if freestanding	Direct or indirect for all signs	Theaters, cinemas and cabarets
	1 building-mounted coming-attraction poster per screen or stage	6 sq. ft. each	Top of wall	Indirect only	1 building-mounted coming-attraction poster per screen or stage
Church and institutional uses	1 freestanding	24 sq. ft.	6 ft.	Direct or indirect for all signs	1 of the allowed signs may include an attraction board
	2 building-mounted	24 sq. ft. aggregate	Top of wall		
Signs in residential districts requiring a permit				See Section 9.160.040	
Signs exempt from sign permit approval				See Section 9.160.020	
Temporary and semipermanent signs				See Sections 9.160.060 and 9.160.070	

(Ord. 506 § 1, 2013; Ord. 480 § 1, 2010; Ord. 284 § 1 (Exh. A), 1996)

9.160.060 Permitted temporary signs.

- A. Definition. See Chapter 9.280.
- B. Maximum Time Periods. No temporary sign shall be posted for more than forty-five consecutive days nor shall such temporary sign or sign displaying similar messages regarding the same event, if any, which is the subject of such temporary sign be reposted upon the same site, or any site which is visible from the original site, within ninety days of the removal of the original temporary sign. In addition, all temporary signs shall be removed within seven days after the occurrence of the event, if any, which is the subject of the temporary sign. (For example, a temporary sign advertising a garage sale on a particular date, or a temporary sign promoting a candidate in a particular election.) The date of posting and permit number shall be permanently and legibly marked on the lower right-hand corner of the face of the sign.
- C. Maximum Sign Area. Except where an approval is obtained under subsection F of this section, temporary signs placed on public property may not exceed six square feet in area and temporary signs placed on private property may not exceed twelve square feet in area. The aggregate area of all temporary signs maintained on any private property parcel of real property in one ownership may not exceed twenty-four square feet. Area shall be calculated on the basis of the entire sign area, as defined in Section 9.160.030.
- D. Maximum Height. Freestanding temporary signs which are placed on public or private property shall not exceed six feet in height. Temporary signs which are posted, attached or affixed to private multiple-floor buildings shall not be placed higher than eight feet or the finish floor line of the second floor of such buildings, whichever is less, and temporary signs which are posted, attached or affixed to private single-floor buildings shall not be higher than the eave line or top of wall of the building. All heights shall be measured to the highest point of the surface of the sign.
- E. Maximum Number. In no case shall the total number of temporary signs for any permit exceed one hundred.
- F. Placement Restrictions. Temporary signs shall not be posted on sidewalk surfaces, mailboxes, utility boxes, electric light or power or telephone wires, poles or appendages, hydrants, trees, shrubs, tree stakes or guards, public bridges, fences or walls, fire alarm or police telegraph systems, drinking fountains, life buoys, life preservers, lifesaving equipment, street signs and traffic signs or signals. Temporary signs shall not be located closer than five feet from the edge of the paved area of any public road or street and shall not be posted within any median located in a public road or street. Temporary signs shall be placed no less than two hundred feet apart from identical or substantially similar temporary signs placed within the city limits. Temporary signs shall not be posted in a manner which

obstructs the visibility of traffic or street signs or signals or emergency equipment.

- G. Sign Permit Required. Any person, business, campaign organization, or other entity who proposes to post one or more temporary signs on public property and/or four or more temporary signs on private property shall make application to the Planning Division for a sign permit. To insure sign removal upon expiration of the permitted posting time, a deposit as established by city council resolution shall be paid in conjunction with the issuance of the sign permit. Upon the successful removal of all temporary signs, up to one hundred percent of the deposit shall be refunded to the applicant. However, violations of the temporary sign provisions may result in up to fifty percent of said deposit being retained by the city.
1. Statement of Responsibility Required. Each applicant for a temporary sign permit shall submit to the Planning Division a statement of responsibility certifying a natural person who will be responsible for removing each temporary sign for which a permit is issued by the date removal is required, and who will reimburse the city for any costs incurred by the city in removing each such sign which violates the provisions of this section.
 2. Standards for Approval.
 - a. Within ten business days of the Planning Division's receipt of a temporary sign permit application, the Director shall approve or disapprove such application. If the director disapproves an application, the notice of disapproval shall specify the reasons for disapproval. The director shall approve or disapprove any permit application for temporary signs based on character, location and design, including design elements such as materials, letter style, colors, sign type or shape, and the provisions of this section.
 - b. The director's decision with respect to a permit application for a temporary sign may be appealed to the planning commission.
- H. Maintenance and Removal of Temporary Signs.
1. Maintenance. All temporary signs shall be constantly maintained in a state of security, safety and good repair.
 2. Removal from Public Property. If the city determines that a temporary sign located on public property is unsafe or insecure, is a menace to public safety or has been constructed, erected, relocated or altered in violation of this section, it may be removed summarily. If the sign contains identification, the owner shall be notified that the sign may be recovered within five days of the date of notice.
 3. Removal from Private Property. If the city finds that a temporary sign located on private property is unsafe or insecure, is a menace to public safety or has been constructed, erected, relocated or altered in violation of this section, the city shall give written notice to the owner of the temporary sign, or the person who has claimed responsibility for the temporary sign pursuant to subsection F of this section, that the

temporary sign is in violation of this section, shall specify the nature of the violation, and shall direct the owner of the temporary sign or responsible person to remove or alter such temporary sign. If the city cannot determine the owner of the sign or person responsible therefor, the city shall post such notice on or adjacent to each temporary sign which is in violation. If the owner of the temporary sign or the person responsible therefor fails to comply with the notice within five days after such notice is given, the temporary sign shall be deemed abandoned, and the city may cause such temporary sign to be removed and the cost thereof shall be payable by the owner or person responsible for the temporary sign to the city.

- I. The placement of temporary signs for existing commercial businesses during the construction of any department of public works contract over forty-five days in length, where the ingress and egress points to a commercial establishment, have been interrupted, and further when the construction/modification of the public street involves a distance of more than three thousand feet in length, the above regulations pertaining to temporary signs and the associated processing fees, shall not be enforced for the duration of the department of public works street contract. However, the placement of temporary signs must not interfere with site visibility for vehicular movement.
- J. Commercial business banners advertising grand openings, sales, and seasonal and/or temporary events are allowed up to four times per calendar year, with a maximum time period of fourteen consecutive days, and a minimum of thirty consecutive days between each placement period. The banners shall be located within nonresidential zoning districts, with a maximum of one banner per street frontage and one per parking lot frontage, and a maximum of two banners per business. A sign permit shall be required for each placement period. The banner(s) shall consist of light-weight fabric or similar material attached to the building wall below the eave line. The banner(s) shall be non-illuminated and its size shall not exceed thirty-two square feet.
- K. Garage, Patio, Yard Sale Advertising. Two signs (provided by the city) are permitted; one on-site and one at the nearest intersection. The on-site sign shall be located on the property where the sale is being conducted. Signs are not permitted in rights-of-way or on any utility poles, street signs, or traffic control posts. (Ord. 506 § 1, 2013; Ord. 479 § 1, 2010; Ord. 468 § 1, 2009; Ord. 293 § 1, 1996; Ord. 284 § 1 (Exh. A), 1996)

9.160.070 Permitted semipermanent signs.

- A. Definition. See Chapter 9.280.
- B. Maximum Time Periods. No semipermanent sign shall be posted for more than one year. In addition, all semipermanent signs shall be removed within ten days after the occurrence of the event, if any, which is the

- subject of the semipermanent sign. (For example, a semipermanent sign advertising the future construction of a facility on the site shall be removed within ten days after the facility has received a certificate of occupancy, and a model home complex identification sign shall be removed within ten days after the model homes are completed and sold.) The date of posting and permit number shall be permanently and legibly marked on the lower right-hand corner of the face of the sign.
- C. Maximum Sign Area. Semipermanent signs may not exceed thirty-two square feet in area. The aggregate area of all semipermanent signs placed or maintained on any parcel of real property in one ownership shall not exceed sixty-four square feet. Area shall be calculated on the basis of the entire sign area, as defined in Section 9.160.030.
 - D. Maximum Height. Freestanding semipermanent signs shall not exceed eight feet in height. Semipermanent signs which are posted, attached or affixed to multiple-floor buildings shall not be placed higher than the finish floor line of the second floor of such buildings and such signs posted, attached or affixed to single-floor buildings shall not be higher than the eaveline or top of wall of the building. All heights shall be measured to the highest point of the surface of the sign.
 - E. Maximum Number. In no case shall the number of signs on any parcel exceed ten.
 - F. Placement Restrictions. Semipermanent signs may not be posted on public property, as defined in Section 9.160.130. Semipermanent signs may not be posted in a manner which obstructs the visibility of traffic or street signs or signals or emergency equipment. Temporary signs may not be posted on sites approved for semipermanent signs unless specifically authorized by the semipermanent sign permit.
 - G. Sign Permit Required. Any person, business, campaign organization or other entity who proposes to post or erect a semipermanent sign shall make application to the Planning Division for a semipermanent sign permit.
 - 1. Statement of Responsibility Required. Each applicant for a semipermanent sign permit shall submit to the Planning Division a statement of responsibility certifying a natural person who will be responsible for removing each semipermanent sign for which a permit is issued by the date removal is required, and who will reimburse the city for any costs incurred by the city in removing each such sign which violates the provisions of this section.
 - 2. Standards for Approval.
 - a. Within ten business days of the Planning Division's receipt of a semipermanent sign permit application, the director shall approve or disapprove such application. If the director disapproves an application, the notice of disapproval shall specify the reasons for disapproval. The director shall approve or disapprove any permit application for semipermanent signs based on character, location

- and design, including design elements such as materials, letter style, colors, sign type or shape and the provisions of this section.
- b. In any event, no permit application shall be approved which proposes to place in excess of ten semi-permanent signs on private or public property which will be visible simultaneously from a single location and orientation within the boundaries of the city.
 - c. The director's decision with respect to a permit application for a semipermanent sign may be appealed to the planning commission.
- H. Time Extensions. The applicant may apply for a time extension of up to one year from the date of expiration. The Director shall approve the application for an extension of time upon finding that the semipermanent sign is otherwise in compliance with the requirements of this section and that the time extension is necessary to accomplish the purposes for which the semipermanent sign has been posted.
- I. Maintenance and Removal of Semipermanent Signs.
- 1. Maintenance. All semipermanent signs shall be constantly maintained in a state of security, safety and good repair.
 - 2. Removal. If the city finds that any semipermanent sign is unsafe or insecure, is a menace to public safety or has been constructed, erected, relocated or altered in violation of this section, the city shall give written notice to the owner of the semipermanent sign, or the person who has claimed responsibility for the semipermanent sign pursuant to subsection F of this section, that the semipermanent sign is in violation of this section, shall specify the nature of the violation, and shall direct the owner of the semipermanent sign or responsible person to remove or alter such semipermanent sign. If the city cannot determine the owner of the sign or person responsible therefor, the city shall post such notice on or adjacent to each semipermanent sign which is in violation. If the owner of the semipermanent sign or the person responsible therefor fails to comply with the notice within five days after such notice is given the semipermanent sign shall be deemed abandoned, and the city may cause such semipermanent sign to be removed and the cost thereof shall be payable by the owner or person responsible for the semipermanent sign to the city. (Ord. 293 § 1 (part), 1996; Ord. 284 § 1 (Exh. A) (part), 1996)

9.160.080 Semipermanent downtown Village directional signs.

- A. Purpose. To provide vehicular direction to specific businesses which, due to their location within the boundaries of the Village commercial zoning district and away from major arterials, are difficult to find.
- B. Definition. See Chapter 9.280.
- C. Maximum Time Periods. No downtown Village directional sign panel shall be installed for more than eleven consecutive months out of any twelve-month period. However, a sign panel may be installed for more than eleven

- consecutive months if there is no waiting list for commercial business on that sign panel. A log containing the installation date of all sign panels shall be maintained by the contracted group or agency. This log shall be made available to the city upon request, and submitted annually to the city.
- D. Monument Base Structure, Size and Standards. Downtown Village directional sign panels shall only be installed in approved monument base structures which conform to the following standards:
1. Structures shall not exceed eight feet in height and six feet in width.
 2. Structures shall contain no more than eight sign panels per face or side.
 3. Structures shall have no more than two faces or sides.
 4. Structure shall include, at the top, a decorative cap or sign of maximum two feet six inches high and six feet wide.
 5. The base shall be constructed of block, brick, wood, stone or other similar material.
 6. No tag, sign, streamer, device, display board or other attachment may be added or placed upon the structure.
- E. Sign Panel Size and Standards. Downtown Village directional sign panels which are mounted in the monument base structures shall be eight inches in height and five feet wide, and shall conform to the following standards:
1. The use of such sign panels shall be for the sole identification of any commercial businesses located and operating within the boundaries of the Village commercial zoning district.
 2. Each sign panel shall contain the name of the business and a directional arrow on no more than two lines.
 3. Indirect lighting may be provided as set forth in Section 9.100.150.
- F. Sign Locations. Five structures shall be allowed: The specific location at each intersection shall be approved by the Director and the director of public works. The structures may be located in the city's right-of-way. If located in the right-of-way, an encroachment permit shall be obtained from the director of public works. The structures shall be located for maximum readability and traffic/pedestrian safety.
- G. Installation. The city shall have the discretion to contract with a nonprofit group or nongovernmental agency to install and manage the sign panels and structures. Fees may be charged only to the extent necessary to cover costs for installation and subsequent maintenance. The group or agency chosen to administer the semi-permanent downtown Village directional sign program shall sign a memorandum of agreement with the city setting forth the scope of responsibilities and services to be provided.
- H. Maintenance. The group or agency contracted to install and manage the sign panels and structures shall be responsible for maintaining the panels and structures in good order at all times. Upon request by the city, sign panels and structures shall be repaired and/or maintained within thirty days of such request. Failure to repair/maintain sign panels and structures shall be cause for city to request removal or to remove. (Ord. 401 § 1 (Exh. A), 2004: Ord. 284 § 1 (Exh. A) (part), 1996)

9.160.090 Sign permit review.

- A. Sign Permit Required. Sign permit approval is required prior to obtaining a building permit for the placing, erecting, moving, reconstructing, altering or displaying any sign on private property within the city, unless the review procedure is exempt under Section 9.160.020 of this chapter or other provisions of this chapter. Signs requiring approval shall comply with the provisions of this chapter and all other applicable laws and ordinances. Signs legally existing prior to the effective date of the ordinance codified in this chapter shall not require approval until such time as the sign is moved, structurally altered, changed or relocated; at which time, the review and approval provisions of this chapter shall apply before a sign permit and/or building permit is issued.
- B. Submission Materials. The following shall be submitted by the applicant to the Planning Division at the time of permit application unless otherwise modified by the Director:
 - 1. Completed sign application obtained from the city;
 - 2. Appropriate sign plans with number of copies and exhibits as required in the application;
 - 3. Appropriate fees as established by city council resolution;
 - 4. Letter of consent or authorization from the property owner, or lessor, or authorized agent of the building or premises upon which the sign is to be erected;
 - 5. Sign plans with the following information:
 - a. Sign elevation drawing indicating overall and letter/figure/design dimensions, colors, materials, proposed copy and illumination method,
 - b. Site plan indicating the location of all main and accessory signs existing or proposed for the site with dimensions, color, material, copy and method of illumination indicated for each,
 - c. Building elevations with signs depicted (for building-mounted signs).
- C. Review Procedures—Standard Sign Application.
 - 1. The standard sign application is used by the Planning Division to process the following sign applications using the standards and provisions contained in this chapter:
 - a. Two or less permanent signs;
 - b. Signs in conformance with a previously approved planned sign program pursuant to subsection D of this section.
 - 2. The Director or other authorized staff member shall review standard sign applications and shall make a determination to either approve, approve with modification or deny the application. The review shall consider the size, design, colors, character and location of the proposed signs.

3. A standard sign application shall only be approved after a finding that the proposed sign is consistent with the purpose and intent of this chapter and the regulations herein.
- D. Review Procedures—Planned Sign Programs.
1. Planned Sign Programs. Planned sign program review per the provisions of this subsection is required for submissions which: (1) include three or more permanent signs; (2) are in conjunction with review of a site development permit by the planning commission; or (3) include a request for a sign adjustment to a sign previously approved under a planned sign program.
 2. The Director shall make a determination to either approve, approve with modifications, or deny planned sign program applications in conjunction with its review of the associated development project.
 3. The Director, upon completion of its review, may attach appropriate conditions to any sign program approval. In order to approve a planned sign program, the commission must find that:
 - a. The sign program is consistent with the purpose and intent of this chapter;
 - b. The sign program is in harmony with and visually related to:
 - i. All signs within the planned sign program, via the incorporation of several common design elements such as materials, letter style, colors, illumination, sign type or sign shape.
 - ii. The buildings they identify. This may be accomplished by utilizing materials, colors, or design motif included in the building being identified.
 - iii. Surrounding development. Implementation of the planned sign program will not adversely affect surrounding land uses or obscure adjacent conforming signs.
 4. Modification of signs within a previously approved sign program shall be reviewed by the Director.
- E. Sign Adjustments. Adjustments to planned sign programs to permit additional sign area, additional numbers of signs, an alternative sign location, an alternative type of signage, new illumination or additional height may be granted by the Director. Applications for sign adjustments shall be submitted in writing on forms provided by the Director. The Director shall make one or more of the following findings in conjunction with approval of a sign adjustment:
1. Additional Area.
 - a. To overcome a disadvantage as a result of an exceptional setback between the street and the sign or orientation of the sign location;
 - b. To achieve an effect which is essentially architectural, sculptural or graphic art;
 - c. To permit more sign area in a single sign than is allowed, but less than the total sign area allowed on the site, where a more orderly and concise pattern of signing will result;

- d. To allow a sign to be in proper scale with its building or use;
 - e. To allow a sign compatible with other conforming signs in the vicinity;
 - f. To establish the allowable amount and location of signing when no street frontage exists or when, due to an unusual lot shape (e.g., flag lot), the street frontage is excessively narrow in proportion to the average width of the lot.
2. Additional Number. To compensate for inadequate visibility, or to facilitate good design balance.
 3. Alternative Locations.
 - a. To transfer area from one wall to another wall or to a freestanding sign upon the finding that such alternative location is necessary to overcome a disadvantage caused by an unfavorable orientation of the front wall to the street or parking lot or an exceptional setback;
 - b. To permit the placement of a sign on an access easement to a lot not having street frontage, at a point where viewable from the adjoining public street. In addition to any other requirements, the applicant shall submit evidence of the legal right to establish and maintain a sign within the access easement;
 - c. Additionally, alternative on-site locations may be granted in order to further the intent and purposes of this chapter or where normal placement would conflict with the architectural design of a structure.
 4. Alternative Type of Sign. To facilitate compatibility with the architecture of structure(s) on the site and improve the overall appearance on the site.
 5. Additional Height. To permit additional height to overcome a visibility disadvantage.
- F. Disposition of Plans.
1. When revisions to sign plans are required as a condition of approval, the applicant shall submit the required number of copies of the revised plans to the Planning Division to be stamped "Approved." The department will retain copies and a set will be returned to the applicant.
 2. After approval is granted, it shall be the responsibility of the applicant to submit all required applications, plans, bonds, and fees to the building and safety department and the Planning Division for issuance of the building permit.
- G. Sign Permit Expiration and Time Extensions.
1. Approval of a standard application or planned program application shall expire one year from its effective date unless the sign has been erected or a different expiration date is stipulated at the time of approval. Prior to the expiration of the approval, the applicant may apply to the director for an extension of up to one year from the date of expiration. The director may make minor modifications or may deny further extensions of the approved sign or signs at the time of extension if the director finds that there has been a substantial change in circumstances.

2. The expiration date of the sign approval(s) shall automatically be extended to concur with the expiration date of building permits or other permits relating to the installation of the sign.
 3. A sign approval shall expire and become void if the circumstances or facts upon which the approval was granted changes through some subsequent action by the owner or lessees such that the sign would not be permitted per this chapter under the new circumstances.
- H. Appeals. Any decision of the Director made pursuant to this chapter may be appealed to the planning commission and decisions of the planning commission may be appealed to the city council. The appeal must be made within fifteen calendar days of the decision date, in accordance with Section 9.160.120. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.160.100 Prohibited signs.

The signs and displays listed in this section are prohibited. Such signs are subject to removal by the city at the owner's or user's expense. Prohibited signs include the following:

1. Any sign not in accordance with the provisions of this chapter;
2. Abandoned signs;
3. Rotating, revolving or otherwise moving signs;
4. Trailer signs and other signs with directional arrows affixed to vehicles which are used exclusively or primarily for advertising, unless specifically permitted;
5. Flags, pennants, streamers, spinners, festoons, windsocks, valances or similar displays, unless specifically permitted in this chapter;
6. Animated or flashing signs;
7. Portable signs, unless specifically permitted in this chapter;
8. Off-premises signs as defined in Section 9.160.130, unless specifically permitted to be off-premises under the provisions of this chapter, or incorporated and approved as part of a temporary use permit application;
9. Billboards or outdoor advertising signs;
10. Signs which identify or advertise activities which are illegal under federal, state or local laws in effect at the location of such signs or activities;
11. Building-mounted signs placed on or above the roof or above the eave line of any structure;
12. Signs which purport to be, are an imitation of, or resemble an official traffic sign or signal;

13. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic-control sign, signal or device, or the light of an emergency vehicle, or which obstruct the visibility of any traffic or street sign or signal device;
14. Signs that create a potential safety hazard by obstructing clear view of pedestrian or vehicular traffic;
15. Signs located upon or projecting over public streets, sidewalks or rights-of-way (unless specific approval has been granted);
16. Signs attached to utility poles or stop signs or other municipal sign structure;
17. Balloon signs, inflatable animal or other figures, or other inflatable displays, whether tethered or not, except as otherwise permitted by a temporary or special outdoor event permit;
18. Signs located closer to overhead utility lines than the minimum distance prescribed by California law, or by the rules duly promulgated by agencies of the state or by the applicable public utility;
19. "For Sale" signs affixed to vehicles parked on public right-of-way or on any vacant property;
20. Neon signs, except those specifically approved as an activity's major identification sign;
21. Signs drawn or painted onto or otherwise affixed to trees or rocks unless specifically permitted in this chapter;
22. Advertising statuary;
23. Any temporary sign or banner, unless specifically permitted in this chapter;
24. Translucent or transparent signs on internally illuminated awnings so that they allow light to shine through the letters of the copy. (Ord. 506 § 1, 2013; Ord. 361 § 1 (Exh. A), 2001; Ord. 284 § 1 (Exh. A), 1996)

9.160.110 Nonconforming signs.

- A. Every legal sign in existence on the effective date of this code which does not conform to the provisions of this chapter but which was in conformance with city sign regulations in effect prior to said effective date, shall be deemed a nonconforming sign and may be continued and maintained provided:
 1. The sign is properly maintained and does not in any way endanger the public; and

2. The sign was covered by a valid permit or variance or complied with all applicable laws on the date of adoption of the ordinance codified in this chapter.
- B. No nonconforming sign shall be changed to another nonconforming sign, changed in any manner that increases the signs noncompliance with the provisions of this chapter, nor expanded or structurally altered so as to extend its useful life. This restriction does not preclude change of sign copy or normal maintenance.
- C. Any nonconforming sign which is damaged or destroyed beyond fifty percent of its value shall be removed or brought into conformity with the provisions of this chapter. The determination whether a sign is damaged or destroyed beyond such fifty percent of value shall rest with the Director and shall be based upon the actual cost of replacing said sign.
- D. The burden of establishing a sign as legally nonconforming under this section rests upon the person or persons, firm or corporation claiming legal status for a sign. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.160.120 Enforcement, sign removal and abatement.

- A. Enforcement Responsibility. It shall be the duty of the director or the directors authorized representative to enforce the provisions of this chapter.
- B. Illegal and Abandoned Signs.
 1. Illegal Signs. Any sign which does not have a required permit or which otherwise violates applicable provisions of this chapter shall be deemed illegal. If the director determines a sign to be illegal, the director may order the property owner and/or sign owner to remove the sign or may require other actions to ensure compliance with this chapter. Further, in order to discourage the erection of signs without a permit, the director may require that such illegally erected signs be removed prior to review. If the director determines that such removal is not feasible, such illegal signs shall be subject to a tripled sign permit application fee in conjunction with sign review.
 2. Abandoned Signs. Any sign located on property which becomes vacant or unoccupied or which pertains to any occupant or business unrelated to the premises present occupant or business, or which pertains to a time, event or purpose which no longer applies shall be deemed abandoned. Such signs shall be removed within ninety days after the associated enterprise or occupant has vacated the premises or within ninety days after the time, event or purpose which no longer applies

has ended. Any such sign not removed within the required period shall constitute a nuisance and shall be subject to removal per subsection E of this section.

- C. Unsafe Public Signs. Any sign deemed by the city to be a danger to the public under any applicable ordinance or other statute shall be repaired or altered to as to be deemed safe by the city or shall be removed pursuant to subsection E of this section.
- D. Expired Temporary and Semipermanent Signs. A temporary or semipermanent sign which remains posted beyond the time limits set out therefor in Sections 9.160.060H and 9.160.070I respectively shall be removed.
- E. Abatement and Removal of Signs.
 - 1. Abatement Procedures. Any illegal or abandoned sign may be deemed to be a public nuisance that poses an immediate danger to the health, safety and welfare of the community by creating an obstruction to circulation, including, but not limited to, vehicular and pedestrian. The owner of the sign shall be responsible and liable for the removal and disposition of the sign.
 - a. Abatement. Upon discovering the existence of an illegal sign, the director shall have the authority to order the immediate abatement and removal thereof. The director shall notify the owner thereof, or the owner's representative, in person or by mailing an abatement notice to the owner's last known address. Such notice shall state the time limit, if any, granted for removal of the sign and the statement that the director shall remove the sign after the stated time, the procedure for retrieving a removed sign, and a statement that the owner may request a hearing to appeal the abatement and removal by submitting a written request. The amount of time stated for removal of a sign may be reduced or eliminated if the director determines that the illegal sign constitutes an immediate danger to the health, safety and welfare of the community or is a safety hazard.
 - b. Hearings.
 - i. Any sign removed and stored pursuant to these provisions shall be released to the owner thereof if claimed within thirty days after such removal and upon the payment of reasonable administrative fees. Such administrative fees shall be waived if, after a hearing to appeal has been requested, a determination is made at such hearing that the fees shall be waived. The

- administrative fees for the removal and storage of the sign shall be established or modified by resolution of the city council and shall include the actual cost of removal and storage of any sign plus the proportional share of administrative costs in connection therewith.
- ii. Any hearing to appeal an abatement order which is requested shall be conducted within five working days of the receipt of the request by the city manager, who should be designated as the hearing officer. The failure of either the owner or his or her agent to request a hearing shall waive the right to a hearing. At the hearing, the hearing officer shall determine whether good cause was shown for the abatement and removal of the sign. The decision of the hearing officer shall be deemed the final administrative determination. If good cause is shown for the abatement and removal of the sign, the owner or his agent shall have fifteen days from the date of the hearing to retrieve his sign upon payment of the administrative fee. If good cause is not shown for the abatement and removal of the sign, the administrative fee shall be waived and the owner of this agent shall have fifteen days to retrieve his or her sign.
 - c. Disposition. Any sign not retrieved by its owner within thirty days after delivering or mailing the abatement notice when such owner has not requested a hearing to appeal, or within thirty days of storage of the sign by the city in all other cases, shall be deemed to be permanently abandoned and may be disposed of by the city.
- F. No City Liability. Neither the city nor any of its agents shall be liable for any damage to a sign which is removed under this section.
- G. Legal Action. In response to any violation of the provisions of this chapter, the city may elect to file a criminal complaint against the violator, issue a citation to the violator for an “infraction” pursuant to California Government Code Section 36900, or institute a civil action in a court of competent jurisdiction. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.160.130 Sign definitions.

For the purposes of this chapter, words and phrases relating to signs shall be defined as follows:

“Abandoned sign” means a sign which is located on property which becomes vacant or unoccupied or which pertains to any occupant or business unrelated to the

premises' present occupant or business, or a sign which pertains to a time, event or purpose which no longer applies.

"Accessory sign" means a sign whose copy refers to the products, facilities or services available on the premises.

"Advertising statuary" means an imitation or representation of a person or thing which is sculptured, molded, modeled or cast in any solid or plastic substance, material or fabric and used to identify or advertise a product or service.

"Advertising vehicles" means any vehicle or trailer on a public right-of-way or public property or on private property so as to be visible from a public right-of-way which has attached thereto, or located thereon, any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during normal course of business. Public buses or taxis are exempt from this prohibition.

"Animated sign" means any sign which includes action or motion or the optical illusion of action or motion, or color changes of all or any part of the sign facing, requiring electrical energy, or set in motion by movement of the atmosphere. Excluded from the definition are public service message center signs and flags.

"Attraction board" means a sign capable of supporting copy which is readily changeable without the use of tools, such as a theater marquee, and which refers to products, services or coming events on the premises.

"Banner" means a temporary sign made of light-weight fabric, plastic, or similar material hung either with or without frames.

"Billboard" means an off-premises sign with changing advertising copy or other changing copy.

"Building-mounted sign" means a sign affixed to a building, painted directly on a wall or erected against the wall of a building. Building-mounted signs include awning signs, fascia signs, mansard roof signs, wall signs, window signs, projecting signs and under-canopy signs.

"Bulletin board" means a board, kiosk or wall area on which are affixed personal notices, lost-and-found notices, business cards, and similar small informal notices referring to products, services, activities, or other items not offered on the same premises. The term "bulletin board" shall not include business identification signs or attraction boards.

"Business" means a commercial, office, institutional or industrial establishment.

"Canopy" means a fixed structure of any material and any length, projecting from and connected to a building and/or columns and posts from the ground, or supported by a frame extending from the building and/or posts from the ground.

"Construction sign" or **"future facility construction sign"** means a sign containing information pertaining to a future development on the site where the sign is located, including the name of the project, the developer, contractor, financing source, future occupant(s), and other information directly related to the development.

"Copy" or **"sign copy"** means any words, letters, numbers, figures, designs, or other symbolic representations incorporated onto the face of a sign.

“Development” means, on land or in or under water: the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste; grading, removing, dredging, mining or extraction of any materials; change in the density or intensity of use of land, including but not limited to subdivision pursuant to the Subdivision Map Act, and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition or alteration of the size of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes.

“Directional sign” means any sign which is designed and erected solely for the purpose of traffic or pedestrian direction and which is placed on the property to which or on which the public is directed. Such a sign contains no advertising copy. (Examples are: **“one-way,” “entrance,” “exit,” “parking in rear,” “15 miles per hour,” “no left turn.”**)

“Director” or **“planning director”** means the planning director for the city of La Quinta or the director’s authorized agent or representative.

“Electronic message board sign” means a sign with a fixed or changing display composed of a series of lights, but does not include time and temperature displays.

“Exempt sign” means a sign which is designated in this code as not subject to certain regulations.

“Face of building wall” means the outer surface of any main exterior wall or foundation of a building, including windows and store fronts.

“Fascia” means a parapet-type wall used as part of the fascia of a flat-roofed building and projecting not more than six feet from the building face immediately adjacent thereto. Such a wall shall enclose at least three sides of the projecting flat roof and return to a parapet wall or the building.

“Flag” means a visual display device without copy, made of flexible material, usually cloth, paper or plastic.

“Flashing sign” means any sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source. Excluded from the definition are public service message center signs.

“Freestanding sign” means a sign supported upon the ground and not attached to any building. This definition includes monument signs and ground signs.

“Garage sale sign” (i.e., yard sales, moving sales, patio sales) means a sign used to announce sale of a used item or items.

“Identification sign” or **“ID sign”** means a sign whose copy is limited to the name and address of a building, business, office, establishment, person or activity.

“Illumination” means the method by which a sign is lighted so as to be readable at night. The following types of illumination are provided for in this chapter:

1. **“Direct illumination”** means the lighting of the sign face from behind so that the light shines through translucent sign copy or lighting via neon or

other gases within translucent tubing incorporated onto or into the sign face.

2. **“Indirect illumination”** means the lighting of an opaque sign face from a light source mounted in front of the face, or the lighting of opaque sign copy (on an opaque sign face) via lights mounted into the copy and shining rearward onto the face to form a lighted **“halo”** around the copy (e.g., **“reverse channel”** letters).

“Landscaping” means any material used as a decorative feature, such as shrubbery or planting materials within planter boxes or concrete bases, used in conjunction with a sign which expresses the theme of the sign and related structure but does not contain advertising copy. All landscape areas shall be maintained in a healthy and viable condition for the life of the sign.

“Logo” means a trademark or symbol of an organization.

“Mansard roof sign” means any sign attached to or supported by a mansard roof. A **“mansard roof”** is a roof having two slopes, the lower steeper than the upper, and having a slope of sixty degrees or greater with the horizontal plane.

“Monument sign” means a freestanding sign mounted on a low-profile solid base or a fence, or a freestanding wall, as distinguished from support by poles.

“Multiple-building complex” means more than one structure on a parcel of land housing commercial uses in which there are appurtenant shared facilities (such as parking or pedestrian mall), and which is designed to provide an area in which the public can obtain varied products and services. Distinguishing characteristics of a multiple-building complex may, but need not, include common ownership of the real property upon which the center is located, common-wall construction, and multiple-tenant commercial use of a single structure or structures in multiple buildings.

“Multiple-tenant (commercial) building” means a commercial development in which there exists a number of separate commercial activities, in which there are appurtenant shared facilities (such as parking or pedestrian mall), and which is designed to provide a single area in which the public can obtain varied products and services. Distinguishing characteristics of a multiple-tenant commercial building may, but need not, include common ownership of the real property upon which the center is located, common-wall construction and multiple-occupant commercial use of a single structure.

“Neon sign” means a sign which utilizes neon or other gases within translucent tubing in or on any part of the sign structure.

“Off-premises sign” means a sign that incorporates a business name and/or advertises products or services that are located, sold, produced, or otherwise furnished elsewhere than on the premises on which the sign is located.

“On-premises sign” means a sign referring to a person, establishment, merchandise, service, event or entertainment which is located, sold, produced, manufactured, provided or furnished on the premises where the sign is located.

“Parapet wall” means a wall extending above the roof plane of the building.

“Permanent sign” means any sign which is intended to be and is so constructed as to be a lasting and enduring condition, remaining unchanged in character, condition

(beyond normal wear) and position and in a permanent manner affixed to the ground, wall or building, provided the sign is listed as a permanent sign in this chapter.

“Political campaign sign” or **“political sign”** means a sign indicating the name and/or picture of an individual seeking election to a public office, or relating to a forthcoming public election, referendum, initiative, or to the advocating by persons, groups or parties of political views or policies.

“Portable sign” or **“mobile sign”** means a sign made of any material, which, by its design, is readily movable and is equipped with wheels, casters or rollers or which is not permanently affixed to the ground, structure or building, or a sign upon a vehicle or trailer used as a stationary advertising display, the primary purpose of which is to serve as a base or platform for the sign. (Also includes sidewalk or sandwich board signs.)

“Projecting sign” means any sign with two parallel faces no more than eighteen inches apart projecting twelve inches or more from the wall or eaves of a building. No guy wires, braces or secondary supports are visible.

“Private property” means any property other than public property.

“Public property” means any real or personal property in which the city or any other governmental entity or any publicly regulated utility company possesses an ownership interest. Public property shall include, without limitation, any street, sidewalk, curb, curbstone, streetlamp post, hydrant, tree, tree stake or guard, railroad trestle, electric light, power, telephone or telegraph wire, pole or appurtenance thereof, any fixture of a fire alarm or police telephone or telegraph system, any lighting system, public bridge or wall, drinking fountain, life buoy, life preserver, lifesaving equipment, street, sign, traffic sign or signal, street median, public park or other publicly owned property or structure.

“Public service message center sign” means an electronically or electrically controlled sign or portion of a larger sign which conveys only information such as time, date, temperature, atmospheric condition or general news information where different alternating copy changes are shown on the same lamp bank matrix.

“Real estate sign” means a sign advertising the sale, lease or rent of the property upon which it is located and the identification of the person or firm handling such sale, lease or rent.

“Roof sign” means any sign erected upon or above a roof or parapet wall of a building or placed above the apparent flat roof or eaves of a building.

“Seasonal sales sign” means a sign used to advertise a business or merchandise held seasonally for a limited interval, all or most of whose business is conducted or whose merchandise is displayed in an outdoor area.

“Sign” means any medium for visual communication, including but not limited to words, symbols and illustrations, together with all parts, materials, frame and background, which is used or intended to be used to attract attention to, identify or advertise an establishment, product, service, activity or location, or to provide information.

“Sign area” means the following:

1. **Basic Rule.** Sign size or area shall be defined as the entire area of the sign face, including nonstructural perimeter trim but excluding structures or uprights on which the sign is supported.
2. **Window Signs.** Window sign area shall be considered to be the entire area of any sign placed on or inside a window and not painted directly on the glass. For signs painted directly on the glass, area measurement shall be the same as that for wall signs, following.
3. **Individual Letters.** The area of wall or window signs composed of individual letters painted on or otherwise affixed to the wall or window shall be considered to be the area within the single continuous perimeter encompassed by a straight-line geometric figure which encloses the extreme limits of the letters or other characters.
4. **Double-Faced Signs.** If a sign is double-faced with only one face visible from any ground position at one time, its sign area shall be considered to be the area of either face taken separately. Thus, if the maximum permitted sign area is twenty square feet, a double-faced sign may have an area of twenty square feet per face.
5. **Three-Dimensional Signs.** If a sign has three or more faces, its sign area shall be considered to be the sum of the areas of each individual face. Thus, if a sign has four faces and the maximum permitted sign area is twenty square feet, the maximum allowable area for each face is only five square feet.
6. **Separated-Panel Signs.** The sign area of open or separated panel signs, i.e., those signs having empty spaces between copy panels, shall be considered to be the entire area encompassed by the sign face, including the empty spaces between panels.

“Sign face” means the exterior surface of a sign exclusive of structural supports, on which is placed the sign copy.

“Sign height,” “height of sign,” or **“height”** means the following:

1. For building-mounted signs, the distance from the average finish grade directly beneath the sign to the top of the sign.
2. For freestanding signs, the distance from top of curb of the nearest street (or the edge of pavement of such street where there is no curb) to the top of the sign or any vertical projection thereof, including supporting columns and/or design elements. However, in cases where the director determines that a freestanding sign is not oriented to any particular street or is too far from such a street to reasonably apply the foregoing standard, sign height shall be measured from the average finish grade at the base of the sign.

“Sign permit” means an entitlement from the city to place or erect a sign.

“Sign program” means the method of review and approval of signs by one of the following two procedures:

1. **Standard Sign Application.** The review and approval of standard sign applications is conducted by the planning director consistent with the regulations and standards as identified for various signs in this chapter.

2. Planned Sign Program. The review and approval of applications for signs under this program is conducted by the Planning Commission. The planning commission may exercise discretion to provide additional flexibility in the application of the regulations of this chapter.

“Sign structure” means the structural supports, uprights and bracing for a sign.

“Special event sign” means a sign used to announce a circus, carnival, festivals or other similar events.

“Subdivision sign” means a sign containing the name, location or directions to a builder, developer, and pertinent information about a subdivision for which there is a properly approved and recorded map and in which homes remain to be constructed or initially sold.

“Under-canopy sign” means a sign suspended beneath a projecting canopy, walkway cover, awning, ceiling or marquee.

“Wall sign” means a sign attached to, erected on, painted on or otherwise affixed to the exterior wall of a building or structure in such a manner that the face of the sign is approximately parallel to the exterior wall of the building and exposed to the exterior side of the building. Signs or advertising displays in or on windows are not considered wall signs.

“Window sign” means any sign painted on or attached to a window or located inside within a distance equal to the greatest dimension of the window (either width or height) and designed to be viewed from the outside of the building in which the window is located. (Ord. 506 § 1, 2013; Ord. 284 § 1 (Exh. A), 1996)

Chapter 9.170 WIRELESS TELECOMMUNICATION FACILITIES

9.170.010 Purpose.

The purpose of this chapter is to provide a uniform and comprehensive set of standards for the development of wireless telecommunication facilities. The regulations contained herein are intended to protect and promote public health, safety, and welfare and the aesthetic quality of the city while providing reasonable opportunities for telecommunication services to provide such services in a safe, effective and efficient manner. These regulations are intended to address the following community concerns:

- A. To minimize adverse visual effects of towers and accessory buildings associated with wireless telecommunication facilities through careful design, siting and vegetative screening;
- B. To avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures;
- C. To lessen traffic impacts on surrounding residential districts;
- D. To maximize use of any new and existing telecommunication tower and to reduce the number of towers needed;

- E. To ensure radio frequency radiation is in compliance with federal requirements; and
- F. To allow new telecommunication towers in residential areas only if a comparable site is not available outside residential areas. (Ord. 492 § 1, 2011; Ord. 284 § 1 (Exh. A), 1996)

9.170.020 Definitions.

“Antenna” means any system of wires, poles, rods, panels, reflecting discs or similar devices used for the transmission or reception of radio frequency electromagnetic waves when such system is external or attached to the exterior of a structure.

“Building-mounted” means any antenna, or other antenna associated support equipment resting on the ground, directly attached or affixed to the side of a building, tank, tower or other structure other than a telecommunication tower.

“Co-location” means the placement of two or more wireless telecommunication facilities service providers sharing one support structure or building for the location of their facilities.

“Existing facilities” means an existing structure located in the public right-of-way or a building with an approved site development permit and/or an existing telecommunication facility with a previously approved conditional use permit.

“FAA” means the Federal Aviation Administration.

“FCC” means the Federal Communication Commission.

“FCC OET Bulletin 65” refers to the Federal Communication Commission Office of Engineering and Technology Bulletin 65 entitled “Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields.”

“Freestanding towers” include all telecommunication towers used in association with the mounting and/or placement of antenna and associated equipment.

“General population” means all persons who are not direct family members, relatives, or employees of the owner or operator of a source of NIER of the owner or other users of the site of an NIER source.

“Ground-mounted” means an antenna or other antenna associated support equipment with its support structure placed directly on the ground.

“Hand-held source” means a transmitter normally operated while being held in the hands of the user.

“Height of antenna above grade or ground” means the vertical distance between the highest point of the antenna and the finished grade directly below this point.

“Highest calculated NIER level” means the NIER predicted to be highest with all sources of NIER operating.

“Lattice tower” means a three or more legged open structure designed and erected to support wireless telecommunication antennas and connecting appurtenances.

“Monopole” means a single pole structure designed and erected to support wireless telecommunication antennas and connecting appurtenances.

“Roof-mounted” means an antenna directly attached to the roof of an existing building, water tank, tower or structure other than a telecommunication tower

“Satellite dish” means any device incorporating a reflective surface that is solid, open mesh or bar configuration, that is shallow dish, cone, horn, bowl or cornucopia shaped and is used to transmit and/or receive electromagnetic or radio frequency communication/signals in a specific directional pattern.

“Shared capacity” means that capacity for shared use whereby a tower can accommodate multiple users simultaneously. Tower height, antenna weight, design and the effects of wind are prime determinants of capacity.

“Sole-source emitter” means one or more transmitters only one of which normally transmits at a given instant.

“Stealth” means improvements or treatments added to a wireless telecommunication facility which mask or blend the proposed facility into the existing structure or visible backdrop in such a manner as to minimize its visual impacts, or any design of a wireless telecommunication facility to achieve same. Stealth designs may utilize, but does not require, concealment of all components of a facility. Examples of stealthing include, but are not limited to, the design and construction of a tower so that it is disguised as a flagpole, tree, palm or sculpture, or the incorporation of colors and design features of nearby structures.

“Telecommunication tower” means a monopole or lattice tower.

“Wireless telecommunication facility or facilities” means any structure, antenna, pole, equipment and related improvements, the primary purpose of which is to support the transmission and/or reception of electromagnetic signals, including, but not limited to, telecommunication towers.

“Vehicle source” means a transmitter regularly used in vehicles that normally move about. (Ord. 492 § 1, 2011; Ord. 284 § 1 (Exh. A), 1996)

9.170.030 Permitted locations.

Location Preferences. Location preferences are provided in furtherance of the purpose of this chapter, as set forth under Section 9.170.010. To the maximum extent feasible, new telecommunication facilities shall be located according to the following preferences, with the most preferred sites listed first:

- A. Major community facilities (MC), parks and recreation (PR), and industrial (I) zoning districts;
- B. All Commercial zoning districts;
- C. Very-low density (VRL), residential low density (RL), medium density residential (RM), and medium high density residential (RMH) zoning districts;
- D. High density residential (RH); and
- E. Open space (OS) and floodplain (FP) zoning districts. (Ord. 492 § 1, 2011)

9.170.040 Applicability.

This chapter shall apply to all wireless telecommunication facilities for the transmission and/or reception of wireless radio, television, and other telecommunication signals including, but not limited to, commercial wireless communication systems such as cellular and paging systems, except those facilities defined in this chapter as exempt facilities. (Ord. 492 § 1, 2011)

9.170.050 Exemption.

The following uses are exempt from this chapter but may be regulated by other sections of the municipal code:

- A. Portable hand-held devices and vehicular transmission;
- B. Industrial, scientific and medical equipment operating at frequencies designated for that purpose by the FCC;
- C. Government-owned communication facilities used primarily to protect health, safety and welfare;
- D. Facilities operated by providers of emergency medical services, including hospital, ambulance and medical air transportation services, for use in the provision of those services;
- E. A source of nonionizing electromagnetic radiation with an effective radiated power of seven watts or less;
- F. A sole-source emitter with an average output of one kilowatt or less if used for amateur purposes, such as CB radios;
- G. Goods in storage or shipment or on display for sale, provided the goods are not operated except for occasional testing or demonstrations;
- H. Amateur or "ham" radio equipment;
- I. Satellite receiving dishes regulated by Sections 9.60.080 and 9.100.070; and
- J. Any facility specifically exempted under federal or state law. (Ord. 492 § 1, 2011; Ord. 284 § 1 (Exh. A), 1996)

9.170.060 Approval standards.

- A. General approval standards for all telecommunication facilities include:
 - 1. Compliance with all federal and state statutes, including, but not limited to, FCC licensing, NIER levels, and FAA requirements;
 - 2. Addition of the planned equipment to an existing or approved tower shall not result in NIER levels in excess of those permitted by the FCC;
 - 3. Antennas, equipment, and all ancillary components shall be stealth to the maximum extent feasible.
- B. Telecommunication Tower Provisions.

1. All towers shall incorporate stealth/camouflaged design(s) to the maximum extent feasible, to avoid adverse visual impacts to the surrounding properties and the community as a whole.
 2. The base of the tower shall comply with the setback standards in the underlying zoning district, except where additional setbacks under subsection (B)(7) apply.
 3. Towers shall not be located within primary image corridors as designated in the general plan.
 4. If a telecommunication tower is located adjacent to any of the city's designated image corridors, as identified in the city's general plan, the tower's height shall conform to the height limitations as identified in the city's general plan.
 5. All new towers shall be designed at the minimum height functionally required. No new telecommunication tower shall exceed one hundred feet in height.
 6. The proposed tower shall be designed structurally to accommodate the maximum number of foreseeable users, including all potential co-location scenarios.
 7. All accessory structures associated with a tower shall comply with the setback standards in the underlying zoning district.
 8. Any guy-wire anchors shall be set back twenty-five feet from any property lines.
 9. Towers shall not be artificially lighted unless required by the FAA or state aeronautics division.
 10. Existing on-site vegetation shall be preserved to the maximum extent feasible.
- C. Roof-Mounted and Building-Mounted Telecommunication Facilities.
1. All building-mounted facilities shall comply with Section 9.100.050 of the LQMC.
 2. Equipment shall not be visible to surrounding properties.
 3. All equipment shall blend or architecturally match the existing design of the building. Elements used to screen roof-mounted or building-mounted equipment shall not appear as "add-on" elements to the existing building.
- D. Other Facilities. Other facilities are described as those telecommunication facilities that do not fit the descriptions above. These facilities may include, but are not limited to, rock features and other wireless telecommunication facility designs. All telecommunication facilities shall be stealth to the maximum extent feasible. (Ord. 492 § 1, 2011)

9.170.070 Application.

All new telecommunication facilities shall require a conditional use permit. Modifications and/or additions to approved existing telecommunication facilities shall

require a minor use permit for Director approval. All modifications and/or additions shall be reviewed on a case-by-case basis. Upon review of an application for modification and/or additions to an existing facility, the Director may schedule the proposal for a hearing with the planning commission. In all cases, unless otherwise waived by the Director, an application for approval of a wireless telecommunication facility shall include, at a minimum:

- A. A site plan or plans drawn to scale and identifying the site boundaries; tower(s); guy wires; existing and proposed facilities; vehicular parking and access; existing vegetation to be added, retained, removed or replaced; and uses, structures and land use and zoning designations on the site and abutting parcels.
- B. A plan drawn to scale showing proposed landscaping, including species type, size, spacing and other features.
- C. Photo simulations showing the proposed wireless telecommunication facility and surrounding features. Photo simulations shall include at least three different angles of the proposed facility at different distances from the location, including before and after visualizations.
- D. RF maps showing all existing wireless telecommunication facilities within a ten-mile radius of the proposed facility. The RF maps shall show existing coverage without the proposed site, predicted coverage with the proposed site and existing sites, and the predicted coverage of only the proposed site. RF maps shall show the predicted coverage for indoor, in vehicle, and outside service.
- E. The applicant shall provide a project information and justification letter. The letter shall provide the project location, contact information, a project description and project objectives, alternative site analysis and justification for why the proposed site was chosen over existing sites. The letter shall include justification for the selected site and a benefits summary on how the proposed site will improve wireless telecommunication access in the community.
- F. A structural report from a California registered structural engineer. The report shall provide the following information:
 1. Describe the tower and the technical, economic and other reasons for the tower design;
 2. Demonstrate that the tower complies with the applicable structural standards;
 3. Describe the capacity of the tower, including the number and type of antennas that it can accommodate and the basis for the calculation of capacity;
 4. Show that the tower complies with the capacity requested under Section 9.170.060; and
 5. Demonstrate that the proposed sources of NIER are in compliance with FCC guidelines.

- G. The applicant shall request the FAA, FCC, and state aeronautics division to provide a written statement that the proposed tower complies with applicable regulations administered by that agency or that the tower is exempt from those regulations. If each applicable agency does not provide a requested statement after the applicant makes a timely, good-faith effort to obtain it, the application will be accepted for processing. The applicant shall send any subsequently received agency statements to the Director.
- H. Evidence that the tower complies with Section 9.170.060(A) and a letter of intent to lease excess space on the tower and excess land on the tower site except to the extent reduced capacity is required under Section 9.170.060.
- I. The applicant shall provide a draft copy of the lease agreement between the tower operator and the property owner to the Planning Division. Financial information may be blocked out.
- J. A letter of intent, committing the tower owner and his or her successor in interest to:
 - 1. Respond in a timely, comprehensive manner to any request, required under Section 9.170.060, for information from a potential shared-use applicant, the tower owner may charge a party requesting information under this section to pay a reasonable fee not in excess of the actual cost of preparing a response.
 - 2. Negotiate in good-faith or shared use by third parties; an owner generally will negotiate in the order in which requests for information are received, except an owner generally will negotiate with a party who has received an FCC license or permit before doing so with other parties.
 - 3. Allow shared use if an applicant agrees in writing to pay charges and to comply with conditions described in this section. (Ord. 492 § 1, 2011)

9.170.080 Operations and maintenance.

- A. All new telecommunication towers shall be designed within the applicable American National Standards Institutes (ANSI) standards.
- B. No wireless telecommunication facility or combination of facilities shall produce, at any time, power densities that exceed current FCC adopted standards for human exposure to RF (Radio Frequency Radiation Exposure Standards) fields. Failure to comply with FCC Standards will result in the immediate cessation of operation of the wireless telecommunication facility.
- C. Each telecommunication facility will be subject to a ten-year review by the planning commission. The review will determine whether or not the originally approved telecommunication facility and accessory equipment are still in compliance with the conditions of approval, and that all radio

- frequencies are in compliance with FCC OET Bulletin 65. This report shall be prepared by a qualified licensed engineer.
- D. All wireless telecommunication facilities shall be installed and maintained in compliance with the requirements of the Uniform Building Code, National Electrical Code, the city's noise ordinance, and other applicable codes, as well as other restrictions specified in the permit and this section. The facility operator and the property owner shall be responsible for maintaining the facility in good condition, which shall include, but not be limited to, regular cleaning, painting, and general upkeep and maintenance of the site.
 - E. All wireless telecommunication facilities and related support equipment shall be designed to prevent unauthorized persons from accessing and/or climbing upon any wireless telecommunication facility or appurture thereto. Fences, walls, and other landscape materials shall be installed to prevent unauthorized persons from accessing and/or climbing a wireless telecommunication facility.
 - F. All wireless telecommunication facility operators are required to notify the city of La Quinta's Planning Division within sixty days of any change of ownership of the facility. (Ord. 492 § 1, 2011)

9.170.090 Required findings of approval.

The following findings shall be made by the planning commission and/or Director prior to approval of any wireless telecommunication facility:

- A. Consistency with General Plan. The wireless telecommunication facility is consistent with the goals, objectives and policies of the general plan;
- B. Public Welfare. Approval of the wireless telecommunication facility will not create conditions materially detrimental to the public health, safety and general welfare;
- C. The proposed wireless telecommunication facility minimizes adverse visual impacts through careful design and site placement;
- D. The proposed wireless telecommunication facility is designed at the minimal height to achieve the service provides objectives for coverage within this portion of the community;
- E. The proposed wireless telecommunication facility is necessary, as shown in the applicant's justification letter, to improve community access to wireless service. (Ord. 492 § 1, 2011)

Chapter 9.180 TRANSPORTATION DEMAND MANAGEMENT

9.180.010 Purpose.

This chapter is intended to protect the public health, safety and welfare by reducing air pollution, traffic congestion and energy consumption attributable to vehicle trips

and vehicle miles traveled. This chapter meets the requirements of Government Code Section 65089(b)(3), which requires inclusion of a trip reduction and travel demand element within a congestion management program (CMP) and Government Code Section 65089.3(a), which requires adoption and implementation of trip reduction and travel demand ordinances by local agencies. No building permit application for any applicable development project shall be accepted, nor shall a building permit be issued by the city unless and until a TDM plan has been approved or an exemption granted pursuant to this chapter. (Ord. 284 § 1 (Exh. A), 1996)

9.180.020 Definitions.

For purposes of this chapter, definitions of the following terms shall apply:

“Alternative transportation modes” mean any mode of travel that serves as an alternative to the single- occupant vehicle. This includes all forms of ride-sharing such as carpooling or vanpooling, as well as public transit, bicycling or walking.

“Applicable development” means any new development project or change of use project that is determined to meet or exceed the employment threshold using the criteria contained in this chapter. An applicable development also includes developments which are owned and/or managed as one unit, such as a business park or shopping center, that also meet or exceed the employment threshold, and may have one or more employers.

“Bicycle facilities” mean any capital improvements which would benefit an employee who rides a bicycle to his or her worksite, including shower facilities, locker facilities, bicycle parking, etc.

“Change of use” means the alteration of the initial use of a facility to another use not related to the previous use, after the effective date of the ordinance codified in this chapter, where some discretionary action or approval by the city council and/or the planning commission is required. (Example: office space changes its use to commercial space.)

“Developer” means the person or entity which is responsible for the planning, design and construction of an applicable development project. A developer may be responsible for implementing this chapter as determined by the property owner.

“Employee” means any person employed by an “employer” as defined in this section.

“Employer” means any person(s), firm, business, educational institution, government agency, nonprofit agency or corporation, or other entity which employs one hundred or more persons at a single worksite within the city, and may either be a property owner or tenant of an applicable development project.

“Employment generation factors” refers to factors developed for use by the city for projecting the potential employment of any proposed development project.

“Employment threshold” means the number of employees which an applicable development or employer must have for this chapter to apply.

“Minimum standards” mean the minimum changes made to establish a transportation demand management and trip reduction plan at an applicable development project to a level which satisfies this chapter.

“Mixed-use development” means new development projects that combine two or more different uses.

“New development project” means any nonresidential project being processed where some discretionary action or approval by the city council and/or the planning commission is required.

“Peak period” means those hours of the business day between seven a.m. and nine a.m. inclusive, Monday through Friday, which this chapter identifies as the priority period for reducing work related vehicle trips.

“Property owner” means the legal owner of the applicable development and/or the owner’s designee (e.g., developer).

“Ride-share facilities” mean any capital improvements which would benefit an employee who rideshares to the worksite, including on-site amenities, preferential parking and ridesharing drop-off areas at the entrance of the concern.

“Site development plan/permit” means a precise plan of development that may be subject to public hearing before the city council and/or planning commission including without limitation a specific plan, conditional use permit public use permit or subdivision map.

“Transit facilities” mean any capital improvements which would benefit an employee who uses any form of transit to travel to the worksite, including transit stops, shelters, bus turnouts, park and ride lots, and other transit amenities.

“Transportation management association” or **“TMA”** means a voluntary entity of employers, property owners and other interested parties who share a mutual concern for local transportation problems and have the ability to collectively pool participants’ resources to address these issues. A TMA must still satisfy the goals established for individual employers pursuant to this chapter.

“Transportation demand management” or **“TDM”** means the implementation of programs, plans or policies designed to encourage changes in individual travel behavior. TDM can include an emphasis on alternative travel modes to the single-occupant vehicle such as carpools, vanpools, and transit, reduction or elimination of the number of vehicle trips, or shifts in the time of vehicle commutes to other than peak periods.

“Worksite” means a building or grouping of buildings located within the city which are in physical contact or separated solely by a private or public roadway or other private right-of-way, and which are owned or operated by the same employer (or by employers under common control). (Ord. 284 § 1 (Exh. A), 1996)

9.180.030 Applicability.

- A. This chapter shall apply to all new nonresidential development projects and/or change of use projects that are estimated to employ a total of one hundred or more persons as determined by the methodology outlined in subsection B of this section.
- B. For purposes of determining whether a new development project or change of use project is subject to this chapter, the total employment figure shall be determined as follows:

1. Employment projections developed by the project applicant, subject to approval by the Director; or
2. Employment projections developed by the Director or the director’s designee using the following employee-generation factors by type of use:

Land Use Category	Gross Square Feet Per Employee
Retail/commercial	500
Office/professional	250
Industrial/manufacturing	525
Hotel/motel	.8 to 1.2 employees/room
Hospital	300

- C. The employment projection for a development of mixed use or multiple uses shall be calculated based upon the proportion of development devoted to each type of use. (Ord. 284 § 1 (Exh. A), 1996)

9.180.040 Exemptions

Notwithstanding any other provisions, the following uses and activities shall be exempt from this chapter:

- A. Development projects and change of use projects projected per Section 9.180.030 to employ fewer than one hundred persons;
- B. Temporary construction activities on any affected project, including activities performed by engineers, architects, contract subcontractors and construction workers;
- C. Other temporary activities, as defined in this code or as authorized by the city when such temporary activities shall discontinue at the end of the designated time period; and
- D. Any employer(s) who have submitted to the city an active approved plan under the South Coast Air Quality Management District’s (SCAQMD) Regulation XV program requirements (Regulation XV). Notwithstanding this provision, projects which are exempt under this subsection shall nevertheless comply with Section 9.180.110 (SCAQMD Compliance). (Ord. 284 § 1 (Exh. A), 1996)

9.180.050 Minimum standards.

- A. All applicable new developments and change of use projects shall, concurrent with application to the city for other permits and/or approvals, submit a transportation demand management plan (“TDM plan”) prepared

- by a traffic engineer, transportation planner or other similarly qualified professional identifying traffic impacts associated with the proposed project and including design recommendations and mitigation measures appropriate to address on-site and off-site project impacts. The TDM plan shall be in the form required by SCAQMD Regulation XV, and shall be reasonably calculated to achieve an average vehicle occupancy rate (VOR) of 1.3. The TDM plan shall also indicate specific strategies and guidelines to reduce the number of trips and increase the amount of nonvehicular transportation.
- B. All property owners of applicable new developments and change of use projects shall be subject to required capital improvement standards as specified in this section. These standards must be individually addressed to the specific needs and capacity of the applicable development. These required standards may be used to achieve an average vehicle occupancy rate (VOR) of 1.3. Property owners of all applicable developments shall include in their project site development plans provisions to address each of the following capital improvements:
1. Transit facilities (on-site and off-site);
 2. Bicycle facilities; and
 3. Rideshare facilities.
- C. All property owners of applicable new developments and change of use developments shall establish “operational standards” within sixty days after occupancy of the development by an employer. Operational standards shall consist of standards which employers, TMAs or a managing office of an applicable development must implement to achieve the goals of SCAQMD’s Regulation XV program.
- D. The following options may be included in the property owner’s TDM plan to fulfill both the capital improvement standards and the operational standards:
1. Alternate work schedules/flex-time: incorporating alternate work schedules and flex-time programs (such as a nine-day/eight-hour or four-day/forty-hour work schedule);
 2. Telecommuting: establishing telecommuting or work-at-home programs to allow employees to work at home or at a satellite work center;
 3. Bicycle facilities: providing bicycle parking facilities equal to five percent of the total required automobile parking spaces; and preserve two percent of the gross floor area for employee locker and shower facilities;
 4. On-site employee housing and shuttles: providing affordable on-site housing and shuttles to and from residential and work areas;
 5. Preferential parking for carpool vehicles;
 6. Information center for transportation alternatives;
 7. Rideshare vehicle loading areas;
 8. Vanpool vehicle accessibility;
 9. Bus stop improvements;

10. On-site child daycare facilities;
11. Availability of electrical outlets for recharging of electric vehicles;
12. On-site amenities such as cafeterias and restaurants, automated teller machines and other services that would eliminate the need for additional trips;
13. Airport shuttle service to hotels and spas;
14. Contributions to funds providing regional facilities such as park-and-ride lots, multimodal transportation centers and transit alternatives in the area;
15. Incentives for mass transit usage including, without limitation, provision of a bus pass, additional pay or flex-time;
16. Implementation of increased parking fees or new fees;
17. Restriction of business hours;
18. Restriction of delivery hours;
19. Providing a direct pedestrian path from the closest transit stop into the facility;
20. Contributing up to one dollar/square foot to a housing subsidy fund so that affordable housing can be created closer to employer sites;
21. Developing rideshare and shuttle programs at resorts/hotels;
22. Creating a golf cart circulation system;
23. If an applicable development is on a current transit route, providing a transit stop, shelter, trash barrels, benches, shade and wind protection, and bus turnouts;
24. If an applicable development is not located on a current transit route, contributing to a fund which will be used to provide transit amenities;
25. Provisions for the implementation of bicycle lanes; and
26. Providing other creative or innovative strategies to reduce vehicle trips.
(Ord. 284 § 1 (Exh. A), 1996)

9.180.060 TDM application.

- A. Every application for a TDM plan approval shall be made in writing to the Director on the forms provided by the Planning Division, shall be accompanied by a filing fee as set forth in Chapter 9.260 and shall include the following information:
 1. Name and address of the applicant;
 2. The proposed TDM plan;
 3. Such additional information as shall be required by the application form.
- B. The Director or the director's designee shall inform the applicant within thirty days of receipt of the application whether the application is complete. When the application is complete, the director shall take one of the following actions:
 1. If the TDM plan is submitted in conjunction with application(s) for zone change, general plan amendment, site development plan(s)/permit(s),

- submit the TDM plan to the planning commission for its approval if associated with another development application; or
2. If subsection (B)(1) of this section does not apply, the Director shall render a decision on the TDM plan in accordance with Section 9.180.070. (Ord. 284 § 1 (Exh. A), 1996)

9.180.070 TDM review.

- A. All applications for approval of TDM plans shall be approved, conditionally approved or disapproved by action of the Director or planning commission, whichever is applicable, based upon the standards set forth in this chapter, within thirty days after the application is found to be complete. A public hearing shall not be required for any TDM plan application unless it accompanies another permit application(s) which requires such a hearing. In this instance, the applicable time limits governing the requested approvals shall be in effect.
- B. The following findings must be made when a TDM plan is approved:
 1. The TDM plan conforms to all of the requirements of this chapter, the city's general plan, applicable specific plans, and with all applicable requirements of state law and the ordinances of this city.
 2. The TDM plan is reasonably calculated to provide a vehicle occupancy rate of 1.3 for the applicable development. (Ord. 284 § 1 (Exh. A), 1996)

9.180.080 Appeals.

- A. Director as Decision-Making Authority. An applicant or other aggrieved party may appeal the decision of the Director to the planning commission. Within fifteen calendar days after the date of mailing of the director's decision, the applicant or aggrieved party may appeal the decision in writing on forms provided by the Planning Division. Upon receipt of a completed appeal, the director shall set the matter for hearing before the planning commission not less than five calendar days nor more than thirty calendar days thereafter, and shall give written notice of the hearing, by mail, to the applicant and the appellant. The planning commission shall render its decision within thirty days following the close of the hearing on the appeal.
- B. Planning Commission as Decision-Making Authority. An applicant or other aggrieved party may appeal the decision of the planning commission to the city council. Within fifteen calendar days after the date of mailing of the planning commission's decision, the applicant or aggrieved party may appeal the decision in writing on forms provided by the planning department. Upon receipt of a completed appeal, the city clerk shall set the matter for hearing before the city council not less than five calendar days

nor more than thirty calendar days thereafter, and shall give written notice of the hearing, by mail, to the applicant and the appellant. The city council shall render its decision within thirty days following the close of the hearing on the appeal. (Ord. 284 § 1 (Exh. A), 1996)

9.180.090 Review for compliance.

- A. Director (or designee) shall review an approved TDM plan for compliance with this chapter if any complaints of noncompliance are received by the city. In addition, the Director shall annually review each of the currently outstanding approved TDM plans for compliance with this chapter. After review of an approved TDM plan, the Director may require revision or resubmittal of the plan upon his or her finding that one or more of the following conditions exist:
 - 1. The property owner is not complying with the TDM plan or the terms and/or approval conditions of the TDM plan;
 - 2. The TDM plan has failed to comply with SCAQMD requirements and the goals of this chapter to the level required by the TDM plan or its approval conditions; or
 - 3. Approval of the TDM plan was obtained by fraud or perjured testimony.
- B. In the event that the Director determines that a TDM plan must be resubmitted, the plan shall be resubmitted in accordance with the procedures outlined in this chapter as a new submittal and the applicant shall pay the specified fee for submittal. (Ord. 284 § 1 (Exh. A), 1996)

9.180.100 Enforcement and penalties.

For purposes of ensuring that applicable developments comply with the provisions of this chapter, the Director shall, following written notice to the property owner of an applicable development, initiate enforcement action or actions against such property owner or designee which may include, without limitation, the following:

- A. Withholding issuance of a building permit or occupancy permit;
- B. Issuance of a stop work order; and/or
- C. Any enforcement methods authorized by the municipal code. (Ord. 284 § 1 (Exh. A), 1996)

9.180.110 SCAQMD compliance.

Each property owner who has received approval of a TDM plan or who is exempt pursuant to Section 9.180.040D shall submit to the Planning Division for review copies of all plans and reports submitted to SCAQMD pursuant to Regulation XV, and all approvals, enforcement letters, and other correspondence from SCAQMD regarding Regulation XV conformance. The Director shall cooperate with the

SCAQMD in enforcement actions initiated either by SCAQMD or the city. (Ord. 284 § 1 (Exh. A), 1996)

Chapter 9.185 RECREATIONAL VEHICLE PARK

9.185.010 Purpose and intent.

These regulations are intended to provide for development of recreational vehicle rental parks and ownership/membership parks in a manner which will be compatible with surrounding properties. This chapter is to define various types of recreational vehicle parks and recreational vehicle campgrounds, and to provide for their proper development, as opposed to mobilehome parks, and to provide a reasonable compatibility with adjoining properties while allowing a diversity of uses. (Ord. 325 § 1 (Exh. A) (part), 1998)

9.185.020 Definitions.

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

“Recreational vehicle” means, as defined by Section 18010 of the California Health and Safety Code, a motor home, travel trailer, truck camper, or camping trailer, with or without motor power, designed for human habitation for recreational or emergency occupancy, which meets all of the following criteria:

1. It contains less than three hundred twenty square feet of internal living room area, excluding sliders, and built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;
2. It is built on a single chassis;
3. It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit;
4. It is constructed in accordance with Standard No. A119.2 of the American National Standards Institute, as may be changed by the regulations of the state Department of Housing and Community Development.

“Recreational vehicle park” means a recreational development containing active recreational amenities and lots for the parking of recreational vehicles, as temporary residences. For the purpose of this code, recreational vehicle parks are further defined as either:

1. Rental parks, where the recreational vehicle park is owned by a single owner or organization and all recreational vehicle lots are rented or leased for a period not exceeding two hundred ten days in any one year;
2. Ownership/membership parks, where the recreational vehicle lots are owned by individuals, but the park itself and the amenities, including common areas, are maintained by a homeowner association or other organization in which all

recreational vehicle owners must maintain membership, or in which the individual lots are owned by an overall membership organization, of which individual recreational vehicle owners are members, provided in any circumstances the lots are not occupied for a period exceeding two hundred ten days in any one year.

“Recreational vehicle lot” means that part of a recreational vehicle park for the exclusive use of the occupants of a recreational vehicle. The recreational vehicle lot shall include the exclusive adjoining parking space and the required open space around the recreational vehicle. An RV lot may be rented, leased or, if permitted herein, purchased as a separate parcel of land. (Ord. 325 § 1 (Exh. A) (part), 1998)

9.185.030 Permitted zone districts.

A recreational vehicle park is permitted in the CR and CT districts by an approved conditional use permit. Such a use is not permitted in any other district. (Ord. 325 § 1 (Exh. A) (part), 1998)

9.185.040 Applicability.

The following uses are permitted in all parks subject to the provisions of this chapter:

- A. Placement of recreational vehicles for nonpermanent residency. Note per city definition a recreational vehicle does not include mobilehomes;
- B. Permanent residency for manager or other employees in the operation of the park in a detached single-family residence;
- C. Delicatessen, RV accessories, snack bar and food store, provided this use is fully contained in a social or recreation center at least one hundred feet from any property line of the recreational vehicle park, and serving only park guests;
- D. Similar uses: The planning commission may, by the conditional use permit approval process, permit any other uses which it may determine to be similar to those listed above, operated exclusively for the convenience of recreational vehicle park residents, and not more detrimental to the public health, safety and welfare, or to other uses permitted in the park, as provided in this code. All uses shall be subject to the property development standards contained herein. (Ord. 325 § 1 (Exh. A) (part), 1998)

9.185.050 Occupancy.

- A. Rental parks: The length of occupancy in a recreational vehicle in any one lot shall not exceed two hundred ten days in any one year.
- B. Ownership/membership parks: The length of occupancy in a recreational vehicle in any one lot shall not exceed two hundred ten days in any one year.

- C. As to subsections A and B of this section, the limitation upon total number of days of occupancy shall apply to any particular recreational vehicle or park trailer, wherever it may be located within the recreational vehicle park. No single recreational vehicle or park trailer shall be permitted to be occupied more than the specified number of days in any one recreational vehicle park in any one year. If the length of occupancy does not exceed thirty days, transient occupancy tax will be required in accordance with Chapter 3.24.
- D. "Year" for the purpose of this section shall include any period of three hundred sixty-five consecutive days. (Ord. 325 § 1 (Exh. A) (part), 1998)

9.185.060 Prohibited uses.

- A. Permanent Residency. Except for park management and maintenance personnel, there shall be no permanent residency in a recreational vehicle park, nor shall any recreational vehicle or park trailer be occupied in any such park by any person or combination or succession of persons totaling more than the number of days specified for that type of park in Section 9.185.050.
- B. Nonresidential Uses. Except as otherwise expressly provided herein, no part of the park shall be used in any way, directly or indirectly, for any business, commercial, manufacturing, mercantile, storing, vending or similar purpose or any other purpose unrelated to a recreational vehicle park.
- C. Propane. The on-site sale of propane is prohibited, except from a mobile commercially-licensed vendor. (Ord. 325 § 1 (Exh. A) (part), 1998)

9.185.070 Accessory structures.

- A. General. The following structures and their uses are permitted in all recreational vehicle parks:
 - 1. One single-family residence for the owner or manager of a recreational vehicle park. The minimum lot area requirement for this residence shall be six thousand square feet. The residence may include office space for use in connection with the park operation;
 - 2. Social and recreational center, provided such center is at least one hundred feet from any property line of the recreational vehicle park;
 - 3. Private recreation facilities for the use of the occupants of the park and their guests, such as swimming pool, putting greens and shuffleboard courts;
 - 4. Common laundry facilities provided there is no dry cleaning equipment or outdoor laundry drying;
 - 5. Common shower, bath, and locker room facilities. Not permitted on recreational vehicle lot as separate structure;
 - 6. Structures to assist the handicapped.

- B. Rental parks: No additional accessory structures permitted.
- C. Ownership/membership parks: Storage structures provided that:
 - 1. The storage structure does not exceed dimensions of ten feet in width, nine feet in depth and seven feet in height;
 - 2. The storage structures within a given park are similar in design, style, quality and building materials to other such structures or approved theme designs in the park;
 - 3. The storage structures are located within the rear half of the RV lot;
 - 4. There is a maximum of one storage structure per recreational vehicle lot. (Ord. 325 § 1 (Exh. A) (part), 1998)

9.185.080 Prohibited accessory structures.

The following structures are prohibited within all recreational vehicle lots:

- A. Any enclosed habitable buildings;
- B. Garages and carports;
- C. Fences;
- D. Curbing for landscape areas and other decorative curbing or containers greater than six inches in height;
- E. Freestanding individual mailboxes. (Ord. 325 § 1 (Exh. A) (part), 1998)

9.185.090 Coverage.

The maximum coverage shall be sixty percent for a recreational vehicle lot. For the purpose of this section, coverage shall include the area of the recreational vehicle, patio cover, and storage shed. (Ord. 325 § 1 (Exh. A) (part), 1998)

9.185.100 Density.

The maximum net density in the various permitted recreational vehicle parks is as follows:

- A. Rental Parks. The number of recreation vehicle lots shall not exceed fifteen per acre.
- B. Ownership/Membership Parks. The number of recreational vehicle lots shall not exceed twelve per acre. (Ord. 325 § 1 (Exh. A) (part), 1998)

9.185.110 Area of parks and lots.

- A. Park Area. Each recreational vehicle park shall have a minimum of ten acres measured from the property lines of the park.
- B. Rental Park. Minimum area of recreational vehicle lot shall be two thousand square feet.

- C. Ownership/Membership Park. Minimum area of recreational vehicle lot shall be one thousand five hundred square feet. (Ord. 325 § 1 (Exh. A) (part), 1998)

9.185.120 Frontage of parks and lots.

- A. Park Frontage. Each recreational vehicle park shall have a minimum frontage on a public street of three hundred feet.
- B. Lot Frontage. The frontage of a recreational vehicle lot shall be a minimum of forty feet on an interior roadway. (Ord. 325 § 1 (Exh. A) (part), 1998)

9.185.130 Setbacks and yards.

- A. Setbacks for Park. Setbacks in which no recreational vehicle lot or structures are to be located.
- B. Setbacks. No recreational vehicle or structure may be placed within ten feet of a roadway, exterior side yard or rear lot line or within five feet of the interior side lot line.
- C. Separations. The minimum distance between any recreational vehicle or park trailer and any other recreational vehicle or park trailer shall be ten feet. (Ord. 325 § 1 (Exh. A) (part), 1998)

9.185.140 Landscaping.

- A. Park Yards. All required yards within a recreational vehicle park shall be fully landscaped and irrigated. No required parking or vehicular maneuvering areas shall be permitted in required yards, except entry roads crossing through said yards.
- B. All common open areas except for natural areas shall be landscaped and irrigated.
- C. Each recreational vehicle lot shall contain at least two hundred square feet of outdoor patio area containing at least one evergreen tree to provide a shade canopy. (Ord. 325 § 1 (Exh. A) (part), 1998)

9.185.150 Common recreation area.

- A. Common recreation area shall be required for all recreational vehicle parks. The recreation area may contain social halls, swimming pools, game courts, open areas, etc. Open areas may be either designed for active or passive recreation, provided that the slope of the land does not exceed a gradient of ten percent. Grades above ten percent shall be common area, but not counted as recreation area. The minimum amounts of common recreation area shall be provided as follows:
 - 1. Rental parks: two hundred square feet per recreational vehicle lot;

2. Ownership/membership parks: three hundred square feet per recreational vehicle lot.
- B. The common recreation area shall be for the use of the entire park and shall not be partitioned in any manner for the sole use of any person or group of persons. (Ord. 325 § 1 (Exh. A) (part), 1998)

9.185.160 Screening.

Screening shall be provided as required in Section 9.100.050. (Ord. 325 § 1 (Exh. A) (part), 1998)

9.185.170 Lighting.

Exterior lighting shall comply with provisions of Section 9.100.150. (Ord. 325 § 1 (Exh. A) (part), 1998)

9.185.180 Improvement of lots.

All recreational vehicle lots shall contain concrete cement paved areas for automobile parking, outdoor patio and for the parking of the recreational vehicle, provided that no more than seventy percent of each lot is covered with nonpermeable material. (Ord. 325 § 1 (Exh. A) (part), 1998)

9.185.190 Automobile parking.

Parking shall comply with provisions of Chapter 9.150. (Ord. 325 § 1 (Exh. A) (part), 1998)

9.185.200 Driveways and roads.

- A. Driveways. Driveway to the park shall have a minimum width of thirty-two feet and have a clear and unobstructed access to a public street. The driveway shall be at least one hundred feet in length from the street curb line and shall have no access to recreational vehicle lots or roadways. No vehicular parking shall be permitted within the driveway unless specifically designated for parking pursuant to city-approved plans.
- B. Roads.
 1. Each recreational vehicle lot shall front on a road. No recreational vehicle lot shall take access from a public street, alley or driveways.
 2. No vehicular parking shall be permitted within the road unless specifically designated for parking pursuant to city-approved plans. (Ord. 325 § 1 (Exh. A) (part), 1998)

9.185.210 Outdoor storage.

No construction or flammable material, or vehicle other than a recreational vehicle shall be stored within a recreational vehicle lot, road, or common areas except in special storage areas. Storage areas shall be screened by an opaque living hedge or masonry wall not less than five feet in height and shall be clearly designated on the approved plans. (Ord. 325 § 1 (Exh. A) (part), 1998)

9.185.220 Trash removal.

A trash removal plan for the recreational vehicle park shall be submitted at the time of application. This plan must include the type of trash collection facilities; location, size and number of trash receptacles; and frequency of removal. Trash collection areas shall be fully screened and inaccessible to animals. (Ord. 325 § 1 (Exh. A) (part), 1998)

9.185.230 Utilities.

- A. Electrical Service. Only one power supply connection shall be made to a recreational vehicle. Electric power supply equipment shall be located on the rear half of the recreational vehicle lot.
- B. Water Service. Each lot shall be served by a domestic water supply system.
- C. Sewer Service. Recreational vehicle parks shall be connected to sanitary sewerage facilities. Each lot shall be serviced to the system by a three-inch riser with "P" trap and basin designed to prevent spillage from contaminating the ground area.
- D. Undergrounding. All utilities shall be underground.
- E. Fire Hydrants. Hydrants shall be installed as required by the city engineer.
(Ord. 325 § 1 (Exh. A) (part), 1998)

9.185.240 Movement of recreational vehicles.

- A. Wheels and/or similar devices shall not be removed from recreational vehicles, nor shall any fixture be added or barrier be placed which will prevent the recreational vehicle or park trailer from being moved under its own power or by a passenger vehicle.
- B. Skirting is permitted provided it can easily be removed and there are proper openings for ventilation. (Ord. 325 § 1 (Exh. A) (part), 1998)

9.185.250 Subdivision of lots.

Subdivision to create recreational vehicle lots for sale or long-term lease is permitted within ownership/membership recreational vehicle parks subject to all applicable codes. (Ord. 325 § 1 (Exh. A) (part), 1998)

9.185.260 Conflict s with zoning district requirements.

Where the provisions of this chapter are in conflict with any other provision of the zoning code, the provisions of this chapter shall govern. Where the provisions of the chapter are silent on a matter, other provisions of the zoning code shall govern. (Ord. 325 § 1 (Exh. A) (part), 1998)

Chapter 9.190 TRANSFER OF DEVELOPMENT RIGHTS

9.190.010 Purpose.

- A. All transfers of development rights or credits shall follow the definitions, procedures, timing, and documentation presented in this chapter, and shall observe the restrictions and guidelines presented in other enabling sections, such as Section 9.140.040 (Hillside conservation regulations), and others which may be from time to time adopted enabling transfers of development rights or credits.
- B. The purpose of this chapter is to provide the process by which development rights or credits may be transferred from donor parcels to receiving parcels such as in open space land use designations to enable it to be preserved as open space, and other purposes which may be adopted in other enabling legislation. Such transfers of development rights or credits may be within the same property, or may take place from one property to another by means of sale.
- C. Transfers shall take place under the guidance of the city and shall be documented by means of recordation. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.190.020 Definitions.

For the purposes of this chapter and this code, certain words and terms shall be defined as follows:

“Density bonuses” means transferred development rights or credits shall not be counted in the basis for density bonuses granted for providing for affordable housing. The order in which bonuses and transferred rights or credits are applied shall be as follows:

- 1. The base density ranges as per the general plan;
- 2. Density bonuses applied for providing affordable housing (up to thirty percent of the base density alone);
- 3. Density bonuses for good design or special amenities (up to ten percent of the base density alone);
- 4. Transferred densities added to the final figure of any density bonuses. Transferred densities shall not become a part of the base on which bonuses are figured;

5. In no case shall the sum of all density bonus and transferred densities (if all are maximized) exceed sixty percent of the base density in the general plan.

“Development right” or **“development credit”** means a potential entitlement created by a land use designation and, by adoption of a zoning category, applying to a parcel of land, to construct one dwelling unit per a given number of square feet or per a given number of acres, which can only be exercised when the development right or credit has been transferred pursuant to the provisions of this chapter and the enabling section, from a donor parcel to a receiving parcel, and all other requirements of law are fulfilled.

“Documentation” means the requirements for city approval, recordation and notice to the city of such recordation, following example language specified in Section 9.190.050.

“Donor parcel” means a parcel from which all potential entitlements for residential development are transferred (by means of sale or transfer to another parcel) and thereby extinguished. A subdivision shall be required to separate developable from undevelopable portions of the parcel.

“Enabling section” means a section of Title 9 of this code which creates and further specifies and limits the transfer of development rights or credits, such as Section 9.140.040 (Hillside Conservation Regulations).

“Fractions” means development rights or credits may be transferred as a fraction carried to the second decimal place, rounded up or down to the second place following the rule of the third decimal being zero through four, rounded down; five through nine rounded up to the next digit in the second decimal place. When applied to the receiving parcel, the number of credits (carried to the second decimal place) will be spread across the acreage of the receiving parcel and will be translated into an increment of additional development entitlements carried to two decimal places per acre.

“Receiving parcel” means a parcel to which potential entitlements for residential development are transferred, up to the limits of the enabling sections, and exist in addition to any potential entitlements created by general plan land use designation and density specification and in addition to any zoning which applies to the parcel.

“Timing” means the time limits as specified in Section 9.190.040. (Ord. 325 § 1 (Exh. A) (part), 1998; Ord. 284 § 1 (Exh. A) (part), 1996)

9.190.030 Procedures.

- A. The enabling section shall specify by class the donor parcels and the receiving parcels, the number of residential development rights or credits which can be transferred per square footage or per acre; and the limits of development rights or credits which can be transferred to any one parcel
- B. The donor parcels, from which development rights are being removed must:

1. Remove all development rights or credits at the same time (residual development rights or credits cannot be left on the property);
 2. Be mappable; according to the Subdivision Map Act requirements, i.e., a legal description and a total acreage will be required to be recorded.
 3. Record a document which acknowledges that all development rights or credits for the described parcel have been extinguished and that no further residential development can occur on the parcel.
- C. The receiving parcel, to which development rights or credits are being transferred, must:
1. Be mappable; according to the Subdivision Map Act requirements, i.e., a legal description and a total acreage will be required to be recorded;
 2. Record a document of affixture (or attachment) which has been attested to by the city clerk of the city, tying the transferred development rights or credits to a specific parcel, in perpetuity, following the sense of the example of language contained in Section 9.190.050.
- D. This document of transfer and affixture must be recorded. Evidence of the recordation must be supplied to the city clerk of the city within thirty days of the date of attestation by the city clerk.
- E. The city clerk shall only attest to a transfer of development rights or credits upon receipt of written authorization from the city manager. The city manager shall only authorize such transfer after receiving a report from the planning and development department containing a recommendation and a synopsis of the engineering report from the public works director.
- F. If a property consists of both undevelopable and developable portions, the applicant may apply for the subdivision of the parcel to allow transfer of rights from the undevelopable portion to the developable portion. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.190.040 Timing.

- A. A condition of approval of the development rights transfer shall specify the donor and receiving parcels subject to the transfer which shall be recorded no later than ninety days from the date of council approval.
- B. In the event that a parcel of hillside land (with development rights still attached) is granted, bequeathed, sold, transferred, given or otherwise becomes the property of a not-for-profit land trust, conservancy, or public agency, the receiving entity shall have an unlimited period from the date of receipt in which to dispose of the development rights by sale or other means. When development rights are transferred to a specific receiving parcel, the ninety day time limit shall apply as in subsection A of this section. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.190.050 Documentation.

- A. There shall be recorded for the donor parcel a document having the sense of the following:
 - 1. A legal description and a total acreage of the parcel or portion of the parcel.
 - 2. The total number of development rights or credits being removed from the property.
 - 3. An acknowledgment that no further residential development rights or credits shall accrue to the parcel in perpetuity.
 - 4. The assessor's parcel number of the parcel to which the development rights or credits are being transferred.
 - 5. An attestation by the city clerk of the city (dated).
 - 6. The signature, name and address of the owner of the parcel.
- B. There shall be recorded for the receiving parcel a document having the sense of the following:
 - 1. "In addition to the number of dwellings units on this parcel APN (legal description and total acreage attached as Exhibit A) which may be permitted by the City of La Quinta by virtue of the General Plan Land Use and Density Designations, this parcel shall be permitted (number) of additional dwelling units per acre which have been transferred to this parcel pursuant to Chapter 9.146 of the Municipal Code, Transfer of Development Rights."
 - 2. "These additional dwelling units are hereby affixed to this parcel APN and may not be further transferred, sold, traded, or otherwise removed from this parcel, except by the purchase by the City of La Quinta or other public agency authorized by the City."
 - 3. The assessor's parcel number(s) of the donor parcel(s) from which the development rights or credits have been removed and transferred and affixed to this parcel.
 - 4. The signature of the city clerk of the city affixed below attests to the legitimate transfer of these development rights to this property as described in Exhibit A, attached to the ordinance codified in this chapter and on file in the office of the city clerk. (Ord. 284 § 1 (Exh. A), 1996)

Chapter 9.200 GENERAL PERMITTING PROCEDURES

9.200.010 Development review process.

- A. Purpose. Chapters 9.200 through 9.260 set forth the procedures for processing development review applications and the criteria and conditions necessary so that an appropriate decision may be made by the city on each such application.
- B. Applicable State Law. It is intended that the provisions of this chapter shall be consistent and in full compliance with Section 65920 et seq., and other

- applicable sections of the State Government Code and that such provisions shall be so construed.
- C. **Persons Who May File Applications.** An application for a permit or other action under Chapters 9.200 through 9.260 may be submitted only by a property owner of the subject property, by an agent with notarized written authorization from the property owner, or by a public agency.
 - D. **Application Filing.** Applications shall be filed with the planning department on forms prescribed by the director, together with: (1) all maps, plans, documents and other materials required by the director, and (2) all required fees per Chapter 9.260. The director shall provide the necessary forms plus written filing instructions specifying all materials and fees required to any requesting person at no charge.
 - E. **Legal Actions.** Any action or proceeding to challenge, attack, review, set aside, void or annul any discretionary action described in this chapter shall be governed by the applicable provisions of the State Planning and Zoning Law (Government Code Section 65000 et seq.). (Ord. 284 § 1 (Exh. A), 1996)
 - F. **Projects located in the vicinity of an airport.** Any project proposed on a site located within either the Land Use Plan or the noise contours of either the Bermuda Dunes or the Jacqueline Cochran airports shall be submitted to the Riverside County Airport Land Use Commission for review prior to review and approval by the City reviewing authority.

9.200.015 Preliminary Review.

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

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

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

Within thirty calendar days of receipt of a preliminary development plan application, a review letter shall be issued to the applicant, incorporating all comments received during the review period.

9.200.020 Authority.

- A. Decision-Making Authority. Table 9-23 specifies the decision-making authority for each of the various actions described in this code. An “A,” “PH” or “CC” means that the official or body at the top of the column has decision-making authority for the application. An “A” means that the application is reviewed administratively without a public hearing. A “PH” means that a public hearing is required before action is taken. An “R(PH)” means that the planning commission is responsible for holding a public hearing and forwarding a recommendation to the city council. A “CC” means that the city council is responsible for considering the site development permit as a consent calendar item.

Table 9-23 Discretionary Review Authority			
PH = Decision-making body (public hearing required)			
R(PH) = Recommending body (public hearing required)			
A = Administrative review by director (no public hearing)			
Type of Application	Decision-Making Authority		
	Staff	Planning Commission	City Council
General plan amendment		R(PH)	PH
Zoning code amendment		R(PH)	PH
Zone change		R(PH)	PH
Specific plan		R(PH)	PH
Development agreement		R(PH)	PH
Variance		PH	
Conditional use permit		PH	
Site development permit (not within scope of LQMC 9.210.010.D2)		PH	
Site development permit***	A	PH	
Minor use permit	A*		
Minor adjustment	A*		
Temporary use permit	A*		
Home occupation permit	A**		
Sign permit	A*		
Sign program		PH	
Subdivisions	Per city subdivision code		
Substantial Compliance Review	A*		
Environmental review	Per city environmental review procedures		

* By Director

** By director of building and safety

***Subject to the provisions of 9.210.010.

****Also see Title 13, Subdivisions.

B. Administrative Action. Actions to be taken administratively per Table 9-23 are those which are relatively minor in nature and with relatively little potential for adverse impacts on the surrounding community or the environment. A public hearing or public notification is not required for administrative actions, although the director may notify residents or property owners near the subject property if the director determines on a case-by-case basis that the public interest would be served by such notification.

C. Public Hearings. Public hearings shall be noticed and held in accordance with Section 9.200.110 for those applications shown in Table 9-23 as requiring a hearing. (Ord. 425 § 1, 2006; Ord. 284 § 1 (Exh. A), 1996)

9.200.030 Combined applications.

At the discretion of the director, applications for different types of actions may be combined and processed concurrently so long as all applicable processing requirements and all required findings are satisfied. The following rules shall apply to such combined applications:

- A. When an application requiring a public hearing is combined with one not requiring a public hearing, the combined application shall require a public hearing.
- B. The final decision on the combined application shall be made by the highest applicable decision-making authority pursuant to Table 9-23. For example, the decision on an application combining a zone change and a conditional use permit shall be made by the city council.
- C. The applicable fee(s) shall be collected in accordance with Chapter 9.260. (Ord. 284 § 1 (Exh. A), 1996)

9.200.040 General permit provisions.

- A. Applicability of Permits to Property. All rights granted by the approval of a development review permit remain with the affected property and all entitlements, conditions and requirements of a discretionary permit are passed on to the new property owner when there is a change of ownership.
- B. Enforceability of Permit Provisions. All conditions, requirements and standards specified either in writing or graphically as part of any approval granted by authority of this chapter shall have the same force and effect as this zoning code. Any land use or development established as a result of an approval which is not in compliance with all such conditions, requirements or standards shall be in violation of this chapter, and the enforcement provisions of the municipal code shall be applicable. (Ord. 284 § 1 (Exh. A), 1996)

9.200.050 Permit applications.

- A. Acceptance of Applications as Complete. Within thirty days of receipt of a permit application, the director shall determine whether the application is complete and shall transmit such determination to the applicant. If the application is determined not to be complete, the director shall specify in writing those parts of the application which are incomplete and shall indicate the manner in which they can be made complete.
- B. Preparation of Environmental Documents. When it is determined that an environmental impact report or a negative declaration is required for a proposal, the application for that proposal shall not be deemed complete until the applicant has deposited with the Planning Division sufficient funds

to pay for the cost of completion of the environmental impact report or negative declaration. The director shall determine the amount of funds required to be deposited for the preparation of an environmental impact report or negative declaration and shall advise the applicant of that amount within ten days after the application is filed. (Ord. 284 § 1 (Exh. A), 1996)

9.200.060 Action by decision-making authority.

- A. Possible Actions. The decision-making authority may take one of the following actions on each application:
1. Approval. Simple approval of an application means that no conditions or requirements other than those specified by the application are imposed. After the action's effective date defined in subsection C of this section and after approval of any required plan revisions per subsection D of this section, the proposed land use or development may be established in compliance with all applicable regulations and the approved project plans and specifications.
 2. Approval with Conditions. Any application may be approved subject to compliance with conditions. Conditions may require dedication of land, installation of improvements, the posting of financial security to guarantee performance, design modifications or other conditions necessary to achieve the objectives of the general plan and this zoning code. After the action's effective date as defined in subsection C of this section and after approval of any required plan revisions per subsection D of this section, the proposed land use or development may be established in compliance with all applicable regulations, the approved project plans and specifications, and the requirements of the conditions of approval.
 3. Denial. When a conditional use permit or site development permit application has been denied, an application for the same or a similar use on the same property shall not thereafter be accepted for a period of one year from the date of final determination, except that the decision-making authority may specify that this time limitation shall not apply. This time limitation on resubmittal of applications is not applicable to other discretionary permits.
 4. Withdrawal. With the concurrence of or at the request of the applicant, any application may be withdrawn. When an application is withdrawn, such action is effective immediately and is not subject to appeal. Thereafter, such application shall be null and void and the property shall have the same status as if no application had been filed.
- B. Action in Writing. The decision on each application, including any required findings and any other reasons that serve to explain the determination plus all conditions of approval shall be in writing. A copy of the written determination shall be forwarded to the applicant following the date of final

- determination and shall be made available at cost to any person requesting such a copy.
- C. **Effective Date.** The determination of the decision-making authority by resolution shall be effective immediately unless appealed. Ordinances shall be effective 30 days after second reading unless adopted as an urgency or emergency ordinance as shall be effective as authorized under law.
 - D. **Tie Votes.**
 - 1. **Development Review Applications.** If action on a development review application results in a tie vote by the decision-making authority, such vote shall constitute a lost motion.
 - 2. **Appeals.** When all members of a decision-making authority are present, a tie vote on whether to grant an appeal shall be considered a denial of the appeal. The original action shall then stand unless the decision-making authority takes other action to further consider the matter. If a tie vote occurs when less than all members of the decision-making authority are present, the matter shall automatically be continued to the next regular meeting unless otherwise ordered by the decision-making authority.
 - E. **Use of More Restrictive Standards.** In conjunction with approval of a development review permit, the decision-making authority may impose more restrictive site development standards than set forth in this code in order to make the required findings for each type of permit as specified in Chapter 9.210. (Ord. 284 § 1 (Exh. A), 1996)

9.200.070 Time limits on processing applications.

- A. **Development review applications** shall be processed within the time limits specified in Chapter 4.5 of the State Planning and Zoning Law (Government Code Section 65920 et seq.). Time periods specified in Section 9.200.120 regarding actions on appeals shall be in addition to the preceding Government Code time limits.
- B. **Incomplete Application Sunset Provisions.** All applications which remain incomplete or inactive for a minimum six-month period shall have a written thirty-day warning notification forwarded to the applicant by means of certified mail or similar method. If no action is taken by the applicant regarding the application within thirty days thereafter, the application shall automatically be withdrawn and closed. (Ord. 466 § 1, 2009; Ord. 284 § 1 (Exh. A), 1996)

9.200.080 Permit expiration and time extensions.

- A. **Period of Validity.** The period of validity for a development review permit shall begin on the permits effective date as set forth in Section 9.200.060. The period of validity shall run pursuant to subsection C of this section.
- B. **Establishment.** A development review permit shall be deemed established if the following actions occur within twenty-four months of the effective date of the approval or within such other time period designated by the approval:
 - 1. In the case of a development review permit where ministerial permits are required, such permits have been issued. In circumstances where a certificate of occupancy is required, such certificate has been issued.
 - 2. In the case of a development review permit where no ministerial permits are required, the use authorized by the permit has been established. In circumstances where a certificate of occupancy is required, such certificate has been issued.
- C. **Expiration.** A development review permit shall expire and be of no further force or effect if:
 - 1. The permit is not established within twenty-four months of the permits effective date or such other time period designated by the permit approval, by state law or by this code; or
 - 2. After establishment, the use or activity for which the permit was approved is discontinued or abandoned for a period of one year.
 - 3. If a project initiated construction but only a portion of the project was occupied, the construction of the project may resume without further discretionary review only if a building or use is operational.
- D. **Time Extensions.**
 - 1. Upon application before expiration of the period of validity, the original decision-making authority may grant an extension to the period of validity for up to two years if it finds that such an extension is justified by the circumstances of the project. The filing of an application for extension shall stay expiration of the permit until action is taken on the time extension by the decision-making authority unless the application has been deemed incomplete and inactive pursuant to Section 9.200.070(B). Development Review Permits can be extended no more than twice.
 - 2. Projects not requiring a time extension may be constructed in accordance with the requirements and standards in effect at the time of permit approval provided the construction complies with all project conditions of approval and all laws in effect at the time of the permit approval. However, any project or permit requiring a time extension shall conform to the requirements and standards in effect at the time the extension is granted. (Ord. 489 § 1, 2011; Ord. 284 § 1 (Exh. A), 1996)

E. Amendments to development review permits.

1. Content of Amendments. Permit amendments are required for substantial revisions to conditions of approval, alterations to approved plans which are more substantial than the modifications provided for in Section 9.200.090 new or additional land uses, or similar major changes.
2. Procedures. A development review permit may be amended any number of times by the approval of a subsequent application. All permit amendments shall be for the same parcel or property for which a development review permit was previously approved. Amendments shall be filed prior to the expiration of the previously approved permit in compliance with the same filing procedures and payment of the fee required for an amendment. Amendments shall be processed in the same manner as an original application. (Ord. 325 § 1 (Exh. A), 1998; Ord. 284 § 1 (Exh. A), 1996)

9.200.090 Modifications by applicant.

- A. Plan Modifications by Applicant. Site development permit plans modified at the initiative of the applicant from those approved by the decision-making authority may be submitted to the director.
- B. Procedures. If the director determines that the proposed plan modification is minor, will not result in a significant change in the project approved by the decision-making authority, and complies with the spirit and intent of the original approving action, the director may approve the modified plan without further compliance with this section. If the director determines that the plan modification may result in a significant change in the project, the director shall refer the change to the original decision-making authority.
- C. Criteria. Modifications by applicant shall permit minor changes to an existing or approved site development permit. The following criteria constitute minor changes that shall be deemed eligible for modification by applicant consideration:
 1. Changes in building square footage not to exceed ten percent from the original approval that have been determined to not result in a significant architectural, aesthetic, or visual impact to the existing project and require additional parking;
 2. Changes, additions, or adjustments to windows, window locations, or window treatments;
 3. Changes, substitutions, or adjustments to building materials, roofing materials, screening materials, lighting fixtures, or paving;
 4. Changes, additions, or substitutions to approved landscaping, including site of grading plans;
 5. Minor adjustments, substitutions, or additions to architectural features such as pilasters, canopies, trellises, shade structures, overhangs,

- eaves, parapets, cornices, or portions of roof structures that do not result in a significant effect on the overall aesthetic or architectural style of the building;
- 6. Changes, substitutions, or adjustments to the approved color palette or material colors.
- 7. Changes in residential model design.
- D. Ineligibility. Modifications by applicant which have been determined by the Director, planning commission, or city council to exceed these standards or constitute a significant change shall require application and approval of an amended site development permit. (Ord. 466 § 1, 2009; Ord. 284 § 1 (Exh. A), 1996)

9.200.100 Public hearings.

- A. Applicable State Law. Public hearings required for development review actions shall be carried out in accordance with the procedures set forth in this section. It is intended that the provisions of this section shall be fully consistent and in full compliance with Section 65090 et seq., of the State Government Code and that such provisions shall be so construed.
- B. Failure to Receive Notice. Pursuant to State Government Code Section 65093, the failure of any person to receive notice shall not constitute grounds for any court to invalidate the action of the decision-making authority.
- C. Conduct of Hearings. Public hearings shall be noticed in accordance with subsection D of this section and then held by the decision-making authority prior to action on the relevant application. At the public hearing, the decision-making authority may take action on the application, continue the application to a specified date, or take the application under submission. An application taken under submission may later be taken out of submission for the purpose of taking action on the application without scheduling a new public hearing provided no additional testimony is heard and no further evidence is presented. Further testimony may be heard and further evidence may be presented regarding an application taken under submission only if a new public hearing is held in compliance with this section.
- D. Noticing Requirements. Not less than ten days prior to hearing. The city shall:
 - 1. Mail or deliver a public notice, which includes the date, time and place of the hearing, the application number, the applicants name, the location of the property affected, and a description of the land use, development or other action proposed, to:
 - a. The owner of the subject real property,
 - b. The owners authorized agent, if any,
 - c. The project applicant,

- d. Each local agency expected to provide water, sewage, street, roads, schools or other essential facilities or services to the project,
 - e. All owners of real property as shown on the last equalized assessment roll within five hundred feet of the subject real property. If the number of owners to whom notice would be mailed is greater than one thousand, the city may instead place a display advertisement of at least one-eighth page in a newspaper of general circulation; and
- 2. Publish a legal notice in a newspaper of general circulation or post a notice at two public places in the city and one place at the subject site.
- E. Additional Notice. The Director may require that additional notice be given by enlarging the notification radius or by other means determined by the director.
 - F. Other Notice. The city shall also provide any other notice required by law. (Ord. 325 § 1 (Exh. A), 1998; Ord. 299 § 1, 1997; Ord. 284 § 1 (Exh. A), 1996)

9.200.110 Appeals.

For purposes of this section, the “board of appeals” shall be the planning commission for decisions appealed to the planning commission and shall be the city council for decisions appealed to the city council.

- A. Persons Who May Appeal. Any interested person may appeal a decision of the director or the Planning Commission regarding the action taken on a development review permit application for a development project upon submittal of the required documents and information and the payment of the required fee.
- B. Call-Up Review. The board of appeals (either the planning commission or city council), on its own motion adopted by a majority vote of its total membership, may elect to call up and review any decision of the director or the planning commission regarding the action taken on a development review permit application. The planning commission’s or city council’s call-up review shall be processed in accordance with this section
- C. Appeal Procedures.
 - 1. Time Limits for Filing Appeals.
 - a. All appeals, except call-up reviews pursuant to Subdivision C, shall be filed with the director within fifteen calendar days of the date on which the decision being appealed was rendered. If the fifteenth day is a nonworking day for the city, the appeal period shall be extended to include the next city working day. No appeal shall be accepted after the appeal period has expired.
 - b. A request for call-up review pursuant to Subdivision C shall be initiated by a member of a board of appeals (either the planning commission or city council) delivering written request for call-up review to the city

manager or his/her designee within fifteen calendar days of the date on which the decision of the director or the planning commission (as applicable) was rendered. Upon timely receipt of the request for call-up review, the city manager or his/her designee shall schedule as an agenda item at the next regular meeting of the board of appeals, on which the member calling up review is seated, the question whether an appeal shall be considered for the decision subject to call-up review. If the next regular meeting of the board of appeals is cancelled, the city manager or his/her designee shall reschedule the question whether an appeal shall be considered at the next regular meeting that is not cancelled. No appeal may be heard on a decision subject to call-up review unless a majority of the membership of the board of appeals votes to approve the consideration of the appeal. The board of appeals shall consider the appeal that was subject to call-up review not later than forty-five days after the board of appeals votes to approve consideration of the appeal. An appeal may be heard and decided at the same meeting at which the majority of the membership voted to approve the call-up review, provided no applicable law would be violated if the hearing of an appeal occurs at the same meeting. A member of the city council may initiate the call-up review process for a director's decision on a development review permit, without the need for review of that decision by the planning commission, in which case an appeal of the decision subject to call-up review may be considered directly by the city council if a majority of the membership of the city council vote to approve the consideration of the appeal pursuant to this section.

2. Required Documents. Each appeal, except for call-up reviews, shall be in writing and shall include all grounds for the appeal and sufficient information so as to make it clear to the planning commission or city council the substance of each of the grounds for appeal. The director may require that the written appeal be accompanied by such other documents and information that the director determines to be necessary to adequately explain and provide proper notification for the appeal. No appeal shall be accepted if it fails to contain the grounds for the appeal and the description of the grounds.
3. Forwarding of Records. When an appeal has been received, the director shall forward to the planning commission or city council all documents and information on file pertinent to the appeal together with the minutes or official action of the decision-making authority and a report on the basis of the decision.
4. Public Hearing Requirements. If the original approving action did not require a public hearing, the appeal review shall not require a public hearing. If the original approving action required a public hearing, the appeal review shall also require a public hearing. Notice and scheduling

requirements for an appeal hearing shall be the same as those for an original hearing as described in Section 9.200.110.

5. **Issues to be Considered.** The planning commission or city council may refuse to consider any issues which were not raised by the appellant or another person either by verbal testimony or written correspondence made at or before the time the decision-making authority took action. When reviewing a decision-making authority's decision via its own call-up review, the planning commission or city council may raise and consider any issue it deems appropriate to the project application.
6. **Action on Appeal.** Not later than forty-five days after an appeal has been received and accepted by the director, the planning commission or city council shall consider the appeal and take one of the following actions:
 - a. Take action to sustain, reverse or modify the original decision. If an original decision to approve a project is modified, the planning commission or city council may modify permitted land uses, place additional or different conditions of approval on the project, direct that revisions be made to project plans, or require other project modifications.
 - b. Continue the appeal for further consideration.
 - c. Refer the application back to the original decision-making authority with directions.
7. **Majority Vote.** Action by the planning commission or city council to reverse or modify an appealed decision shall require a majority vote of appeal board members present. If there is a tie vote, the original decision shall stand. (Ord. 284 § 1 (Exh. A), 1996)

9.200.130 Permit revocation.

- A. **Grounds for Revocation.** Any development review permit may be revoked by the decision-making authority or the city council pursuant to the provisions of this section on any of the following grounds:
 1. Such approval was based on inaccurate or misleading information.
 2. One or more of the conditions upon which such approval was granted or extended have been violated.
 3. A change in conditions occurring after the original grant of the approval or the continuation of the use as approved is contrary to public health, safety or general welfare, or is detrimental or incompatible with other permitted uses in the vicinity.
 4. The findings which were the basis for the original permit approval can no longer be made.
 5. Other grounds as set forth elsewhere in this code such as, but not limited to, those for sexually oriented businesses.

- B. Procedure. Prior to any action on revocation, the decision-making authority shall hold a public hearing noticed and held in accordance with Section 9.200.110, except that the permittee shall be given not less than fifteen days' notice. The notice shall state the causes for which the revocation is to be considered.
- C. Action of Decision-Making Authority. Following the hearing, the decision-making authority may revoke the permit or revoke the permit subject to reinstatement upon compliance with the conditions of the original permit.
- D. Amortization. If a revocation of any permit is ordered, the decision-making authority may at the same time provide for a reasonable period of time to amortize any lawful existing uses on the site. Extensions of this time period may be granted for good cause shown on later application to the decision-making authority by any affected person.
- E. Appeal. Any action by the decision-making authority pursuant to this section may be appealed as set forth in Section 9.200.120.
- F. New Decision-Making Authority. If the decision-making authority which granted a permit is no longer in existence or no longer issues such permits, the authority which would issue such permit at the time revocation is to be considered shall be the decision-making authority as that term is used in this section. (Ord. 284 § 1 (Exh. A), 1996)

Chapter 9.210 DEVELOPMENT REVIEW PERMITS

9.210.010 Site Development Permits.

- A. Terminology. For purposes of this code, site, architectural, lighting and preliminary landscape plans, related development plans, and sign programs are included within the term site development permit.
- B. Purpose. The purpose of a site development permit is to ensure that the development and design standards of this zoning code, including, but not limited to, permitted uses, development standards and supplemental regulations are satisfied. The site development permit process provides a means of achieving this purpose through city review of detailed plans for proposed development projects. Therefore, all development authorized under a site development permit and any land uses associated with the development shall be in compliance with the plans, specifications and conditions of approval shown on and/or attached to the approved permit.
- C. Applicability. A site development permit is required for all projects which involve building construction except the following:
 - 1. Individual single-family houses and alterations to single-family houses or associated accessory structures, unless a site development permit is otherwise required by an applicable provision of this code or permit condition of approval.

2. Temporary uses (requires temporary use permit per Section 9.210.050).
- D. Decision-Making Authority. Site development permits shall be processed as follows:
 1. The director shall be the decision making authority for the following projects:
 - a. New office or commercial buildings no more than 10,000 square feet that are not part of an approved master commercial development or specific plan.
 - b. New building construction or remodeling (single and multiple family residential, office, commercial and/or institutional) and landscape plans within an approved specific plan.
 - c. New buildings on vacant pads within an approved commercial development.
 - d. New single family models and landscaping plans in an approved tentative tract map.
 - e.
 2. The planning commission shall be the decision making authority for the following projects:
 - a. New office or commercial buildings of more than 10,000 square feet that are not part of an approved master commercial development or specific plan.
 - b. New multi-family buildings and landscaping no part of an approved specific plan.
 - c. New Mixed Use buildings and landscaping plans.
- E. Required Findings. The following findings shall be made by the decision-making authority prior to the approval of any site development permit:
 7. Consistency with General Plan. The project is consistent with the general plan.
 8. Consistency with Zoning Code. The project is consistent with the provisions of this zoning code.
 9. Compliance with CEQA. Processing and approval of the permit application are in compliance with the requirements of the California Environmental Quality Act.
 10. Architectural Design. The architectural design of the project, including, but not limited to, the architectural style, scale, building mass, materials, colors, architectural details, roof style and other architectural elements are compatible with surrounding development and with the quality of design prevalent in the city.
 11. Site Design. The site design of the project, including, but not limited to, project entries, interior circulation, pedestrian and bicycle access, pedestrian amenities, screening of equipment and trash enclosures, exterior lighting, and other site design elements are compatible with surrounding development and with the quality of design prevalent in the city.

12. Landscape Design. Project landscaping, including, but not limited to, the location, type, size, color, texture and coverage of plant materials, has been designed so as to provide visual relief, complement buildings, visually emphasize prominent design elements and vistas, screen undesirable views, provide a harmonious transition between adjacent land uses and between development and open space, and provide an overall unifying influence to enhance the visual continuity of the project.
- F. Appeals. Appeals to decisions on-site development permits shall be reviewed pursuant to Section 9.200.120.
- G. Expiration and Time Extensions. The period of validity for establishment or time extension of a site development permit shall be pursuant to Section 9.200.080.E
- H. Amendments. Amendments to site development permits shall be processed pursuant to Section 9.200.100.
- I. Staff Certification of Construction Documents. Prior to issuance of a building permit, the director shall certify that final construction documents conform to preliminary plans (schematic elevations, preliminary site and landscape plans, etc.) approved as part of the site development permit. (Ord. 425 § 1, 2006; Ord. 299 § 1, 1997; Ord. 284 § 1 (Exh. A), 1996)

9.210 020 Conditional use permits.

- A. Purpose. The purpose of a conditional use permit is to provide for individual approval or denial of land uses requiring such permits under this code. Uses requiring these permits have potential for adverse impacts on surrounding properties, residents or businesses. Therefore, when such uses are approved, conditions are placed on their establishment and operation to mitigate or eliminate such impacts.
- B. Definitions. See Chapter 9.280.
- C. Applicability. A conditional use permit is required for all land uses identified in this code as requiring such permits.
- D. Decision-Making Authority. Conditional use permits shall be reviewed by the planning commission in conjunction with a public hearing held pursuant to Section 9.200.110.
- E. Compliance with Permit. The establishment and operation of any land use authorized under a use permit and any development associated with the permit shall be in compliance with the approved permit and any plans, specifications and conditions of approval shown on and/or attached to the permit at all times.
- F. Required Findings. The following findings shall be made by the decision-making authority prior to the approval of a conditional use permit:
1. Consistency with General Plan. The land use is consistent with the general plan.
 2. Consistency with Zoning Code. The use is consistent with the provisions of this zoning code.

3. Compliance with CEQA. Processing and approval of the permit application are in compliance with the requirements of the California Environmental Quality Act.
 4. Surrounding Uses. Approval of the application will not create conditions materially detrimental to the public health, safety and general welfare or injurious to or incompatible with other properties or land uses in the vicinity.
- G. Appeals. Appeals to decisions on use permits shall be reviewed pursuant to Section 9.200.120.
- H. Expiration and Time Extensions. The period of validity for establishment or time extension of a site development permit shall be pursuant to Section 9.200.080.
- I. Amendments. Amendments to use permits shall be processed pursuant to Section 9.200.100.
- J. The use permit may be modified or revoked by the city council, or planning commission, should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare, or materially injurious to property, or improvements in the vicinity, or if the property is operated or maintained, so as to constitute a public nuisance.

9.210 025 Minor use permits

- A. Purpose. The purpose of a minor use permit is to provide for individual approval or denial of land uses requiring such permits under this code.
- B. Definitions. See Chapter 9.280.
- C. Applicability. A minor use permit is required for all land uses identified in this code as requiring such permits.
- D. Decision-Making Authority. Minor use permits shall be processed administratively by the Director pursuant to Section 9.200.020.
- E. Compliance with Permit. The establishment and operation of any land use authorized under a use permit and any development associated with the permit shall be in compliance with the approved permit and any plans, specifications and conditions of approval shown on and/or attached to the permit at all times.
- F. Required Findings. The following findings shall be made by the decision-making authority prior to the approval of a minor use permit:
1. Consistency with General Plan. The land use is consistent with the general plan.
 2. Consistency with Zoning Code. The use is consistent with the provisions of this zoning code.
 3. Compliance with CEQA. Processing and approval of the permit application are in compliance with the requirements of the California Environmental Quality Act.

- 4. Surrounding Uses. Approval of the application will not create conditions materially detrimental to the public health, safety and general welfare or injurious to or incompatible with other properties or land uses in the vicinity.
- G. Appeals. Appeals to decisions on use permits shall be reviewed pursuant to Section 9.200.120.
- H. Expiration and Time Extensions. The period of validity for establishment or time extension of a minor use permit shall be pursuant to Section 9.200.080.
- I. Amendments. Amendments to use permits shall be processed pursuant to Section 9.200.100.

9.210.030 Variances.

- A. Purpose. The purpose of a variance is to provide for deviations from applicable standards of this zoning code such as the development standards set forth in Chapter 9.50 and 9.90. Therefore, any development or other activity authorized under such a permit shall be in compliance with the plans, specifications and conditions of approval shown on and/or attached to the approved permit.
- B. Applicability. A variance is required for any development which is not consistent with applicable site development standards or other regulations of this code and which is not eligible for consideration as a minor adjustment pursuant to Section 9.210.040.
- C. Decision-Making Authority. Variances shall be reviewed by the planning commission in conjunction with a public hearing held pursuant to Section 9.200.110.
- D. Conditions of Approval. If a variance is approved, conditions may be placed on the permit to mitigate or eliminate adverse impacts on surrounding properties, residents or businesses.
- E. Required Findings. The following findings shall be made by the decision-making authority prior to the approval of a variance:
 - 1. Consistency with General Plan. The variance is consistent with the general plan.
 - 2. Consistency with Zoning Code. The variance is consistent with the provisions of this zoning code.
 - 3. Compliance with CEQA. Processing and approval of the variance application are in compliance with the requirements of the California Environmental Quality Act.
 - 4. Surrounding Uses. Approval of the application will not create conditions materially detrimental to the public health, safety and general welfare or injurious to or incompatible with other properties or land uses in the vicinity.
 - 5. Special Circumstances. There are special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, which, when the zoning regulations are strictly applied,

- deprive the property of privileges enjoyed by other properties in the vicinity subject to the same zoning regulations. The special circumstances shall be specified in the adopted finding.
6. Preservation of Property Rights. The granting of the variance is necessary for the preservation of a substantial property right possessed by other property in the same vicinity and zoning district and otherwise denied to the subject property.
 7. No Special Privileges. The variance's required conditions of approval assure that the adjustment authorized will not constitute a grant of special privileges which are inconsistent with the limitations placed upon other properties in the vicinity subject to the same zoning regulations.
 8. No Land Use Variance. The approval does not authorize a land use or activity which is not permitted in the applicable zoning district.
- F. Expiration and Time Extensions. The period of validity for establishment or time extension of a site development permit shall be pursuant to Section 9.200.080.
- G. Amendments. Amendments to variance permits shall be processed pursuant to Section 9.200.080
- H. Staff Certification of Construction Documents. If development is provided for under the variance, prior to issuance of a building permit the director shall certify that final construction documents conform to preliminary plans (schematic elevations, preliminary site and landscape plans, etc.) approved as part of the variance. (Ord. 284 § 1 (Exh. A), 1996)

9.210.040 Minor adjustments.

- A. Purpose. The purpose of a minor adjustment permit is to provide for minor deviations from certain specific development standards set forth in this code.
- B. Definition. See Chapter 9.280.
- C. Applicability. A minor adjustment permit may be approved only for deviations of up to ten percent of a numerical development standard (for example, a reduction of one foot from a ten-foot setback requirement); for an approved or proposed map; approved or proposed development permit review; single family home building permit. Other deviations shall require consideration of a variance pursuant to Section 9.210.030. Up to three adjustments per lot shall be allowed.
- D. Decision-Making Authority. Minor adjustments shall be reviewed administratively by the director pursuant to Section 9.200.020 unless combined with another application which requires discretionary review by the planning commission or city council pursuant to Section 9.200.030 and 9.200.090.B.

- E. Conditions of Approval. If a minor adjustment is approved, conditions may be placed on the permit to mitigate or eliminate adverse impacts on surrounding properties, residents or businesses.
- F. Precise Development Plan. Any development authorized under such a permit shall be in compliance with the plans, specifications and conditions of approval shown on and/or attached to the approved permit.
- G. Required Findings. The following findings shall be made by the decision-making authority prior to the approval of any minor adjustment permit:
 - 1. Consistency with General Plan. The project is consistent with the general plan.
 - 2. Consistency with Zoning Code. The project is consistent with the provisions of this zoning code.
 - 3. Compliance with CEQA. Processing and approval of the permit application are in compliance with the requirements of the California Environmental Quality Act.
 - 4. Surrounding Uses. Approval of the application will not create conditions materially detrimental to the public health, safety and general welfare or injurious to or incompatible with other properties or land uses in the vicinity.
- H. Appeals. Appeals to decisions on minor adjustments shall be reviewed pursuant to Section 9.200.120.
- I. Expiration and Time Extensions. The minor adjustment will expire at the same time as the primary building or planning permit.
- J. Amendments to Minor Adjustment Permits. Amendments to minor adjustments shall be processed pursuant to Section 9.200.100.
- K. Staff Certification of Construction Documents. Prior to issuance of a building permit, the director shall certify that final construction documents conform to preliminary plans (schematic elevations, preliminary site and landscape plans, etc.) approved as part of the adjustment. (Ord. 325 § 1 (Exh. A), 1998; Ord. 284 § 1 (Exh. A), 1996)

9.210.050 Temporary use permits.

- A. Purpose. The purpose of a temporary use permit is to regulate certain temporary land uses and activities to ensure that adverse impacts on surrounding properties, residents and businesses are minimized, that the time limitations for temporary uses are specified and complied with, and that the site of the temporary use is restored to its condition prior to establishment.
- B. Applicability. A temporary use permit is required for temporary uses permitted under this code.
- C. Decision-Making Authority. Temporary use permits shall be reviewed administratively by the director pursuant to Section 9.200.020.

- D. Conditions of Approval. If a temporary use is approved, conditions may be placed on the permit to mitigate or eliminate adverse impacts on surrounding properties, residents or businesses.
- E. Precise Development Plan. Any use or development authorized under such a permit shall be in compliance with the plans, specifications and conditions of approval shown on and/or attached to the approved permit.
- F. Required Findings. Findings required for approval of a temporary use permit shall be deemed to have been made if the director determines that the findings set forth for such temporary uses in the applicable section of this code have been satisfied. (Ord. 284 § 1 (Exh. A), 1996)

9.210.060 Home occupation permits.

- A. Purpose. The purpose of a home occupation permit is to regulate certain incidental and accessory home enterprises in residential neighborhoods under conditions that will ensure their compatibility with the neighborhood. Regulations for home occupations are set forth in Section 9.60.110.
- B. Applicability. A home occupation permit is required for home occupations conducted within a residence which are accessory to the main residential use of the dwelling and which are permitted pursuant to Section 9.60.110.
- C. Decision-Making Authority. Home occupation permits shall be reviewed administratively by the Director pursuant to Section 9.60.110.
- D. Conditions of Approval. If a home occupation is approved, conditions may be placed on the permit to mitigate or eliminate adverse impacts on surrounding properties, residents or businesses.
- E. Compliance with Permit. Any use or activity authorized under a home occupation permit shall be in compliance with the specifications and conditions of approval shown on and/or attached to the approved permit. Failure to comply with such specifications and conditions of approval may result in revocation of the permit.
- F. Required Findings. Findings required for approval of a home occupation permit shall be deemed to have been made if the director of building and safety determines that the standards set forth in Section 9.60.110 for home occupations have been or will be satisfied. These standards consist of the following:
 - G. The establishment and conduct of a home occupation shall be an incidental and accessory use and shall not change the principal character or use of the dwelling unit involved.
 - H. Only residents of the dwelling unit may be engaged in the home occupation.
 - I. A home occupation shall be conducted only within the enclosed living area of the dwelling unit or within the garage provided no garage space required for off-street parking is used. The home occupation shall not occupy more

- than twenty-five percent of the combined floor area of the house and garage.
- J. A home occupation shall not be conducted within a detached accessory structure, although materials may be stored in such a structure.
 - K. There shall be no signs, outdoor storage, parked vehicles or other exterior evidence of the conduct of the home occupation. Neither the dwelling nor the lot shall be altered in appearance so that it appears other than a residence, either by color, materials, construction, lighting, sounds, vibrations or other characteristics.
 - L. Electrical or mechanical equipment which creates interference in radio, television or telephone receivers or causes fluctuations in line voltage outside the dwelling unit shall be prohibited.
 - M. The home occupation shall not create dust, noise or odors in excess of that normally associated with residential use.
 - N. No sales activity shall be conducted from the dwelling except for mail order sales. The dwelling unit shall not be the point of customer pickup or delivery of products or services, nor shall a table 9-1\
 - O. create greater vehicular or pedestrian traffic than normal for the district in which it is located.
 - P. Medical, dental or similar occupations in which patients are seen in the home are prohibited.
 - Q. All conditions attached to the home occupation permit shall be fully complied with at all times. (Ord. 284 § 1 (Exh. A), 1996)

Chapter 9.220 ZONE CHANGES MAP AND CODE AMENDMENTS

9.220.010 Zone map changes and rezoning.

- A. Purpose. A zone map change is a legislative action by the city council to change the zone designation of a property or properties on the official zoning map. A rezoning is the zoning of property outside the city's boundaries in anticipation of annexation into the city. For purposes of this code, rezonings are included within the term "zone change."
- B. Applicable State Law. It is intended that the provisions of this section shall be fully consistent and in full compliance with Section 65853 et seq., of the State Government Code and that such provisions shall be so construed.
- C. Who May Apply.
 - 1. The owner of the property or by the owner's agent (with written notarized authorization from the owner);
 - 2. The city council by a majority vote;
 - 3. The planning commission by a majority vote; or
 - 4. The Director.
- D. Review Procedures.

1. Zone changes shall be approved, approved with modifications or denied by ordinance of the city council after receipt of testimony at a public hearing held pursuant to Section 9.200.110.
 2. Prior to city council review, the planning commission shall hold a public hearing, review the application, and forward a recommendation to the council.
 3. If the council contemplates a modification to the application not previously considered by the planning commission, the proposed modification may be referred to the planning commission for report back to council. A public hearing shall not be required for such planning commission review.
- E. Required Findings. The following findings shall be made by the city council prior to approval of any zone map change:
1. Consistency with General Plan. The zone map change is consistent with the goals, objectives and policies of the general plan.
 2. Public Welfare. Approval of the zone map change will not create conditions materially detrimental to the public health, safety and general welfare.
 3. Land Use Compatibility. The new zoning is compatible with the zoning on adjacent properties.
 4. Property Suitability. The new zoning is suitable and appropriate for the subject property.
 5. Change in Circumstances. Approval of the zone map change is warranted because the situation and the general conditions of the property have substantially changed since the existing zoning was imposed. (Ord. 367 § 1 (Exh. A), 2002; Ord. 284 § 1 (Exh. A), 1996)

9.220.020 Zoning text amendments.

- A. Purpose. A zoning code amendment is a development review action by the city council to change the text and/or graphics within this zoning code.
- B. Applicable State Law. It is intended that the provisions of this section shall be fully consistent and in full compliance with Section 65853 et seq., of the State Government Code and that such provisions shall be so construed.
- C. Who May Apply. A code amendment may be initiated by:
 1. The city council;
 2. The planning commission by a majority vote; or
 3. The Director;
 4. An interested party.
- D. Review Procedures. Text amendments shall be reviewed under the same procedures as zone map changes as set forth in Section 9.220.010.
- E. Required Findings. The following findings shall be made by the city council prior to approval of any text amendment:

1. Consistency with General Plan. The code amendment is consistent with the goals, objectives and policies of the general plan.
2. Public Welfare. Approval of the code amendment will not create conditions materially detrimental to the public health, safety and general welfare. (Ord. 367 § 1 (Exh. A), 2002; Ord. 284 § 1 (Exh. A), 1996)

Chapter 9.230 GENERAL PLAN AMENDMENTS

9.230.010 Application and referral.

- A. Purpose. A general plan amendment is a legislative action by the city council to change the text of the general plan or any map or diagram of the general plan.
- B. Applicable State Law. It is intended that the provisions of this section shall be fully consistent and in full compliance with Section 65350 et seq., of the State Government Code and that such provisions shall be so construed.
- C. Who May Apply.
 1. The owner of the property or by the owners agent (with written notarized authorization from the owner);
 2. The city council by a majority vote;
 3. The planning commission by a majority vote; or
 4. The Director.
 5. An interested party.
- D. Referral of Proposed Amendments. Proposed general plan amendments shall be referred to the persons and agencies as specified in Section 65352 of the State Government Code.
- E. Frequency of General Plan Amendment.
 1. General Plan elements specified as mandatory in the State Government Code may be amended pursuant to city council Resolution 2000-77. Each amendment may include more than one change to the general plan.
 2. The limitation on frequency of amendments to the general plan set forth in subsection (E)(1) of this section does not apply to residential development projects with at least twenty-five percent of the dwelling units to be occupied by persons or families of low or moderate income. (Ord. 367 § 1 (Exh. A), 2002; Ord. 284 § 1 (Exh. A), 1996)
- F. Review Procedures.
 1. General plan amendments shall be approved, approved with modifications or denied by resolution of the city council after receipt of testimony at a public hearing held pursuant to Section 9.200.110. Approval or approval with modifications shall require an affirmative vote of a majority of the total membership of the council.

2. Prior to city council review, the planning commission shall hold a public hearing, review the application, and forward a recommendation with findings to the council.
 3. If the council contemplates a modification to the application not previously considered by the planning commission, the proposed modification may be referred to the commission for report back to the council. A public hearing shall not be required for such commission review.
- G. Required Findings. The following findings shall be made by the city council prior to the approval of a general plan amendment:
1. Internal General Plan Consistency. The amendment is internally consistent with those goals, objectives and policies of the general plan which are not being amended.
 2. Public Welfare. Approval of the amendment will not create conditions materially detrimental to the public health, safety and general welfare.
 3. General Plan Compatibility. In the case of amendments to the general plan policy diagram, the new designation is compatible with the designations on adjacent properties.
 4. Property Suitability. In the case of amendments to the general plan policy diagram, the new designation is suitable and appropriate for the subject property.
 5. Change in Circumstances. In the case of amendments to the general plan policy diagram, approval of the amendment is warranted because the situation and the general conditions of the property have substantially changed since the existing designation was imposed. (Ord. 367 § 1 (Exh. A), 2002; Ord. 284 § 1 (Exh. A), 1996)

Chapter 9.240 SPECIFIC PLANS

9.240.010 Specific plan review.

- A. Purpose. A specific plan is a detailed plan covering a selected area of the city for the purpose of implementation of the general plan.
- B. Applicable State Law. It is intended that the provisions of this section shall be fully consistent and in full compliance with Section 65450 et seq., of the State Government Code and that such provisions shall be so construed.
- C. Who May Apply. A specific plan or specific plan amendment application may be initiated by:
 1. The city council
 2. The owner of the property or by the owners agent (with written notarized authorization from the owner);
 3. The planning commission by a majority vote; or
 4. The Director.

- D. Review Procedures. Specific plans shall be prepared, adopted and amended in the same manner as the general plan, except that a specific plan may be adopted either by resolution or ordinance.
- E. Required Findings. The following findings shall be made by the city council prior to approval of any specific plan or specific plan amendment:
 - 1. Consistency with General Plan. The plan or amendment is consistent with the goals, objectives, and policies of the general plan.
 - 2. Public Welfare. Approval of the plan or amendment will not create conditions materially detrimental to the public health, safety and general welfare.
 - 3. Land Use Compatibility. The specific plan is compatible with zoning on adjacent properties.
 - 4. Property Suitability. The specific plan is suitable and appropriate for the subject property. (Ord. 367 § 1 (Exh. A), 2002; Ord. 284 § 1 (Exh. A), 1996)
- F. Substantial Conformance. The Director shall determine substantial conformance in approved Specific Plans.
- G. Waiver of Amendments. The Director has the authority to waive the need for a Specific Plan amendment under the following circumstances:
 - 1. when changes to the land use allocation are less than 5%,
 - 2. when the off-site circulation pattern and turning movements will not be altered by the proposed change,
 - 3. when the change is considered minor in nature and does not conflict with the purpose and intent of the Specific Plan, or
 - 4. when no new land use is proposed.
- H. Density Transfers. Density transfers may occur in Specific Plans when common area amenities and open space are provided beyond that required by Code.

Chapter 9.250 OTHER ACTIONS

9.250.010 Environmental review.

- A. Definition. See Chapter 9.280.
- B. Procedures. All discretionary applications shall be evaluated in compliance with CEQA the CEQA Guidelines, and the city's environmental review procedures to determine the proposals potential impacts. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.250.020 Development agreements.

- A. Purpose. A development agreement is a legislative action by the city council to provide certainty in the review and approval of development projects in order to make maximum efficient utilization of resources at the

- least economic cost to the public, strengthen the public planning process, encourage private participation in comprehensive planning, reduce the economic costs of development, and provide for public facilities and infrastructure. Development agreements shall be prepared, reviewed, adopted, and maintained in accordance with the provisions of this section.
- B. **Applicable State Law.** It is intended that the provisions of this section shall be fully consistent and in full compliance with Section 65864 et seq., of the State Government Code and that such provisions shall be so construed.
- C. **Review Procedures.**
1. **Application Forms.** The director shall prescribe the form of each application, notice and document provided for or required under this chapter for the preparation, processing and implementation of development agreements. The application shall include as separate documents by reference, the following information:
 - a. Duration of the agreement;
 - b. The permitted uses of the property;
 - c. The density or intensity of use of the property;
 - d. The maximum height and size of proposed buildings;
 - e. Provisions for reservation of dedication of land for public purposes;
 - f. Fiscal impact statement to include revenue generated to the city and benefits received by the developer;
 - g. Phasing and project completion date;
 - h. Consistency with the general plan and any applicable specific plan.

In addition to the above, the director may require an applicant for a development agreement to submit such other information and supporting data as the director deems necessary to process the application.

2. **Fees.** The city council shall establish and from time to time amend by resolution a schedule of fees imposed for the filing and processing of each application and documentation required by this chapter. The fee may be waived in whole or in part by the city council for affordable housing that is in conformance with the general plan.
3. **Who May Apply.** An application for a development agreement may only be filed by a person who has a legal or equitable interest in the real property for which a development agreement is sought or the authorized representative of such person.
4. **Proposed Form of Agreement.** Each application shall be accompanied by draft development agreement in form which is mutually agreed upon by the applicant and the city at a pre-proposal meeting. This requirement may be met by using the city's standard development agreement form and including specific proposals for changes in or additions to the language of the standard form.

5. Review and Filing of Application. The director shall endorse on the application the date it is received. The director shall review the application and determine if additional requirements are necessary to complete the agreement. The application may be rejected if it is not completed in the manner required by these rules. After receiving the required information, the director shall prepare a staff report. The staff report shall analyze the proposed development agreement and shall contain a recommendation as to whether or not the development agreement proposed or in an amended form would be consistent with the general plan or any applicable specific plan. Before processing the application the director shall obtain the opinion of the city attorney as to sufficiency of the applicant's interest in the real property to enter into agreement.
6. Notice of Intention. Upon completion of the staff report required by subsection C5 of this section, in addition to any other notice required by law, the director shall give notice of intention to consider adoption of a development agreement. The notice shall contain:
 - a. The time and place of the public hearing;
 - b. A general explanation of the development agreement, including a general description of the property proposed to be developed;
 - c. Other information that the director considers necessary or desirable.
7. Manner of Giving Notice. All notices required by these rules shall be processed in the manner provided in Section 9.200.110 of this code.
8. Hearing and Recommendation of planning commission. The planning commission shall hold a public hearing on the proposed development agreement at the time and place specified in the notice of intention. The planning commission shall make its recommendation to the city council in writing within thirty days of the date set for the public hearing. The recommendation shall include whether or not the proposed development agreement:
 - a. Is consistent with the objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan;
 - b. Is compatible with the uses authorized in and the regulations prescribed for the land use district in which the real property is located;
 - c. Is in conformity with the public necessity, public convenience, general welfare and good land use practices;
 - d. Will be detrimental to the health, safety and general welfare;
 - e. Will adversely affect the orderly development of property or the preservation of property values;
 - f. Will have a positive fiscal impact on the city.
9. Hearing by city council. After the recommendation of the planning commission or after the expiration of the time period specified in subsection C8 of this section, the director shall give notice of a public

hearing before the city council in the manner provided for in subsections C6 and 7 of this section.

10. Decision by city council.

- a. After it completes the public hearing and considers the recommendation, if any, of the planning commission, the city council may accept, modify or disapprove the proposed development agreement. It may, but need not, refer the matters not previously considered by the planning commission during its hearing back to the planning commission for report and recommendation. The planning commission shall not be required to hold a public hearing on matters referred back to it by the city council.
- b. The development agreement may not be approved unless the city council finds that the development agreement is consistent with the general plan and any applicable specific plan.

11. Approval of Development Agreement. The development agreement shall be approved by the adoption of an ordinance. Upon the adoption of the ordinance, the city shall enter into the development agreement by the execution thereof by the city manager.

12. Amendment and Cancellation.

- a. Either the city or the applicant or successor in interest thereto may propose an amendment or cancellation in whole or in part of the development agreement.
- b. The procedure for proposing and approving an amendment to or cancellation in whole or in part of the development agreement shall be the same as the procedure for entering into a development agreement.
- c. Notwithstanding the foregoing, a proposed amendment to a development agreement to delete certain real property from the terms and conditions of the agreement and sell such property to a public entity considered by the planning commission without a noticed public hearing so long as the planning commission holds a properly noticed public hearing in connection with a proposed general plan amendment and/or zone change for such property. Upon consideration of the proposed amendment and written recommendation to the city council by the planning commission, the city council shall hold a properly noticed public hearing and consider the amendment in accordance with the same procedure for entering into a development agreement.
- d. Except as expressly set forth herein, each and every provision of this section concerning the procedures for processing and approval of development agreements remains in full force and effect.
- e. Except as provided for in subsection C14c of this section, the development agreement may only be amended or canceled in whole or in part by the mutual consent of all parties to the development agreement.

13. Recordation.

- a. No later than ten days after the city enters into the development agreement, the city clerk shall record with the county recorder a copy of the development agreement.
- b. If the parties to the agreement or their successors in interest amend or cancel the agreement, or if the city terminates or modifies the agreement for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the city clerk shall cause notice of such action to be recorded with the county recorder.

14. Periodic Review.

- a. The city council shall review the development agreement at least every twelve months from the date the development agreement is entered into until expiration of the term of the agreement.
- b. The director shall give the applicant or successor in interest thereto at least thirty days' advance notice of the time at which the city council will review the development agreement.
- c. The city council may refer the matter to the planning commission for further proceedings or for a report and recommendation.
- d. The applicant or successor in interest thereto shall demonstrate good faith compliance with the terms of the development agreement.
- e. If, as a result of such periodic review, the city council finds and determines, on the basis of substantial evidence, that the applicant or successor in interest thereto has not complied in good faith with the terms or conditions of the development agreement, the city council may commence proceedings to enforce, modify or terminate the development agreement.

15. Modification or Termination.

- a. If, upon a finding under subsection C14e of this section, the city council determines to proceed with modification or termination of the development agreement, the city council shall give notice to the applicant or successor in interest thereto of its intention to do so. The notice shall contain the time and place of the hearing.
- b. At the time set for the hearing on the modification or termination, the city council may refer the matter back to the planning commission for further proceedings or for report and recommendation. The decision of the city council shall be final. (Ord. 284 § 1 (Exh. A) (part), 1996)

Chapter 9.260 FEES

9.260.010 Administration of fees.

- A. Filing Fees. A filing fee to defray the cost of processing and notification for each application for a discretionary permit or other discretionary action shall be paid by the property owner or the owner's authorized agent at the time the application is accepted. Such fees shall be set by resolution of the city council.
- B. Refunds. Whenever an application for a change of zone or for a permit or variance that requires a public hearing is terminated for any reason, upon request of the applicant a refund of a percentage of fees paid may be made by the Director in accordance with the following schedule. If any portion of the application fee has been paid out by the city to another jurisdiction or agency for services to be rendered in connection with the application, no refund of that portion of the fee shall be made.

1.	Application accepted by the Planning Division, fee not receipted	100%
2.	Application accepted and fee receipted by department, but no processing begun	90%
3.	Application processed, but public hearing not advertised or noticed	50%
4.	Public hearing advertised or noticed but hearing not held	20%
5.	Public hearing held by planning commission	0%

- C. Exemptions for Nonprofit Organizations. Nonprofit organizations are exempt from paying the fees charged for the processing of a special event application per Chapters 9.60 or 9.100. For the purposes of this section, "nonprofit organization" means a corporation, association or other organization which is exempt from taxation under Section 501(C)(3) of the Internal Revenue Code and Section 23701(d) of the California Revenue and Taxation Code, and which has received determination letters from the United States Internal Revenue Service and the California Franchise Tax Board confirming its exempt status under such sections. (Ord. 284 § 1 (Exh. A) (part), 1996)

Chapter 9.270 NONCONFORMITIES

9.270.010 Purpose.

The purpose of this chapter is to promote the public health, safety and general welfare by regulating land uses, lots and structures which were lawfully established but which do not conform to the provisions of this zoning code. This chapter is further intended to prevent the expansion of nonconforming uses and structures to the

maximum extent feasible, to establish the criteria under which they may be continued, and to provide for the correction or removal of such nonconformities in an equitable and reasonable manner. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.270.020 Definitions.

For the purposes of this chapter and this code, certain words and terms shall be defined as follows:

1. “Nonconformity” means a land use, lot or structure which was lawful when established or constructed but, due to subsequent ordinance changes, is not in conformance with this zoning code. The term “nonconformity” does not include illegal uses, lots, or structures which were not lawful when established or constructed.
2. “Nonconforming use” means a land use which was lawful and in conformance with the applicable zoning ordinances when established but which, due to subsequent ordinance changes, is not currently permitted in the zoning district in which it is located or is permitted only upon the approval of a use permit and no use permit has been approved.
3. “Nonconforming lot” means a lot or parcel which was lawful and in conformance with the applicable zoning ordinances when established but which, due to subsequent ordinance changes, does not conform to the current development standards applicable to the zoning district in which it is located.
4. “Nonconforming structure” means a structure which was lawful and in conformance with the applicable zoning ordinances when constructed but which, due to subsequent ordinance changes, does not conform to the current development standards applicable to the zoning district in which it is located.
5. “Intensity” means the level of development or activity associated with a land use, as measured by one or more of the following:
 - a. The amount of parking required for the use per Chapter 9.150.
 - b. The operational characteristics of the use such as hours of operation, the inclusion of dancing or live entertainment as part of the use, or similar characteristics.
 - c. The floor area occupied by the use.
 - d. The percentage of the building site occupied by the use or by the structure containing the use. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.270.030 Nonconforming uses.

- A. Continuation of Nonconforming Use. A nonconforming use may be continued subject to the restrictions of this section.

- B. Discontinued Nonconforming Uses. If the nonconforming use is discontinued for a period of one year, it shall not be reestablished and any new use of the premises shall conform to the applicable district regulations of this code.
- C. Intensification of Nonconforming Uses.
 - 1. A nonconforming nonresidential use shall not be increased in intensity.
 - 2. A nonconforming residential use may be increased in intensity provided the intensification will not create or increase any nonconformity relating to setback, height or any other development standard. (For example, a “granny flat” may be added to a single-family detached dwelling in a district permitting only attached homes provided there is no new setback or other encroachment and all requirements pertaining to creation of second dwelling units are met.)
- D. Restoration of Nonconforming Use. A nonconforming use occupying a structure which is damaged or destroyed by fire, explosion, earthquake or other disaster may be reestablished provided:
 - 1. Restoration of the structure will not create or increase any nonconformity relating to setback, height, or any other development standard; and
 - 2. Application for a building permit is submitted within one year of the damage or destruction and construction is commenced and completed under that permit without any lapses of or extensions to the permit.
- E. Change of Ownership. Changes in ownership, tenancy, proprietorship or management of a nonconforming use shall not affect its nonconforming status provided that the use or the intensity of use does not change. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.270.040 Nonconforming lots.

Legally established nonconforming lots may be developed and used in accordance with this code provided all code requirements other than those relating to the lot's conformity are met. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.270.050 Nonconforming structures.

- A. Continuation of Nonconforming Structure. A nonconforming structure may be continued and maintained subject to the restrictions of this section.
- B. Maintenance and Repairs. Ordinary maintenance and repairs may be made to all nonconforming structures, such as painting, patching, window repair, reroofing, residing, replastering and replacement of incidental nonstructural elements.
- C. Structural Alterations. Interior or exterior structural alterations may be made to nonconforming structures provided the alterations do not increase the degree or extent of the structure's nonconformity nor create any new nonconformities.

D. Damage or Destruction.

1. **Residential and Nonresidential Structures.** A nonconforming structure which is damaged or partially destroyed by fire, explosion, earthquake, or other disaster to the extent of fifty percent or more of the replacement cost of the structure, as determined by the director, shall not be restored except in conformity with all development standards and other regulations of this zoning code.
2. **Determination of Replacement Cost.** In determining the replacement cost of a structure, the director may utilize city building permit records, contractor estimates, assessed valuation, and any other information deemed by the director to be reflective of replacement cost.
3. **Residential Structures.** A nonconforming residential structure which is destroyed or damaged to any extent by fire, explosion, earthquake or other disaster may be restored.

E. Safety of Structures. Nothing in this section shall be construed to prevent the strengthening or restoration to a safe condition of any structure declared to be unsafe by an officer of the city charged with protecting the public safety upon order of such officer. (Ord. 325 § 1 (Exh. A) (part), 1998; Ord. 284 § 1 (Exh. A) (part), 1996)

9.270.060 Nonconforming parking and signs.

Refer to Section 9.150.100 for provisions regarding nonconforming parking and Section 9.160.110 for provisions regarding nonconforming signs. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.270.070 Plans previously approved.

Uses, tentative subdivision lots, tentative parcel map lots and structures approved prior to the effective date of this zoning code which are nonconforming under this code may nevertheless be established, recorded or constructed in accordance with approved plans or maps provided all other applicable laws and regulations are satisfied. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.270.080 Illegal uses and structures.

Nothing in this chapter shall be construed so as to allow for the continuation of illegal land uses or structures, i.e., uses or structures which did not comply with the zoning ordinance(s) in effect when they were established. Such illegal uses or structures shall be subject to the enforcement provisions of the municipal code and shall be removed immediately. (Ord. 284 § 1 (Exh. A) (part), 1996)

Chapter 9.280 DEFINITIONS

9.280.010 Purpose and applicability.

This chapter shall be known as the zoning code definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of this code. The meaning and construction of words and phrases as set forth shall apply throughout this code except where the context of such words or phrases clearly indicates a different meaning or construction. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.280.020 Use of terms.

- A. Rules for Construction of Language. The following general rules of construction shall apply to the textual provisions of this code:
 - 1. The specific shall supersede the general.
 - 2. The word “shall” is mandatory. The word “may” is discretionary. The word “should” identifies a regulation or design guideline which must be followed in the absence of compelling opposing considerations identified by the city decision-making authority.
 - 3. In the case of any difference of meanings or implication between the text regarding a provision of the code and any title, heading, caption or illustration, the text shall control.
 - 4. Unless the context clearly indicates otherwise, words used in the present tense include the future, words used in the singular include the plural, and words used in the plural include the singular.
 - 5. Unless the context clearly indicates otherwise, certain conjunctions shall be interpreted as follows:
 - a. “And” indicates that all connected items or provisions shall apply.
 - b. “Or” indicates that the connected items or provisions may apply singly or in any combination.
 - c. “Either...or” indicates that the connected items or provisions shall apply, but not in combination.
 - 6. Unless otherwise indicated, all public officials, bodies and agencies to which reference is made are those of the city of La Quinta.
- B. Time Periods. The use of the term “days” to describe a specific time period does not include the day the action was taken but does include all subsequent days unless the last day falls upon a Saturday, Sunday, or a legal city holiday, in which case the next business day shall be the last day of the time period. (Ord. 284 § 1 (Exh. A) (part), 1996)

9.280.030 Definition of terms.

“Abandoned” means a structure or use, the development or operation of which has been ceased or suspended.

“Abutting” or **“adjacent”** means two or more parcels sharing a common boundary at one or more points.

“Access/egress” means provision for entering a site from a roadway and exiting a site onto a roadway via motorized vehicle.

“Accessory building or structure” means a building or structure, the use of which is subordinate and incidental to the main building or use on the same building site. As it pertains to Section 9.140.060, Equestrian Overlay District, **“accessory building”** means any building subordinate to a permitted or conditionally permitted equestrian use, including, but not limited to, hay and tack barns, stables and other structures and uses customarily appurtenant to the primary permitted use. Also pertaining to Section 9.140.060, Equestrian Overlay District, **“accessory structure”** means any structure subordinate to a permitted or conditionally permitted equestrian use, including, but not limited to, arenas, grandstand seating, corrals, exercise rings, and other structures associated with the permitted use. Fences are not considered structures for the purposes of this section.

“Accessory use” means a land use subordinate and incidental to the principal use on the same building site.

“Actual construction” means the actual placing of construction materials in their permanent position fastened in a permanent manner except that where a basement is being excavated, such excavation shall be deemed to be actual construction, or where demolishing or removal of an existing building or structure has begun, such demolition or removal shall be deemed to be actual construction, providing in all cases that actual construction work be diligently carried on until the completion of the entire building or structure involved.

“Administrative office” means a place of business for the rendering of service or general administration, but not including retail sales.

Adult Business, Adult Entertainment Business or Adult Oriented Business. See **“sexually oriented business,”** Chapter 5.80 of the municipal code.

Advertising Device or Display. See sign definitions, Section 9.160.120.

“Affordable housing cost” bears the same meaning as defined in Section 50052.5 of the California Health and Safety Code. **“Affordable housing unit”** means a dwelling unit within a housing development which will be rented or sold to and reserved for very low income households, lower income households, moderate income households (where qualified) and/or senior citizens at an affordable housing cost for the respective group(s) in accordance with Section 65915 of the California Government Code and Section 9.60.270 of this Code.

“Affordable rent” means that level of rent defined in Section 50053 of the California Health and Safety Code.

“Agricultural activity, operation, or facility, or appurtenances thereof” includes all uses allowed under the Agricultural Overlay District, including, but be limited to, the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural commodity, including timber viticulture, apiculture, or horticulture, the raising of livestock, fur bearing animals, fish, or poultry, and any practices performed by a farmer or on a farm as incident to or in conjunction with

such farming operations, including preparation for market, delivery to storage or to market, or to carriers for transportation to market.

“Alley” means a secondary means of access to abutting property located at the rear or side of the property.

“Alteration” means any physical change in the internal or external composition of a building or other structure.

Animal Hospital or Animal Clinic. See **“veterinary clinic.”**

“Antenna” means a device for transmitting or receiving radio, television, satellite, microwave or any other transmitted signal.

“Apartment” means a dwelling unit within an apartment building designed and used for occupancy by one family on a rental basis.

“Apartment building or apartment project” means a building or group of buildings in a single ownership with three or more dwelling units per building and with most or all units occupied on a rental basis.

Area, Project Net. See **“project net area.”**

“Arena” means an enclosure physically similar to a corral, designed and constructed so as to be used for conducting equine-related entertainment and events open to the public, including, but not limited to, rodeos, polo matches, riding shows and exhibitions, etc.

“Attached structures” means two or more structures which are physically connected with a wall, roof, deck, floor, bearing or support structures, trellises, architectural features or any other structure, fixture or device that exceeds thirty inches in height above the finished grade.

Attached Dwelling or Attached Residential. See **“dwelling, attached.”**

“Automobile repair specialty shop” means a retail and service place of business engaged primarily in light repair and sale of goods and services for motor vehicles, including brake, muffler and tire shops and their accessory uses. Heavier automobile repair such as major body and paint work, transmission repair, or engine repair are not included in this definition.

“Automobile service station” means a retail place of business engaged primarily in the sale of motor fuels and supplying those incidental goods and services which are required in the day-to-day operation of motor vehicles.

“Automobile wrecking” or **“automobile dismantling”** means the storage or taking apart of damaged or wrecked vehicles or the sale of such vehicles or their parts.

“Awning” means a roof-like cover that is attached to and projects from the wall of a building for the purpose of decoration and/or providing shielding from the elements.

“Bar and cocktail lounge” means an establishment whose primary activity is the service of alcohol, beer or wine.

“Basement” means a habitable building level which is partly or completely underground. A basement shall be counted as a building story if more than five feet of the height of any portion is above adjoining finish grade.

“Bed and breakfast” means a residential dwelling occupied by a resident, person, or family, containing individual living quarters occupied for a transient basis for compensation and in which a breakfast may be provided to guests. The breakfast

provided shall not constitute a restaurant operation and may not be provided to persons other than guests of the inn.

“Bedroom” means any habitable room that may be used for sleeping purposes other than a kitchen, bathroom, hallway, dining room or living room.

“Berm” means a mound or embankment of earth.

Billboard. See sign definitions, Section 9.160.120.

“Boardinghouse” means any building or portion thereof with access provided through a common entrance to guest rooms having no cooking facilities. Guest rooms are rented on a monthly basis or longer and meals are provided.

“Buildable area” means the portion of a building site remaining after deducting all required setbacks and meeting any requirements regarding maximum lot coverage or minimum open area.

“Building” means an enclosed structure having a roof supported by columns or walls.

“Building height” means the height of a building relative to the surrounding ground area. Measurement of maximum building height is defined in Sections 9.50.050 and 9.90.010.

Building, Main. **“Main building”** means the building containing the main or principal use of the premises.

Building, Relocatable. **“Relocatable building”** means a building which is not placed on a permanent foundation and is designed to be movable from one location to another without the need for a special permit such as that required to move a conventional house. Relocatable buildings include but are not limited to mobilehomes, construction trailers, and modular buildings.

“Building site” means a parcel or contiguous parcels of land established in compliance with the development standards for the applicable zoning district and the city's subdivision code.

“Building site area” means the horizontal area within a building site expressed in square feet, acres or other area measurement.

Building Site Coverage. See **“lot coverage.”**

Building Site, Panhandle or Flag. See **“lot”** definitions.

Building Site, Through. **“Through building site”** means a building site having frontage on two parallel or approximately parallel streets. See **“through lot.”**

Business Park. See **“industrial park.”**

“CEQA” means the California Environmental Quality Act.

“Caretaker” means a person who lives on the premises for the purposes of managing, operating, maintaining or guarding the principal use or uses permitted on the premises.

“Caretaker residence” means a residential unit not exceeding one thousand square feet, which is not the principal use on the property, to be occupied by a caretaker or watchman who is responsible for the security of the principal use of the property.

“Carport” means a roofed structure or a portion of a building which is open on two or more sides for the parking of automobiles belonging to the occupants of the property.

“Cattery” means any building, structure, enclosure or premises within which five or more cats are kept or maintained primarily for financial profit for the purpose of boarding, breeding, training, marketing, hire or any other similar purpose.

“Cellar” means a nonhabitable building level which: (1) has more than one-half of its height below the adjoining finish grade at all points; and (2) has a floor area no more than one-half that of the floor immediately above. A cellar is not counted as a building story.

“Certificate of occupancy” or **“certificate of use and occupancy”** means a permit issued by the city prior to occupancy of a structure or the establishment of a land use to assure that the structure or parcel is ready for occupancy or use and that all ordinance requirements and project conditions of approval are fulfilled.

“Child day care center” or **“preschool”** means a child day care facility operated by a person, corporation or association used primarily for the provision of daytime care, training or education of children at any location other than their normal place of residence. The maximum number of children accommodated is determined by state licensing provisions and city use permit conditions.

“Child day care facility” means, consistent with Section 1596.750 of the State Health and Safety Code, a facility which provides nonmedical care to children under eighteen years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four-hour basis. Child day care facility includes both child day care centers and child day care homes.

“Child day care home” or **“family day care home”** means, consistent with Section 1596.78 of the State Health and Safety Code:

1. **“Family day care home”** means a home that regularly provides care, protection, and supervision for fourteen or fewer children, in the provider’s own home, for periods of less than twenty-four hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home.
2. **“Large family day care home”** means a home that provides family day care for seven to fourteen children, inclusive, including children under the age of ten years who reside at the home.
3. **“Small family day care home”** means a home that provides family day care for eight or fewer children, including children under the age of ten years who reside at the home.

“City” means the city of La Quinta.

“City council” means the city council of the city of La Quinta.

“Cleaning plant or laundry plant” means a central processing facility for dry cleaning or laundering of clothing and fabrics collected from and returned to patrons and dry cleaning and laundry agencies.

Clinic, Medical. **“Medical clinic”** means an organization of medical doctors providing physical or mental health service and medical or surgical care of the sick or injured, but not including inpatient or overnight care.

“**Club**” means an association of persons for some common purpose, but not including organizations which provide goods or services and which are customarily carried on as businesses.

“**Code**” means this zoning code unless another code, ordinance or law is specified.

“**Commercial**” means operated or conducted on a frequent basis for the purpose of financial gain.

“**Commercial Filming**” means the production of still or moving pictures on public property.

Commercial Center. See “**shopping center.**”

“**Commercial recreation**” means any use or activity where the primary intent is to provide amusement, pleasure or sport but which is operated for financial gain. It includes establishments where food and beverages are sold as a secondary or ancillary use, but does not include restaurants, nightclubs and cocktail lounges.

“**Commercial stable**” means any facility specifically designed or used for the stabling of equine animals not owned by the residents of the subject property, for purposes such as on-site breeding, boarding, training, riding or other recreational use as a commercial service to the owners of said animals.

“**Commercial vehicle**” means a vehicle customarily used as part of a business for the transportation of goods or people.

“**Commission**” means the planning commission of the city unless another commission is indicated.

“**Common interest development**” bears the same meaning as defined in Section 1351 of the California Civil Code.

“**Community apartment project**” means a project in which an undivided interest in the land is coupled with the right of exclusive occupancy of any apartment located thereon.

“**Community auction and sales yard**” means a facility which periodically holds auctions of farm equipment, fixtures and other related materials in an enclosed building.

Community Care Facility. See “**residential care facility.**”

Conditional Use Permit. See “**use permit.**”

“**Community Center**” means a non-commercial use established for the benefit and service of the population of the community in which it is located, including senior centers.

“**Condominium**” means, consistent with Section 1351 of the State Civil Code, an undivided interest in common in a portion of real property coupled with a separate interest in space in a residential, industrial or commercial building on such real property, such as an office or store or multifamily dwelling. A condominium may include, in addition, a separate interest in other portions of such real property.

“**Condominium hotel**” means a “**hotel**” or “**group hotel**” all or part of which constitutes a condominium project in which one or more of the units are individually owned, but are intended to be available for “**transient**” use (as those terms are defined in Section 3.24.020 of the La Quinta Municipal Code), when not being used by the unit owner. See also “**first class condominium hotel.**”

“Congregate care facility” means a facility providing care on a monthly basis or longer and which is the primary residence of the people it serves. It provides services to the residents such as the following: dining, housekeeping, security, medical, transportation and recreation. Any commercial services provided are for the exclusive use of the occupants of the facility. Such a facility may be located in more than one building and on contiguous parcels within the building site.

“Congregate living facility” means a single family residential facility which is licensed by the state to provide living and treatment facilities on a monthly or longer basis for six or fewer developmentally disabled persons or six or fewer persons undergoing treatment for alcohol or drug abuse and which is permitted in single family residences by operation of state law. (See also **“residential care facility.”**)

“Convalescent home” or **“convalescent hospital”** means a facility licensed by the State Department of Health Services which provides bed and ambulatory care for more than six patients with postoperative convalescent, chronic illness or dietary problems and persons unable to care for themselves, including persons undergoing psychiatric care and treatment both as inpatients and outpatients, but not including persons with contagious diseases or afflictions. A convalescent home may also be known as a nursing home, convalescent hospital, rest home or home for the aged.

“Conversion project” means an apartment house or multiple or group dwelling which is existing, under construction or for which building permits have been issued, and which is proposed for conversion to a residential condominium, community apartment, residential stock cooperative or planned development.

Corner Lot. See definitions under **“lot.”**

“Corral” means an enclosure designed for use as an open holding area for horses for the purpose of confinement within that area for an indeterminate period of time.

“Cottage food operation” means an enterprise wherein an individual prepares and packages non-potentially hazardous foods in a primary residential dwelling unit, which serves as his or her private residence, said foods being for the direct and/or indirect sale to consumers, and that does not have more than one full-time equivalent employee, and generates not more than: 1) \$35,000 in gross annual sales in 2013; 2) \$45,000 in gross annual sales in 2014; 3) \$50,000 in gross annual sales in 2015 and beyond as identified in California Health and Safety Code Section 113758.

“County” means the county of Riverside unless another county is indicated.

Day Care Center. See **“child day care center.”**

“Decision-making authority” or **“decision-making body”** means a person or group of persons charged with making decisions on proposals, applications, or other items brought before the city.

“Density” means the number of dwelling units per gross acre, unless another area measurement is specified.

“Density bonus” means a density increase over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan as of the date of application by the applicant to the city.

“Detached building or structure” means a building or other structure that does not have a wall or roof in common with any other building or structure.

“Development” means, on land or in or under water: the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste; grading, removing, dredging, mining or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act, and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition or alteration of the size of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes.

“Development standard” means site or construction conditions that apply to a housing development pursuant to any ordinance, general plan element, specific plan, charter amendment, or other local condition, law, policy, resolution, or regulation.

“Director” or **“planning director”** means the city manager or his/her designer.

District. See “zoning district.”

District, Nonresidential. See **“nonresidential district.”**

District, Residential. See **“residential district.”**

District, Special Purpose. See **“special purpose district.”**

“Downtown Village directional sign panel” means an interchangeable sign panel which does not require a sign permit, mounted on a monument base structure. The sign panels list businesses in the Village commercial zoning district.

“Drive-in” or **“drive-through”** means designed or operated so as to enable persons to receive a service or purchase or consume goods while remaining within a motor vehicle.

“Driveway” means a vehicular passageway providing access from a public or private street to a structure or parking area or, in the case of residences, to a garage, carport, or legal parking space. A driveway is not a street.

“Driveway approach” means a designated area between the curb or traveled way of a street and the street right-of-way line that provides vehicular access to abutting properties. When vehicular access to a building site is provided by way of a common driveway, the driveway approach is the line of intersection where the individual driveway abuts the common driveway.

“Duplex” means a permanent building containing two dwelling units on a single lot.

“Dwelling” means a building or portion thereof designed and used for residential occupancy, but not including hotels or motels.

Dwelling, Attached. **“Attached dwelling”** means a main dwelling unit attached to one or more other main dwelling units by means of a roof or interior wall.

Dwelling, Main or Primary Residence. **“Main dwelling or primary residence”** means the dwelling unit permitted as the principal use of a parcel or building site, either by itself or with other dwelling units (as in multifamily buildings).

Dwelling, Multifamily. **“Multifamily dwelling”** means a building containing three or more dwelling units on a single parcel or building site.

Dwelling, Single-Family. **“Single-family dwelling”** means one main dwelling unit on a single parcel or building site.

Dwelling, Single-Family Attached. “**Single-family attached dwelling**” means a main dwelling unit attached to one other main dwelling unit by means of a roof and/or interior wall, with each dwelling unit occupying its own lot.

Dwelling, Single-Family Detached. “**Single-family detached dwelling**” means a main dwelling unit not attached to any other main dwelling unit.

Dwelling, Patio Home. “**Patio home dwelling**” means a single-family detached dwelling shifted to one side of the lot, i.e., placed on the lot so that one side setback is zero or nearly zero and the other side setback is larger than if both side setbacks were approximately equal.

Dwelling, Townhome. “**Townhome dwelling**” means a main dwelling unit attached typically to two or more other main dwelling units by means of a roof and/or interior wall, with each dwelling unit occupying its own lot.

“**Dwelling unit**” means one or more rooms, including a bathroom and kitchen, designed and used for occupancy by one family for living and sleeping purposes.

Dwelling Unit, Second. See “**second residential unit.**”

“**Easement**” means a recorded right or interest in the land of another which entitles the holder thereof to some use, privilege or benefit in, on, over or under such land.

“**Educational institution**” means a private or public elementary or secondary school, college or university qualified to give general academic instruction equivalent to the standards prescribed by the state board of education.

“**Elevation**” means the vertical distance above sea level.

“**Emergency Shelter**” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

“**Employee's quarters**” means quarters, which may include full bathroom and/or kitchen or cooking facilities,, for the housing of domestic employees and located upon the same building site occupied by their employer.

“**Enclosed**” means roofed and contained on all sides by walls which are pierced only by windows, vents or customary entrances and exits.

“**Environmental review**” means all actions and procedures required of the city and of applicants by the California Environmental Quality Act (“**CEQA**,” State Public Resources Code Section 21000 et seq.), the CEQA Guidelines (Public Resources Code Section 15000 et seq.) and local environmental procedures.

“**Exception**” means a city-approved deviation from a development standard based on the following types of findings by the decision-making authority:

1. A general finding such as that notwithstanding the exception, the resulting project will still be consistent with the goals and/or policies underlying the development standard; and

2. One or more specific findings justifying the particular exception requested.

“**Family**” means one or more persons occupying one dwelling unit. The word “**family**” includes the occupants of congregate living and residential care facilities, as defined herein, serving six or fewer persons which are permitted or licensed by the state. The word “**family**” does not include occupants of a fraternity, sorority, boardinghouse, lodginghouse, club or motel.

Family Day Care Home. See “**child day care home.**”

“**Farm**” means a parcel of land devoted to agricultural uses where the principal use is the propagation, care and maintenance of viable plant and animal products for commercial purposes.

“**Farmworker housing**” means any building or group of buildings where six or more farm employees are housed.

“**First class condominium hotel**” means a condominium hotel where both of the following apply:

- a. The condominium hotel has a brand operator or an independent operator that is experienced in the upscale segment or luxury segment of the hospitality industry as defined by J.D. Power and Associates; and
- b. The condominium hotel satisfies the published requirements that will be sufficient for a ranking of no fewer than three stars in the most recent annual awards list published from time to time by AAA Travel Guides or by the Mobil Travel Guide.

Flag. See sign definitions, Section 9.160.120.

Flag Lot or Panhandle Lot. See definitions under “**lot.**”

“**Flood**” means a general and temporary condition of partial or complete inundation of land areas from the overflow of inland and tidal waters, the rapid accumulation of runoff of surface waters from any source, or mudslides (i.e., mudflows) which are proximately caused or precipitated by accumulations of water on or under the ground.

“**Flood insurance rate map (FIRM)**” or “**flood boundary and floodway map**” mean the official maps provided by the Federal Emergency Management Agency (FEMA) which delineate the areas of special flood hazard, the risk premium zones and the floodways applicable to the city.

“**Floodplain**” means the land area adjacent to a watercourse and other land areas susceptible to being inundated by water.

“**Floodproofing**” means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

“**Floodway**” means the channel of a river or other watercourse and that part of the floodplain reasonably required to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor Area, Gross. See “**gross floor area.**”

Floor Area, Livable. See “**livable floor area.**”

“**Floor area ratio**” means the numerical value obtained by dividing the gross floor area of all buildings, except parking structures, located on a building site by the building site area.

“**Fraternity house**” or “**sorority house**” means a building or portion of a building occupied by a chapter of a regularly organized college fraternity or sorority officially recognized by an educational institution.

Freestanding Sign. See sign definitions, Section 9.160.120.

Front Lot Line. See definitions under “**lot line.**”

Gas Station or Service Station. See “**automobile service station.**”

“Garage” means a building or portion of a building used primarily for the parking of motor vehicles.

“General plan” means the general plan of the city of La Quinta.

“Government code” means the California Government Code.

Grade, Average. **“Average grade”** means the elevation determined by averaging the highest and lowest elevations of a parcel, building site or other defined area of land.

Grade, Average Finish. **“Average finish grade”** means the elevation determined by averaging the highest and lowest elevations of a parcel, building site or other defined area of land after final grading.

Grade, Finish. **“Finish grade”** means the ground elevation at any point after final grading.

“Grading” means the filling, excavation or other movement of earth for any purpose.

“Granny flat or granny housing” means a secondary dwelling unit which is: (1) intended for the sole occupancy of one or two adult persons sixty-two years of age or over, and (2) located on a building site containing an existing single family detached dwelling. The floor area of an attached granny flat does not exceed thirty percent of the existing floor area of the primary single family residence and the floor area of a detached granny flat does not exceed one thousand two hundred square feet. (See also **“second residential unit.”**)

“Grazing” means the act of pasturing livestock on growing grass or other growing herbage or on dead grass or other dead herbage existing in the place where grown as the principal sustenance of the livestock so grazed.

“Gross acreage” means the land area, expressed in acres, within a parcel or group of contiguous parcels minus any right-of-way for arterial highways not including collector streets. Each acre so determined is a gross acre.

Gross Density. See **“density.”**

“Gross floor area” means the total square footage of all floors of a building, including the exterior unfinished wall structure but excluding courtyards and other outdoor areas.

Gross Lot or Parcel Area. See **“lot area, gross.”**

“Ground floor area” means all enclosed area within the ground floor of a structure, including exterior walls and mechanical spaces. Carports, garages, accessory buildings and parking structures are included in ground floor area but swimming pools and unenclosed post-supported roofs over patios and walkways are not included.

Ground Sign. See **“freestanding sign”** in sign definitions, Section 9.160.120.

“Guest house” means a detached or attached unit which has sleeping and sanitary facilities, which may include full bathroom and/or kitchen or cooking facilities, and which is used primarily for sleeping purposes by members of the family occupying the main building, their nonpaying guests, and domestic employees.

“Guest ranch” means any property of five acres or more operated as a ranch which offers guest rooms for rent and which has outdoor recreational facilities such as horseback riding, swimming or hiking.

Habitable Area. See **“livable floor area.”**

“Habitable room” means any room usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A room designed and used only for storage purposes is not a habitable room.

“Hazardous waste” means a waste or combination of wastes which, because of its quantity, concentration, toxicity, corrosiveness, mutagenicity or flammability, or its physical, chemical or infectious characteristics, may: (1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Home for the Aged. See **“convalescent home.”**

“Home occupation” means an occupation or activity conducted as an accessory use within a dwelling unit incidental to the residential use of the property. See Section 9.60.110.

“Hospital” means a facility licensed by the State Department of Health Services providing clinical, temporary or emergency service of a medical, obstetrical, surgical or mental health nature to human patients.

“Hotel” means any building or portion thereof with access provided through a common entrance, lobby or hallway to guest rooms which are rented on a daily or weekly basis and which has cooking facilities in less than twenty-five percent of the guest rooms.

Identification Sign. See sign definitions, Section 9.160.120.

“Industrial park,” “business park” or “office park” means a nonresidential development wherein the permitted uses are planned, developed, managed and maintained as a unit, with landscaping, amenities, and common offstreet parking provided to serve all uses on the property.

“Intensity” means the level of development or activity associated with a land use, as measured by one or more of the following:

1. The amount of parking required for the use per Chapter 9.150.
2. The operational characteristics of the use such as hours of operation, the inclusion of dancing or live entertainment as part of the use, or similar characteristics.
3. The floor area occupied by the use.
4. The percentage of the building site occupied by the use or by the structure containing the use.

Interior Lot Line. See definitions under **“lot line.”**

“Kennel” means any building, structure, enclosure or premises within which five or more dogs are kept or maintained primarily for financial profit for the purpose of boarding, breeding, training, marketing, hire or any other similar purpose.

“Kitchen” means any room all or part of which is designed and/or used for the cooking or other preparation of food.

Land Use. See **“use.”**

Land Use Intensity. See **“intensity.”**

Landfill, Sanitary. “**Sanitary landfill**” means an area designed and used for the disposal of solid waste on land by spreading it in layers, compacting it and covering it daily with soil or other approved cover material.

Laundry Plant. See “**cleaning plant or laundry plant.**”

“**Livable floor area**” means the interior area of a dwelling unit which may be occupied for living purposes by humans, including basements and attics (if permitted). Livable floor area does not include a garage or any accessory structure.

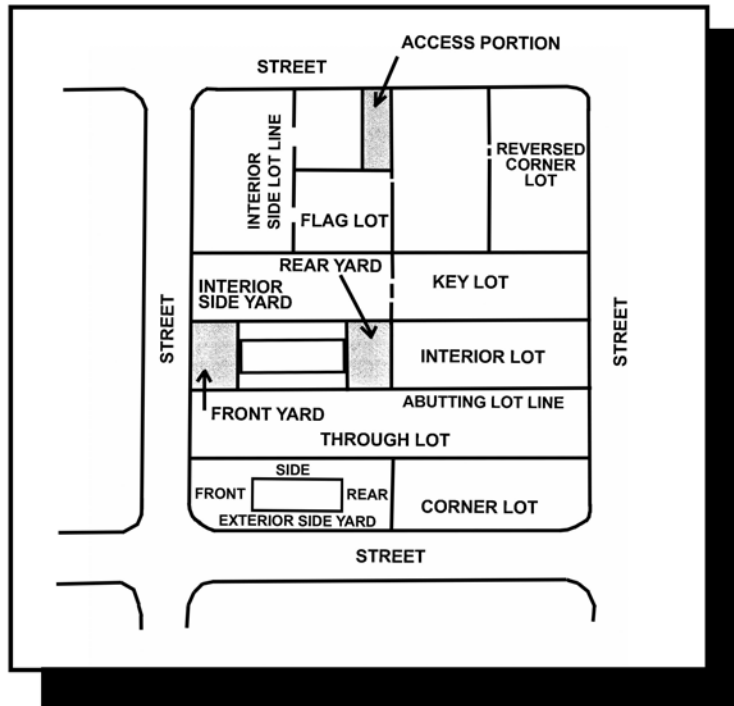
“**Live entertainment**” means any act, play, revue, pantomime, scene, dance or song, or any combination of the foregoing performed in person by one or more persons whether or not they are compensated for their performance.

Living Area. See “**livable floor area.**”

Lodginghouse. See “**boardinghouse.**”

“**Lot**” means an area of land under one ownership which is identified as a lot or parcel on a recorded final map, parcel map, record of survey recorded pursuant to an approved division of land, certificate of compliance, or lot line adjustment. The terms “**lot**” and “**parcel**” are interchangeable for purposes of this code. Types of lots and their definitions are as follows:

1. “**Corner lot**” means a lot abutting two streets intersecting at an angle of not more than one hundred thirty-five degrees. If the angle of intersection is more than one hundred thirty-five degrees, the lot is an “**interior lot.**”
2. “**Flag or panhandle lot**” means a lot connected to the street with a narrow access portion less than forty feet wide and more than twenty feet long and situated so that another lot is located between the main portion of the flag lot and the street.



Lot Types and Lot Lines

3. **“Interior lot”** means a lot abutting only one street or abutting two streets which intersect at an angle greater than one hundred thirty-five degrees.
4. **“Key lot”** means a lot with a side lot line that abuts the rear lot line of one or more adjoining lots.
5. **“Reverse corner lot”** means a corner lot, the rear of which abuts the side of another lot.
6. **“Through lot”** means a lot with frontage on two parallel or approximately parallel streets.

“Lot area” means the horizontal land area within a lot expressed in square feet, acres, or other area measurement.

“Lot coverage” or **“building site coverage”** means the cumulative ground floor area of the structures on a lot expressed as a percentage of the net lot area. For purposes of this definition, **“ground floor area”** means all enclosed area within the ground floor of a structure, including exterior walls and mechanical spaces. Carports, garages, accessory buildings and parking structures are included in ground floor area but swimming pools and unenclosed post-supported roofs over patios and walkways are not included.

“Lot frontage” means the length of the front lot line. For corner lots the lot frontage shall be measured from the interior lot corner to the outside of the corner cut-back.

“Lot line or property line” means any boundary of a lot. The classifications of lot lines and their definitions are as follows:

1. **“Front lot line”** means the following:

- a. On an interior lot, the line separating the lot from the street;
- b. On a corner lot, the shorter line abutting a street. (If the lot lines are equal or approximately equal, the director shall determine the front lot line);
- c. On a through lot, the lot line abutting the street providing primary access to the lot.

2. **“Interior lot line”** means any lot line not abutting a street.

3. **“Rear lot line”** means a lot line which does not intersect the front lot line and which is most distant from and most parallel to the front lot line. In the case of an irregularly-shaped lot or a lot bounded by only three lot lines, the rear lot line is a ten-foot long line parallel to and most distant from the front lot line for the purposes of determining setbacks and other provisions of this code.

4. **“Side lot line”** means any lot line which is not a front or rear lot line.

“Lower income households” bears the same meaning as defined in Section 50079.5 of the California Health and Safety Code.

“Lowest floor” means, with regard to flood protection, the lowest floor of the lowest enclosed area, including a basement or cellar. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable design requirements of the FP floodplain district, Section 9.140.030.

“Manufactured home” means a residential building transportable in one or more sections which has been certified under the National Manufactured Housing Construction and Safety Standards Act of 1974.

“Master commercial development” means a commercial center for which an overall Site Development Permit was approved and implemented, which may have remaining unconstructed pads or buildings.

“Master plan of arterial highways” means a component of the circulation element of the city's general plan designating adopted and proposed routes for all commuter, secondary, primary and major highways within the city.

“Master plan of drainage” means an engineering report outlining the drainage facilities needed for the proper development of the city.

“Maximum allowable residential density” means the density allowed under applicable zoning ordinances, or if a range of density is permitted, means the maximum allowable density for the specific zoning range applicable to the subject project.

“Median” means a paved or planted area separating a street or highway into opposite-direction travel lanes.

Medical Clinic. See **“clinic, medical.”**

“Medical marijuana dispensary” means a facility or location which provides, makes available or distributes medical marijuana to a primary caregiver, a qualified patient, or a person with an identification card, in accordance with California Health and Safety Code Section 11362.5 et seq. (Ord. 439 § 1, 2007)

“Menagerie” means a lot on which more than one wild, non-domestic reptile (not including turtles or tortoises), bird (not including poultry) or mammal is kept. A tamed or trained wild animal shall not be considered a domestic animal.

“Ministorage facility” means a building containing various size storage compartments not exceeding five hundred square feet each, wherein each compartment is offered for rent or lease to the general public for the private storage of materials excluding materials sold at the facility or delivered directly to customers.

“Minor adjustments” are deviations in standards which have little or no potential for adverse impacts on the surrounding community and which are reviewed administratively.

Minor Use Permit. See **“use permit.”**

Mobilehome. See **“manufactured home.”**

“Mobilehome park or mobilehome development” means any area or tract of land used to accommodate mobilehomes for human habitation, including pads for mobilehomes, clubhouses, recreation facilities, and other ancillary structures and facilities. The term includes mobilehome parks and mobilehome subdivisions. See Section 9.60.180.

“Moderate income” or **“persons and families of moderate income”** means those middle-income families as defined in Section 50093 of the California Health and Safety Code.

Modular Home. See **“manufactured home.”**

Monument Sign. See sign definitions, Section 9.160.120.

“Motel” means a building or group of buildings containing guest rooms rented on a weekly basis or less, with cooking facilities in less than twenty-five percent of the guest rooms and with most or all guest rooms gaining access from an exterior walkway.

Multifamily Dwelling or Residence. See **“dwelling, multifamily.”**

“Net site area” or **“net lot area”** means the total land area within the boundaries of a parcel or building site after ultimate street rights-of-way and easements that prohibit the surface use of the site are deducted.

“Net project area” means all of the land area included within a development project excepting those areas with before-development slopes of thirty percent or steeper and those areas designated for public and private road rights-of-way, schools, public parks, and other uses or easements which preclude the use of the land therein as part of the development project.

“Noncommercial coach” means a vehicle, with or without motive power, designed and equipped for human occupancy for classrooms and other nonresidential and noncommercial uses.

“Nonconforming use” means a land use which was lawful and in conformance with the applicable zoning ordinances when established but which, due to subsequent ordinance changes, is not currently permitted in the zoning district in which it is located or is permitted only upon the approval of a use permit and no use permit has been approved. See Chapter 9.270.

“Nonconforming lot” means a lot or parcel which was lawful and in conformance with the applicable zoning ordinances when established but which, due to

subsequent ordinance changes, does not conform to the current development standards applicable to the zoning district in which it is located. See Chapter 9.270.

“Nonconforming structure” means a structure which was lawful and in conformance with the applicable zoning ordinances when constructed but which, due to subsequent ordinance changes, does not conform to the current development standards applicable to the zoning district in which it is located. See Chapter 9.270.

“Nonconformity” means a land use, lot or structure which was lawful when established or constructed but, due to subsequent ordinance changes, is not in conformance with this zoning code. The term nonconformity does not include illegal uses, lots, or structures, i.e., which were not lawful when established or constructed. See Chapter 9.270.

Nursery, Day Care. See **“child day care facility.”**

Nursing Home. See **“convalescent home.”**

Office Park. See **“industrial park.”**

Official Zoning Map. See **“zoning map.”**

“Off-site hazardous waste facility” means any structures, other appurtenances or improvements on land and all contiguous land serving more than one producer of hazardous waste, used for the treatment, transfer, storage, resource recovery, disposal or recycling of hazardous waste, including but not limited to:

1. Incineration facilities (i.e., rotary kiln, fluid bed, etc.);
2. Residual repository (i.e., receiving only residuals from hazardous waste treatment facilities);
3. Stabilization/solidification facilities;
4. Chemical oxidation facilities;
5. Neutralization/precipitation facilities; or
6. Transfer/storage facilities.

“Open space” means any parcel or area of land or water, public or private, which is reserved for the purpose of preserving natural resources, for the protection of valuable environmental features, or for providing outdoor recreation or education. Open space does not include roads, driveways or parking areas not related to recreational uses, any buildings, building setback areas or the required space between buildings, or surface utility facilities.

Open Space, Usable. **“Usable open space”** means open space which is predominately level (i.e., slopes less than five percent) but which may contain some steeper land (i.e., with slopes up to twenty percent) which has utility for picnicking or passive recreation activities and which complements surrounding usable open space. Usable open space is a minimum of fifteen feet in width and three hundred square feet in area and may include structures and impervious surfaces such as tot lots, swimming pools, basketball courts, tennis courts, picnic facilities, walkways or bicycle trails.

Outdoor Advertising Sign. See **“billboard”** in sign definitions, Section 9.160.120.

“Outdoor light fixtures” means outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot, or flood lights for:

- a. Buildings and structures;
- b. Recreational areas;
- c. Parking lot lighting;
- d. Landscape lighting;
- e. Billboards and other signs (advertising or other);
- f. Street lighting;
- g. General area and yard lighting.

“Outdoor vendors” include hotdog stands, ice cream carts, and other retail uses which utilize a movable or relocatable stand or cart for walk-up sales. The stand or cart must be of a size and design suitable for placement on a private sidewalk, plaza, or pedestrianway.

“Parcel” means an area of land under one ownership which is identified as a lot or parcel on a recorded final map, parcel map, record of survey recorded pursuant to an approved division of land, certificate of compliance or lot line adjustment. The terms **“lot”** and **“parcel”** are interchangeable for purposes of this code.

Panhandle Lot or Flag Lot. See definitions under **“lot.”**

“Parking accessway” means a vehicular passageway that provides access and circulation from a street access point into and through a parking lot to parking aisles and between parking areas.

“Parking structure” means a structure which is open or enclosed and is used for the parking of motor vehicles.

“Parkway” means the area of a public street that lies between the curb and the adjacent property line or physical boundary, such as a fence or wall, which is used for landscaping and/or passive open space.

“Pasture” means an enclosed holding area consisting of grass or similar vegetation, specifically used for purposes of grazing or feeding of animals.

Patio Home. See **“dwelling, patio home.”**

“Permitted use” means a land use allowed within a zoning district under this zoning code and subject to the applicable provisions of this code.

“Person” means any individual, firm, copartnership, joint venture, association, social club, fraternal organization, company, joint stock association, corporation, estate, trust, organization, business, receiver, syndicate, public agency, the state of California or its political subdivisions or instrumentalities, or any other group or combination acting as a unit.

“Person with a disability” is a person with a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such an impairment, or anyone who has a record of such an impairment.

“Personal services” are establishments providing nonmedical services as a primary use, including but not limited to barber and beauty shops, spas and tanning salons, clothing rental, dry cleaning stores, home electronics and small appliance repair, laundromats (self-service laundries), shoe repair shops, and tailors.

“Planned unit development” means a residential development characterized by comprehensive planning for the entire project, the clustering of buildings to preserve open space and natural features, and provision for the maintenance and use of open space and other facilities held in common by the property owners within the project.

Pole Sign. See sign definitions, Section 9.160.120.

Portable Sign. See sign definitions, Section 9.160.120.

“Precise plan” or **“precise plan of development”** means the plan or plans for a project, development or other entitlement approved by the decision-making authority. A precise plan may include site, grading, architecture, landscaping plans and may also include a plan text describing the project design, development phasing, and other characteristics.

“Precise plan of highway alignment” means a plan, supplementary to the master plan of arterial highways, which establishes the highway centerline and the ultimate right-of-way lines and may establish building setback lines.

Primary Residence. See **“main dwelling.”**

“Primary unit” means a single-family or multifamily residential unit constructed and intended as the principal unit and building on a lot. The primary unit shall be the largest unit on the lot.

“Principal use” means the primary or predominant use of any parcel, building site or structure.

“Project area” means all of the land area included within a development project excepting those areas designated for public and private road rights-of-way, schools, public parks, and other uses or easements which preclude the use of the land therein as part of the development project. (See also **“net project area.”**)

Projecting Sign. See sign definitions, Section 9.160.120.

“Property line” means a lot line or parcel boundary.

“Public agency” means the United States, the state, the county or any city within the county, or any political subdivision or agency thereof.

Rear Lot Line. See definitions under **“lot line.”**

“Reasonable accommodation” means the process of providing flexibility in the application of land use, zoning, and building regulations, practices, and procedures to eliminate barriers to housing opportunities for persons with disabilities.

“Recreational vehicle” or **“RV”** means all trailers or any vehicle placed on a trailer such as a boat, watercraft, or other vehicle, plus any vehicle designed and used for temporary habitation, including motorhomes, travel trailers, **“5th wheels”** and camper shells.

“Recycling” means the process by which waste products are reduced to raw materials and transformed into new products.

Relocatable Building. See **“building, relocatable.”**

“Residential care facility” or **“community care facility”** means a residential facility which is licensed by the state to provide living and treatment facilities on a monthly or longer basis for six or fewer of the following: wards of the juvenile court, elderly persons, mentally disordered persons, handicapped persons or dependent and neglected children. Such a facility is permitted in all types of residences by operation of state law. (See also **“congregate living facility.”**)

Residential, Multifamily. See **“dwelling, multifamily.”**

Residential, Single-Family. See **“dwelling, single-family.”**

“Restaurant” means any use providing for the preparation, retail sale and consumption on site of food and beverages. Restaurants include, but are not limited

to, cafes, coffee shops, pubs, sandwich shops, ice cream parlors, fast food take-out and drive-through stores, whose primary activity is food service and places of business with similar uses. If any seating is provided in conjunction with a store where there is the preparation and retail sale of food and beverages, that use shall be classified as a restaurant. The term “**restaurant**” may include the licensed sale of alcoholic beverages for consumption on the premises.

Restaurant, Drive-Through. “**Drive-through restaurant**” means a restaurant with one or more automobile lanes which allow for the ordering and dispensing of food and beverages to patrons who remain in their vehicles.

Rest Home. See “**convalescent home.**”

“**Retail**” means the selling of goods or merchandise directly to the ultimate consumer.

“**Reverse vending machine**” means a machine which accepts recyclable materials, such as aluminum cans, newspapers, or other materials, from the public and dispenses money in return.

“**Riding academy**” means a facility designed and used primarily for recreational riding, training and instruction purposes, and allowing both on-site boarding or trailering of horses to the facility.

“**Riding and hiking trail**” means a trail or way designed for and used by equestrians, pedestrians and cyclists using nonmotorized bicycles.

“**Right-of-way**” means the entire width of property used for streets, highways, flood or drainage works, overhead or underground utilities, or any related improvements.

Roof Sign. See sign definitions, Section 9.160.120.

Roominghouse. See “**boardinghouse.**”

“**Satellite dish antenna**” means an apparatus capable of receiving communications from a man-made satellite.

“**Scenic highway**” means any highway designated a scenic and/or historic highway by an agency of the city, state or federal government.

“**Second unit**” In accordance with Government Code Section 65852.2(i)(4), second unit means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and shall be located on the same parcel as the single-family dwelling is situated. A second unit also includes the following:

- a. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code;
- b. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

“**Section**” means a portion of this zoning code beginning immediately after a six- or seven-digit number beginning with 9., e.g., 9.10.010 or 9.280.030, and extending to the next such six- or seven-digit number. (See also “**subsection.**”)

“**Semi-permanent sign**” means a non-illuminated sign which requires a sign, such as advertising the future construction of a facility, model home complex, commercial, or residential subdivision identification which is intended to be erected or posted for a minimum of sixty-one days and a maximum of one year. A permit for semi-permanent

signs advertising future facility construction shall not be approved until a development review application has been submitted.

“Senior citizen” means a person fifty-five years of age or older.

“Senior citizen residence” means a residential care facility which is licensed by the state to provide living and treatment facilities on a monthly or longer basis for six or fewer senior citizens.

“Senior group housing” means a residential development which is developed or substantially renovated for and occupied by seven or more senior citizens. (Includes senior citizen hotels, retirement hotels and senior citizen apartments.)

“Service” means an act or any result of useful labor which does not in itself produce a tangible commodity.

Service Station. See **“gas station.”**

“Setback” means the distance that a building or other structure or a parking lot or other facility must be located from a lot line, property line or other specified boundary.

Sexually Oriented Business. See Chapter 5.80 of the municipal code.

“Shopping center” or **“commercial center”** means a commercial area or group of commercial establishments, planned, developed, managed and maintained as a unit, with common landscaping, amenities, and offstreet parking provided to serve all uses on the property.

Side Lot Line. See definitions under **“lot line.”**

“Sidewalk sale” or **“parking lot sale”** means the temporary outdoor display and sale of merchandise which is normally displayed indoors at the location of an individual retail business not located within a shopping center. (See also **“special commercial event.”**)

“Sign” means any medium for visual communication, including but not limited to words, symbols and illustrations together with all parts, materials, frame and background, which medium is used or intended to be used to attract attention to, identify, or advertise an establishment, product, service, activity or location, or to provide information. Also, see sign definitions, Section 9.160.130.

Single-Family Dwelling or Residence. See **“dwelling, single-family.”**

“Single room occupancy (SRO) facility” or **“SRO hotel”** means a residential facility which is rented on a weekly or longer basis and which provides living and sleeping facilities for one or two persons per unit. Each unit contains a toilet and sink. Shower, kitchen, and laundry facilities may be shared.

Site. See **“building site.”**

Site Area, Net. See **“net project or site area.”**

Site Coverage. See **“building site coverage.”**

Site Development Permit or Development Permit. See Section 9.210.010.

“Slope” or **“slope gradient”** means the vertical distance between two points on a slope divided by the horizontal distance between the same two points, with the result expressed as a percentage; e.g., **“the slope has a twenty percent gradient”** (usually used to describe natural as opposed to manufactured, slopes).

“Slope ratio” means the steepness of a slope expressed as a ratio of horizontal distance to the vertical rise over that horizontal distance; e.g., 2:1 (usually used to describe manufactured as opposed to natural, slopes).

“Special commercial event” means the temporary outdoor display and sale of merchandise by two or more tenants within a commercial center, or arts and crafts shows, fairs, or entertainment events within a commercial center. (See also **“sidewalk sale.”**)

“Specific plan” means a plan consisting of text, maps and other documents and exhibits regulating development within a defined area of the city, consistent with the general plan and State Government Code Section 65450 et seq.

“Stable” means a building or structure containing multiple stalls for the purposes of sheltering, feeding, boarding, accommodating or otherwise caring for several horses at one time.

“Stall” means a division of a stable accommodating one horse into an adequately sized enclosure for the purpose of confining individual horses within a sheltered environment as may be necessary for security, safety or other reasons pertinent to the health, welfare and daily care of each animal.

“Stock cooperative” means a corporation which is formed primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, if all or substantially all of the shareholders of such corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the shares of stock or membership certificate in the corporation held by the person having such right of occupancy.

“Storage” means a place where goods, materials, and/or personal property is placed for more than twenty-four hours.

“Story” means that portion of a building included between the surface of any floor and the surface of the floor immediately above it or if there is no floor above, then the space between the floor and the ceiling above it.

“Street” means a public or private vehicular right-of-way other than an alley or driveway, including both local streets and arterial highways.

“Structure” means anything that is erected or constructed having a fixed location on the ground or attachment to something on the ground and which extends more than thirty inches above the finish grade. A mobilehome or relocatable building, except when used as a temporary use with its weight resting at least partially upon its tires, is a structure for the purposes of this definition.

“Subsection” means a portion of a section of this zoning code designated by a section number followed immediately by an upper case letter; for example, subsection 9.10.010A. (See also **“section.”**)

“Supportive Housing” means housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Section 53260 of the Health and Safety Code 50675.14(b) and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. (**“target population”** includes adults with low income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act and

may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people.)

“Swimming pool” means an artificial body of water having a depth in excess of eighteen inches, designed, constructed and used for swimming, dipping or immersion purposes by humans.

“Tandem Parking” means any off-street parking space(s), or arrangement of such spaces, configured in such a manner such that one or more spaces is not directly accessible to a street or other approved access without traversing any portion of another space.

“Temporary use” means a land use established for a specified period of time, which use is discontinued at the end of such specified time.

“Temporary sign” means any non-illuminated sign which may require a sign permit and which is intended to be posted for a maximum of forty-five days. Temporary signs include without limitation: political campaign signs, garage sale signs and seasonal sales signs.

“Timeshare facility” means a facility in which a person receives the right in perpetuity, for life or for a specific period of time, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, or portion of real property for a period of time which has been or will be allocated from twelve or more occupancy periods into which the facility has been divided. A timeshare use may be coupled with an estate in the real property or it may entail a license, contract, membership, or other right of occupancy not coupled with an estate in the real property.

Townhome. See **“dwelling, townhome.”**

“Transient basis” means for a continuous period of two weeks or less.

“Transitional Housing” is buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

“Transitional shelter” means a shelter for homeless persons or victims of domestic abuse which provides accommodations for persons on a transient basis, i.e., for a continuous period of two weeks or less.

Two-Unit Attached Dwelling. See **“dwelling, two-unit attached.”**

“Ultimate right-of-way” means the right-of-way shown as ultimate on an adopted precise plan of highway alignment or the street right-of-way shown within the boundary of a recorded tract map, a recorded parcel map or a recorded planned community development plan. The latest adopted or recorded document in such cases shall take precedence. If none of these exist, the ultimate right-of-way is the right-of-way required by the highway classification as shown in the general plan.

“Use or land use” means the purpose for which a structure or land is occupied, arranged, designed or intended, or for which either a structure or land is or may be occupied or maintained.

“Use permit” means a discretionary entitlement under the provisions of this zoning code which authorizes a specific use or development on a specific property subject to compliance with all terms and conditions imposed on the entitlement. Uses requiring

a conditional use permit have moderate to significant potential for adverse impacts on surrounding properties, or residents while uses requiring a minor use permit have low to moderate potential for adverse impacts on surrounding properties, residents, or businesses. See Section 9.210.020.

Variance. See Section 9.210.030.

“Vehicular accessway” means a private, nonexclusive vehicular easement affording access to abutting properties.

“Very low income households” bears the same meaning as defined in Section 50105 of the Health and Safety Code.

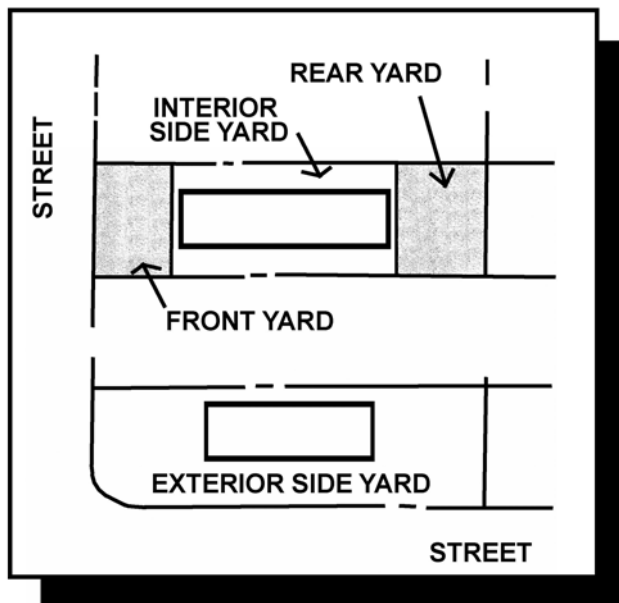
“Veterinary clinic” means a place where animals no larger than the largest breed of dogs are given medical and surgical treatment, primarily on an outpatient basis, and where the boarding of animals under treatment is incidental to the principal clinic use.

Wall Sign. See **“building-mounted sign”** in sign definitions, Section 9.160.120.

“Wing wall” means an architectural feature in excess of six feet in height which is a continuation of a building wall projecting beyond the exterior walls of a building.

“Yard” means an open space on a parcel of land or building site unobstructed and unoccupied from the ground upward except for wall projections permitted by this code. Yards are classified as follows:

1. Front yard means a yard extending across the full width of the lot between the front lot line or the ultimate street right-of-way line and a setback line within the lot. The depth of the front yard is equal to the setback established in the development standards for the applicable zoning district and is measured along a line drawn at a ninety-degree angle to whichever of the following results in the greatest setback: the front lot line or its tangent or the ultimate street right-of-way or its tangent.



TYPES OF YARDS

2. Rear yard means a yard extending across the full width of the lot between the rear lot line and a setback line within the lot. The depth of the rear yard is equal to the setback established in the development standards for the applicable zoning district and is measured along a line drawn at a ninety-degree angle to whichever of the following results in the greatest setback: the rear lot line or its tangent or the ultimate street right-of-way or its tangent.

3. Side yard means a yard extending from the front setback line to the rear setback line. The depth of the side yard is equal to the setback established in the development standards for the applicable zoning district and is measured along a line drawn at a ninety-degree angle to whichever of the following results in the greatest setback: the side lot line or its tangent or the ultimate street right-of-way or its tangent.

“Zoning code” or **“code”** means the zoning code of the city, i.e., Title 9 of the city of La Quinta Municipal Code, including the official zoning map and other maps and graphics incorporated in the zoning code text or included therein by reference.

“Zoning district” or **“district”** means an area of the city designated on the official zoning map and subject to a uniform set of permitted land uses and development standards.

“Zoning map” or **“official zoning map”** means a map incorporated into this code by reference which covers the entire land area of the city and is divided into zoning districts for the purpose of specifying for each such land area the uses permitted, development standards required, and other applicable provisions of this code. (Ord. 489 § 1, 2011; Ord. 325 § 1 (Exh. A), 1998; Ord. 284 § 1 (Exh. A), 1996)

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

I, SUSAN MAYSELS, City Clerk of the City of La Quinta, California, do hereby certify the foregoing to be a full, true, and correct copy of Ordinance No. (enter number) which was introduced at a regular meeting on the (date) day of (month), (year), and was adopted at a regular meeting held on the (date) day of (month), (year), not being less than 5 days after the date of introduction thereof.

I further certify that the foregoing Ordinance was posted in three places within the City of La Quinta as specified in the Rules of Procedure adopted by City Council Resolution No. 2014-013.

SUSAN MAYSELS, City Clerk
City of La Quinta, California

DECLARATION OF POSTING

I, SUSAN MAYSELS, City Clerk of the City of La Quinta, California, do hereby certify that the foregoing ordinance was posted on _____, pursuant to Council Resolution.

SUSAN MAYSELS, City Clerk
City of La Quinta, California

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City of La Quinta

CITY COUNCIL MEETING: November 15, 2016

STAFF REPORT

AGENDA TITLE: APPROVE DEMAND REGISTERS DATED OCTOBER 28 AND NOVEMBER 4, 2016

RECOMMENDATION

Approve demand registers dated October 28 and November 4, 2016

EXECUTIVE SUMMARY – None

FISCAL IMPACT

Demand of Cash:

City	\$	1,000,458.18
Successor Agency of RDA	\$	24,232.50
Housing Authority	\$	-
Housing Authority Commission	\$	-
	\$	<u>1,024,690.68</u>

BACKGROUND/ANALYSIS

Between Council meetings, routine bills and payroll must be paid. Attachment 1 details the weekly demand registers for October 28 and November 4, 2016.

Warrants Issued:

112829-112905	\$	224,381.73
112906-112977	\$	199,034.19
Voids	\$	-
Wire Transfers	\$	360,746.44
P/R Ck 37134-37141 & Direct Dep.	\$	161,675.13
Payroll Tax Transfers	\$	78,853.19
	\$	<u>1,024,690.68</u>

The most significant expenditures on the demand registers listed above are as follows:

Vendor	Account Name	Amount	Purpose
Sigmanet	Consultants	\$ 26,100.00	Sep-Oct I.T. Service
Imperial Irrigation Dist.	Utilities	\$ 29,042.11	Electricity Service
Conserve Landcare	Landscape	\$ 35,491.48	Oct- Landscape Maint.
Coachella Valley Water District	Utilities	\$ 38,427.30	Water Service
Burrtec Waste & Recycling	Various	\$ 38,575.30	Tax Payment Distribution

Wire Transfers: Ten wire transfers totaled \$360,746.44 of this amount, \$114,858.72 was to Landmark Golf Management, and \$90,527.94 was to CalPERS Health and \$35,664.27 was to CalPERS. (See Attachment 2 for a full listing).

ALTERNATIVES

Council may approve, partially approve, or reject the demand registers.

Prepared by: Derrick Armendariz, Account Technician

Approved by: Karla Campos, Finance Director

Attachment: 1. Demand Registers
2. Wire Transfers



City of La Quinta, CA

Vendor Name	Payment Number	Description (Item)	Account Name	Account Number	Amount
Fund: 101 - GENERAL FUND					
2XL CORPORATION	112829	10/17/16- WC GYM WIPES TAX	Sales Taxes Payable	101-0000-20304	-24.26
2XL CORPORATION	112829	10/17/16- WC GYM WIPES	Operating Supplies	101-3002-60420	423.82
4IMPRINT	112830	10/05/16- VOLUNTEER LINE TAX	Sales Taxes Payable	101-0000-20304	-23.86
4IMPRINT	112830	10/05/16- VOLUNTEER LINE	LQ Police Volunteers	101-2001-60109	404.20
ACCOMTEMP	112831	10/07/16- TEMP STAFFING	Temporary Agency Services	101-1004-60125	269.10
ACCOMTEMP	112831	10/14/16- TEMP STAFFING	Temporary Agency Services	101-1004-60125	269.10
ALUM GROUP, THE	112833	10/17/16- LQ VILLAGE EIR	Professional Services	101-6002-60103	7,411.60
AMERIPRIDE SERVICES INC	112834	10/13/16- WC JANITORIAL SUPPLIES	Janitorial	101-3008-60115	152.59
ANSAFONE CONTACT CENTE	112835	10/03/16- PM10 ANSWERING SERVICE	Vacant Property Dust Control	101-7006-60128	257.34
BRYCE BUNKER	112839	10/04/16- FIT PASS REIMB	Fitness Membership Reimbu	101-1004-50252	40.00
CALIFORNIA BUILDING OFFIC	112840	10/19/16- CALBO TRAINING	Travel & Training	101-6003-60320	1,035.00
CALIFORNIA BUILDING OFFIC	112840	10/20/16- JOB AD	Advertising	101-1004-60450	45.00
CALIFORNIA MUNICIPAL STA	112841	08/24/16- CAFR STATISTICAL DATA	Professional Services	101-1006-60103	875.00
CALIFORNIA PARK & RECREA	112842	08/02/16- CPRS MEMBERSHIP DORAN	Membership Dues	101-3001-60351	150.00
CHAMBER, THE	112845	08/16- GEM ADVERTISING	Marketing & Tourism Promo	101-3007-60461	2,916.64
COACHELLA VALLEY WATER	112846	10/18/16- WATER SERVICE	Utilities - Water -Monticello	101-3005-61201	5,388.93
COACHELLA VALLEY WATER	112846	10/18/16- WATER SERVICE	Utilities - Water -Community	101-3005-61209	35.50
COACHELLA VALLEY WATER	112846	10/18/16- WATER SERVICE	Utilities - Water -Fritz Burns	101-3005-61204	30.99
COACHELLA VALLEY WATER	112846	10/18/16- WATER SERVICE	Vacant Property Dust Control	101-7006-60128	14.00
CONSERVE LANDCARE	112848	10/16- L & L LANDSCAPE SERVICE	Landscape Contract	101-2002-60112	1,216.00
CREATIVE OFFICE INTERIORS	112849	09/20/16- OFFICE CHAIRS	Furniture	101-3008-71021	9,318.24
DAIOHS FIRST CHOICE SERVI	112850	10/18/16- COFFEE SUPPLIES	Citywide Conf Room Supplie	101-1007-60403	148.34
DAIOHS FIRST CHOICE SERVI	112850	10/20/16- COFFEE SUPPLIES	Citywide Conf Room Supplie	101-1007-60403	119.97
DEPARTMENT OF JUSTICE	112851	08/10/16- BLOOD ALCOHOL	Blood/Alcohol Testing	101-2001-60174	105.00
DEPARTMENT OF JUSTICE	112851	08/10/16- BLOOD ALCOHOL	Blood/Alcohol Testing	101-2001-36310	-105.00
DEPARTMENT OF JUSTICE	112851	10/05/16- INSTRUCTOR FINGERPRINTS	Instructors	101-3002-60107	192.00
ESGIL CORPORATION	112853	09/16- BLDG PLAN CHECK SVC	Plan Checks	101-6003-60118	13,815.36
GIDEON COHN	112856	10/11/16- REIMB OVERPAYMENT	Cash Over/Short	101-0000-42300	29.26
GRAHAM, MARCIE	112857	10/09-10/14/16- PIO TRAINING	Travel & Training	101-3003-60320	1,191.95
GRAINGER	112858	10/10/16- TOILET PARTS	Repair & Maintenance	101-3008-60691	92.69
HIDEAWAY	112860	10/14/16- REIMB OVERPAYMENT	Cash Over/Short	101-0000-42300	33.00
IMPERIAL IRRIGATION DIST	112861	10/25/16- ELECTRICITY SERVICE	Utilities - Electricity	101-2002-61101	807.21
IMPERIAL IRRIGATION DIST	112861	10/25/16- ELECTRICITY SERVICE	Utilities - Electric - Civic Cent	101-3005-61103	2,735.77
IMPERIAL IRRIGATION DIST	112861	10/25/16- ELECTRICITY SERVICE	Utilities - Electric - Fritz Burn	101-3005-61105	1,378.67
IMPERIAL IRRIGATION DIST	112861	10/25/16- ELECTRICITY SERVICE	Utilities - Electric - Sports Co	101-3005-61106	3,534.11
IMPERIAL IRRIGATION DIST	112861	10/25/16- ELECTRICITY SERVICE	Utilities - Electric - Velasco P	101-3005-61111	17.09
IMPERIAL IRRIGATION DIST	112861	10/25/16- ELECTRICITY SERVICE	Utilities - Electric - Eisenhow	101-3005-61113	24.24
IMPERIAL IRRIGATION DIST	112861	10/25/16- ELECTRICITY SERVICE	Utilities - Electricity	101-3008-61101	10,635.03
INSIDE PLANTS, INC.	112862	10/20/16- ARTIFICIAL PLANTS	Technical	101-3008-60108	728.82
INTERNATIONAL CODE COU	112864	10/19/16- CODE COUNCIL PUBLICATIO	Subscriptions & Publications	101-6003-60352	46.98
INTERWEST CONSULTING GR	112865	10/17/16- PLAN CHECK	Map/Plan Checking	101-7002-60183	5,824.00
INTERWEST CONSULTING GR	112865	10/17/16- PLAN CHECK	Map/Plan Checking	101-7002-60183	1,792.00
INTERWEST CONSULTING GR	112865	10/17/16- PLAN CHECK	Map/Plan Checking	101-7002-60183	3,720.00
JAS PACIFIC INC	112866	10/05/16- BLDG PLAN CHECK SVC	Plan Checks	101-6003-60118	10,205.00
KONE INC	112868	10/01/16- ELEVATOR MAINT	Technical	101-3008-60108	519.76
LEAGUE OF CALIFORNIA CITI	112869	09/16/16- RCD TRAINING VILLALPANDO	Travel & Training	101-1002-60320	25.00
LEAGUE OF CALIFORNIA CITI	112869	09/16/16- RCD TRAINING GRAHAM	Travel & Training	101-3001-60320	25.00
LESLIE SKYLIGHTS	112870	10/10/16- REIMB OVERPAYMENT	Cash Over/Short	101-0000-42300	25.00
LOCK SHOP INC, THE	112871	10/11/16- KEY REPAIR	Repair & Maintenance	101-3008-60691	14.75
LOCK SHOP INC, THE	112871	10/21/16- KEYS	Repair & Maintenance	101-3008-60691	15.55
LOPEZ, RAFAEL	112872	10/22/16- BREW IN LQ MUSICIAN	Special Events Sponsorships	101-0000-22836	1,500.00
MAILFINANCE	112873	10/07/16- PROPERTY TAX RECOVERY	Postage Machine	101-1007-60661	151.38
MISSION LINEN SUPPLY	112874	08/30/16- UNIFORM BELTS	Uniforms	101-3005-60690	383.49

Demand Register

Vendor Name	Payment Number	Description (Item)	Account Name	Account Number	Amount
MISSION LINEN SUPPLY	112874	10/18/16- UNIFORM BELTS	Uniforms	101-3008-60690	64.07
MUIRFIELD DESERT RESORT	112877	10/13/16- REIMB TOT OVERPAYMENT	Cash Over/Short	101-0000-42300	7.24
NI GOVERNMENT SERVICES I	112878	10/01/16- SATELLITE PHONES	Mobile/Cell Phones	101-2002-61304	154.75
ONTRAC	112879	10/15/16- OVERNIGHT MAIL	Postage	101-1007-60470	50.22
PARTY PALS	112881	10/22/16- BREW IN LQ GAMES	Special Events Sponsorships	101-0000-22836	1,940.00
RANDY A. JOHNSON	112884	10/12/16- REIMB OVERPAYMENT	Cash Over/Short	101-0000-42300	3.00
RASA/ERIC NELSON	112885	09/29/16- PLAN CHECK TPM 2016-0003	Map/Plan Checking	101-7002-60183	1,045.00
RASA/ERIC NELSON	112885	10/14/16- PLAN CHECK SVC	Map/Plan Checking	101-7002-60183	150.00
RESORT PARKING SERVICES	112886	10/22/16- BREW IN LQ PARKING SVC	Special Events Sponsorships	101-0000-22836	1,309.00
ROYAL GYM SERVICES	112888	10/05/16- WC PREV MAINT SVC	Operating Supplies	101-3002-60420	315.00
SILVERROCK RESORT	112891	09/16- 3RD QTR SALES TAX	Sales Taxes Payable	101-0000-20304	61.00
SMITH, JUSTIN R	112892	10/12/16- REIMB OVERPAYMENT	Cash Over/Short	101-0000-42300	10.00
SOUTHWEST BOULDER & ST	112893	10/18/16- PIONEER PARK ROCK INSTALL	Landscape Improvements	101-3005-60113	116.10
STAPLES ADVANTAGE	112895	10/01/16- SIT & STAND DESK	Office Supplies	101-1004-60400	596.37
STAPLES ADVANTAGE	112895	10/05/16- ANTI FATIGUE MAT	Office Supplies	101-1004-60400	121.92
STAPLES ADVANTAGE	112895	10/05/16- PAPER	Office Supplies	101-3002-60400	193.08
STAPLES ADVANTAGE	112895	10/08/16- LABELS	Office Supplies	101-1005-60400	13.91
STAPLES ADVANTAGE	112895	10/08/16- ERGONOMIC ITEMS	Office Supplies	101-6001-60400	126.32
STAPLES ADVANTAGE	112895	10/08/16- SAFETY COMMITTEE	Operating Supplies	101-1004-60420	74.01
STAPLES ADVANTAGE	112895	10/13/16- BREW IN LQ SUPPLIES	Special Events Sponsorships	101-0000-22836	34.67
STAPLES ADVANTAGE	112895	10/13/16- OFFICE SUPPLIES	Office Supplies	101-6001-60400	43.43
STUDIOCARPRARO.COM	112896	10/18/16- BREW IN LQ GRAPHIC DESIG	Special Events Sponsorships	101-0000-22836	131.25
TRULY NOLEN INC	112898	10/05/16- FS #32 PEST CONTROL	Pest Control	101-2002-60116	45.00
TRULY NOLEN INC	112898	10/12/16- LQ PARK PEST CONTROL	Pest Control	101-3008-60116	61.00
TRULY NOLEN INC	112898	10/07/16- SC PEST CONTROL SVC	Pest Control	101-3008-60116	100.00
VEGA MASONRY CO.	112899	10/14/16- REIMB OVERPAYMENT	Cash Over/Short	101-0000-42300	50.00
VINTAGE ASSOCIATES	112900	10/05/16- MEMORIAL TREE REPLACEM	Tree Maintenance	101-3005-60557	69.12
WALMART COMMUNITY	112901	10/16- OFFICE SUPPLIES	Office Supplies	101-1006-60400	60.30
WALMART COMMUNITY	112901	10/16- CERT MEETING	Disaster Prep Supplies	101-2002-60406	24.10
WATERLOGIC USA FINANCE I	112902	10/12/16- CH WATER COOLER	Citywide Conf Room Supplie	101-1007-60403	21.01
WELLS FARGO BUSINESS CAR	112903	09/16- BREW IN LQ SUPPLIES	Special Events Sponsorships	101-0000-22836	64.23
WELLS FARGO BUSINESS CAR	112903	09/16- BREW IN LQ SUPPLIES	Special Events Sponsorships	101-0000-22836	125.02
WELLS FARGO BUSINESS CAR	112903	09/16- COUNCIL UPDATE	Travel & Training	101-1001-60320	28.84
WELLS FARGO BUSINESS CAR	112903	09/16- COUNCIL UPDATE	Travel & Training	101-1001-60320	50.79
WELLS FARGO BUSINESS CAR	112903	09/16- FEES	Technical	101-1002-60108	121.13
WELLS FARGO BUSINESS CAR	112903	09/16- COUNCIL UPDATE	Travel & Training	101-1002-60320	26.08
WELLS FARGO BUSINESS CAR	112903	09/16- COUNCIL UPDATE	Travel & Training	101-1002-60320	31.43
WELLS FARGO BUSINESS CAR	112903	09/16- INTERVIEW PANEL	Travel & Training	101-1004-60320	62.92
WELLS FARGO BUSINESS CAR	112903	09/16- HOTEL CREDIT	Travel & Training	101-1004-60320	-235.73
WELLS FARGO BUSINESS CAR	112903	09/16- FRED PRYOR	Travel & Training	101-1004-60320	39.00
WELLS FARGO BUSINESS CAR	112903	09/16- PIHRA MEETING	Travel & Training	101-1004-60320	65.00
WELLS FARGO BUSINESS CAR	112903	09/16- INTERVIEW PANEL	Travel & Training	101-1004-60320	72.38
WELLS FARGO BUSINESS CAR	112903	09/16- INTERVIEW PANEL	Travel & Training	101-1004-60320	32.38
WELLS FARGO BUSINESS CAR	112903	09/16- OFFICE SUPPLIES	LQ Police Volunteers	101-2001-60109	37.79
WELLS FARGO BUSINESS CAR	112903	09/16- CPRS TRAINING DORAN	Travel & Training	101-3001-60320	25.00
WELLS FARGO BUSINESS CAR	112903	09/16- CPRS TRAINING MAGALLANEZ	Travel & Training	101-3001-60320	25.00
WELLS FARGO BUSINESS CAR	112903	09/16- 9/11 VIGIL SUPPLIES	Special Events	101-3003-60149	46.32
WELLS FARGO BUSINESS CAR	112903	09/16- PIO TRAINING GRAHAM	Travel & Training	101-3003-60320	900.00
YOUNG ENGINEERING SVC	112904	07/16- BLDG PLAN CHECK SVC	Plan Checks	101-6003-60118	10,110.00
YU, PUI TING	112905	07/20/16- MAP ACT CONFERENCE	Travel & Training	101-7002-60320	20.00
				Fund 101 - GENERAL FUND Total:	108,574.80
Fund: 201 - GAS TAX FUND					
ALSCO INC	112832	10/14/16- CREDIT MEMO	Uniforms	201-7003-60690	-30.24
ALSCO INC	112832	10/14/16- UNIFORM RENTAL	Uniforms	201-7003-60690	94.51
ALSCO INC	112832	10/21/16- UNIFORM RENTAL	Uniforms	201-7003-60690	75.76
HAMILTON, SCOTT	112859	10/14/16- CLASS B REIMB	Travel & Training	201-7003-60320	73.00
IMPERIAL IRRIGATION DIST	112861	10/25/16- ELECTRICITY SERVICE	Utilities - Electricity	201-7003-61101	963.87
MISSION LINEN SUPPLY	112874	09/12/16- UNIFORMS	Uniforms	201-7003-60690	604.85
SPARKLETTS	112894	10/07/16- DRINKING WATER	Office Supplies	201-7003-60400	73.90
				Fund 201 - GAS TAX FUND Total:	1,855.65

Demand Register

Vendor Name	Payment Number	Description (Item)	Account Name	Account Number	Amount
Fund: 202 - LIBRARY FUND					
FRONTIER COMMUNICATION	112854	10/13-11/12/16- MUSEUM PHONE	Utilities - Telephone	202-3006-61300	112.05
IMPERIAL IRRIGATION DIST	112861	10/25/16- ELECTRICITY SERVICE	Utilities - Electricity	202-3004-61101	3,438.93
IMPERIAL IRRIGATION DIST	112861	10/25/16- ELECTRICITY SERVICE	Utilities - Electricity	202-3006-61101	1,202.13
JOHNSTONE SUPPLY	112867	10/24/16- LIBRARY HVAC PARTS	HVAC	202-3004-60667	91.86
KONE INC	112868	10/01/16- ELEVATOR MAINT	Repair & Maintenance	202-3006-60691	519.77
PACIFIC WEST AIR CONDITIO	112880	10/14/16- HAVAC MAINT MUSEUM	HVAC	202-3006-60667	1,750.00
TRULY NOLEN INC	112898	10/10/16- MUSEUM PEST CONTROL	Pest Control	202-3006-60116	47.00
Fund 202 - LIBRARY FUND Total:					7,161.74
Fund: 215 - LIGHTING & LANDSCAPING FUND					
COACHELLA VALLEY WATER	112846	10/18/16- WATER SERVICE	Utilities - Water - Medians	215-7004-61211	2,550.01
CONSERVE LANDCARE	112848	10/16- L & L LANDSCAPE SERVICE	Technical	215-7004-60189	34,275.48
DUNN-EDWARDS CORPORAT	112852	10/04/16- GRAFFITI PAINT	Supplies-Graffiti	215-7004-60423	137.47
IMPERIAL IRRIGATION DIST	112861	10/25/16- ELECTRICITY SERVICE	Utilities - Electric - Signals	215-7004-61116	2,674.14
IMPERIAL IRRIGATION DIST	112861	10/25/16- ELECTRICITY SERVICE	Utilities - Electric - Medians	215-7004-61117	1,630.92
MISSION LINEN SUPPLY	112874	09/15/16- UNIFORMS	Uniforms	215-7004-60690	568.15
Fund 215 - LIGHTING & LANDSCAPING FUND Total:					41,836.17
Fund: 401 - CAPITAL IMPROVEMENT PROGRAMS					
BENGAL ENGINEERING INC	112837	10/14/16- DUNE PALMS RD WIDENING	Design	401-0000-60185	6,455.00
BENGAL ENGINEERING INC	112838	10/14/16- DUNE PALMS RD REPLACEM	Design	401-0000-60185	11,650.00
COACHELLA VALLEY WATER	112847	10/18/16- PRJT ID SWOO66 ANALYSIS D	Design	401-0000-60185	10,000.00
SIEMENS INDUSTRY INC	112889	10/16- TRFF SIGNAL CALL OUTS	Construction	401-0000-60188	857.98
Fund 401 - CAPITAL IMPROVEMENT PROGRAMS Total:					28,962.98
Fund: 501 - EQUIPMENT REPLACEMENT					
MOUNTAIN VIEW TIRE	112876	10/13/16- TRUCK # 56 TIRES	Vehicle Repair & Maintenanc	501-0000-60676	668.44
MOUNTAIN VIEW TIRE	112876	10/19/16- TRAILER PARTS	Vehicle Repair & Maintenanc	501-0000-60676	113.11
RAN AUTO DETAIL	112883	10/16/16- CAR WASHES	Car Washes	501-0000-60148	664.00
WELLS FARGO BUSINESS CAR	112903	09/16- OFFICE SUPPLIES CREDIT	Cvc Ctr Bldg Repl/Repair	501-0000-71103	-171.97
WELLS FARGO BUSINESS CAR	112903	09/16- OFFICE SUPPLIES CREDIT	Cvc Ctr Bldg Repl/Repair	501-0000-71103	-56.48
Fund 501 - EQUIPMENT REPLACEMENT Total:					1,217.10
Fund: 502 - INFORMATION TECHNOLOGY					
APPLE FINANCIAL SERVICES	112836	10/09/16- APPLE LEASE	Computers	502-0000-80103	429.70
CARRERA AIR	112843	10/11/16- REFUND ENHANCEMENT FEE	Technology Enhancement Su	502-0000-43611	5.00
CDW GOVERNMENT INC	112844	10/11/16- VEEAM SOFTWARE	Software Licenses	502-0000-60301	994.89
FRONTIER-INTERNET	112855	10/10-11/09/16- INTERNET SERVICE	Technical	502-0000-60108	89.99
INTELESYS COMMUNICATIO	112863	10/17/16- FAX MACHINE EQUIP	Machinery & Equipment	502-0000-80100	294.12
MONOPRICE INC	112875	10/18/16- TV EQUIPMENT	Machinery & Equipment	502-0000-80100	35.99
RETAIL LEASE TRAC INC	112887	10/14/16- RETAIL TRACKER	Software Licenses	502-0000-60301	750.00
SIGMANET	112890	09/16- IT MGMT SVC	Consultants	502-0000-60104	13,050.00
SIGMANET	112890	10/16- IT MGMT SVC	Consultants	502-0000-60104	13,050.00
STAPLES ADVANTAGE	112895	10/01/16- ERGONOMIC ITEMS	Machinery & Equipment	502-0000-80100	420.85
STAPLES ADVANTAGE	112895	10/01/16- ERGONOMIC ITEMS	Machinery & Equipment	502-0000-80100	442.35
STAPLES ADVANTAGE	112895	10/06/16- ASSISTIVE LISTENING SYSTE	Machinery & Equipment	502-0000-80100	282.09
STAPLES ADVANTAGE	112895	10/08/16- ERGONOMIC ITEMS	Machinery & Equipment	502-0000-80100	64.79
STAPLES ADVANTAGE	112895	10/12/16- ERGONOMIC ITEMS	Machinery & Equipment	502-0000-80100	81.00
TIME WARNER CABLE	112897	10/20-11/19/16- CABLE SERVICE	Utilities - Cable	502-0000-61400	8.83
TIME WARNER CABLE	112897	08/12-11/11/16- CITY YARD CABLE	Utilities - Cable	502-0000-61400	132.74
TIME WARNER CABLE	112897	09/16-10/16- CABLE SERVICE	Utilities - Cable	502-0000-61400	253.65
WALMART COMMUNITY	112901	10/16- OFFICE SUPPLIES	Machinery & Equipment	502-0000-80100	64.67
WELLS FARGO BUSINESS CAR	112903	09/16- APPLE CARE	Maintenance Agreements	502-0000-60300	224.00
WELLS FARGO BUSINESS CAR	112903	09/16- MICROSOFT OFFICE	Software Licenses	502-0000-60301	248.35
WELLS FARGO BUSINESS CAR	112903	09/16- SOFTWARE LICENSE	Software Licenses	502-0000-60301	129.00
WELLS FARGO BUSINESS CAR	112903	09/16- BASECAMP	Software Licenses	502-0000-60301	50.00
WELLS FARGO BUSINESS CAR	112903	09/16- ADAPTER	Operating Supplies	502-0000-60420	28.08
WELLS FARGO BUSINESS CAR	112903	09/16- COMPUTER STAND	Machinery & Equipment	502-0000-80100	48.60
WELLS FARGO BUSINESS CAR	112903	09/16- DOCKING STATION	Machinery & Equipment	502-0000-80100	208.23
WELLS FARGO BUSINESS CAR	112903	09/16- APPLE COMPUTER	Computers	502-0000-80103	757.28
WELLS FARGO BUSINESS CAR	112903	09/16- APPLE COMPUTER	Computers	502-0000-80103	2,235.36
Fund 502 - INFORMATION TECHNOLOGY Total:					34,379.56

Demand Register

Vendor Name	Payment Number	Description (Item)	Account Name	Account Number	Amount
Fund: 601 - SILVERROCK RESORT					
PLANIT REPROGRAPHICS SYS	112882	09/26/16- SRR PRESENTATION PHOTOS	Marketing	601-0000-60206	393.73
Fund 601 - SILVERROCK RESORT Total:					393.73
Grand Total:					224,381.73

Fund Summary

Fund	Expense Amount
101 - GENERAL FUND	108,574.80
201 - GAS TAX FUND	1,855.65
202 - LIBRARY FUND	7,161.74
215 - LIGHTING & LANDSCAPING FUND	41,836.17
401 - CAPITAL IMPROVEMENT PROGRAMS	28,962.98
501 - EQUIPMENT REPLACEMENT	1,217.10
502 - INFORMATION TECHNOLOGY	34,379.56
601 - SILVERROCK RESORT	393.73
Grand Total:	224,381.73

Account Summary

Account Number	Account Name	Expense Amount
101-0000-20304	Sales Taxes Payable	12.88
101-0000-22836	Special Events Sponsors	5,104.17
101-0000-42300	Cash Over/Short	157.50
101-1001-60320	Travel & Training	79.63
101-1002-60108	Technical	121.13
101-1002-60320	Travel & Training	82.51
101-1004-50252	Fitness Membership Rei	40.00
101-1004-60125	Temporary Agency Servi	538.20
101-1004-60320	Travel & Training	35.95
101-1004-60400	Office Supplies	718.29
101-1004-60420	Operating Supplies	74.01
101-1004-60450	Advertising	45.00
101-1005-60400	Office Supplies	13.91
101-1006-60103	Professional Services	875.00
101-1006-60400	Office Supplies	60.30
101-1007-60403	Citywide Conf Room Sup	289.32
101-1007-60470	Postage	50.22
101-1007-60661	Postage Machine	151.38
101-2001-36310	Blood/Alcohol Testing	-105.00
101-2001-60109	LQ Police Volunteers	441.99
101-2001-60174	Blood/Alcohol Testing	105.00
101-2002-60112	Landscape Contract	1,216.00
101-2002-60116	Pest Control	45.00
101-2002-60406	Disaster Prep Supplies	24.10
101-2002-61101	Utilities - Electricity	807.21
101-2002-61304	Mobile/Cell Phones	154.75
101-3001-60320	Travel & Training	75.00
101-3001-60351	Membership Dues	150.00
101-3002-60107	Instructors	192.00
101-3002-60400	Office Supplies	193.08
101-3002-60420	Operating Supplies	738.82
101-3003-60149	Special Events	46.32
101-3003-60320	Travel & Training	2,091.95
101-3005-60113	Landscape Improvement	116.10
101-3005-60557	Tree Maintenance	69.12
101-3005-60690	Uniforms	383.49
101-3005-61103	Utilities - Electric - Civic	2,735.77
101-3005-61105	Utilities - Electric - Fritz	1,378.67
101-3005-61106	Utilities - Electric - Sport	3,534.11
101-3005-61111	Utilities - Electric - Velas	17.09
101-3005-61113	Utilities - Electric - Eisen	24.24
101-3005-61201	Utilities - Water -Montic	5,388.93
101-3005-61204	Utilities - Water -Fritz Bu	30.99
101-3005-61209	Utilities - Water -Commu	35.50
101-3007-60461	Marketing & Tourism Pr	2,916.64
101-3008-60108	Technical	1,248.58
101-3008-60115	Janitorial	152.59

Account Summary

Account Number	Account Name	Expense Amount
101-3008-60116	Pest Control	161.00
101-3008-60690	Uniforms	64.07
101-3008-60691	Repair & Maintenance	122.99
101-3008-61101	Utilities - Electricity	10,635.03
101-3008-71021	Furniture	9,318.24
101-6001-60400	Office Supplies	169.75
101-6002-60103	Professional Services	7,411.60
101-6003-60118	Plan Checks	34,130.36
101-6003-60320	Travel & Training	1,035.00
101-6003-60352	Subscriptions & Publicati	46.98
101-7002-60183	Map/Plan Checking	12,531.00
101-7002-60320	Travel & Training	20.00
101-7006-60128	Vacant Property Dust Co	271.34
201-7003-60320	Travel & Training	73.00
201-7003-60400	Office Supplies	73.90
201-7003-60690	Uniforms	744.88
201-7003-61101	Utilities - Electricity	963.87
202-3004-60667	HVAC	91.86
202-3004-61101	Utilities - Electricity	3,438.93
202-3006-60116	Pest Control	47.00
202-3006-60667	HVAC	1,750.00
202-3006-60691	Repair & Maintenance	519.77
202-3006-61101	Utilities - Electricity	1,202.13
202-3006-61300	Utilities - Telephone	112.05
215-7004-60189	Technical	34,275.48
215-7004-60423	Supplies-Graffiti	137.47
215-7004-60690	Uniforms	568.15
215-7004-61116	Utilities - Electric - Signal	2,674.14
215-7004-61117	Utilities - Electric - Medi	1,630.92
215-7004-61211	Utilities - Water - Media	2,550.01
401-0000-60185	Design	28,105.00
401-0000-60188	Construction	857.98
501-0000-60148	Car Washes	664.00
501-0000-60676	Vehicle Repair & Mainte	781.55
501-0000-71103	Cvc Ctr Bldg Repl/Repair	-228.45
502-0000-43611	Technology Enhanceme	5.00
502-0000-60104	Consultants	26,100.00
502-0000-60108	Technical	89.99
502-0000-60300	Maintenance Agreeemen	224.00
502-0000-60301	Software Licenses	2,172.24
502-0000-60420	Operating Supplies	28.08
502-0000-61400	Utilities - Cable	395.22
502-0000-80100	Machinery & Equipment	1,942.69
502-0000-80103	Computers	3,422.34
601-0000-60206	Marketing	393.73
Grand Total:		224,381.73

Project Account Summary

Project Account Key	Expense Amount
None	190,314.58
091004D	6,455.00
111205D	21,650.00
1617TMICT	857.98
BREWLQE	5,104.17
Grand Total:	224,381.73



Vendor Name	Payment Number	Description (Item)	Account Name	Account Number	Amount
Fund: 101 - GENERAL FUND					
A.M. D'APRIX AND PETER D' ACCOUNTEMS	112906	10/25/16- REFUND OVERPAYMENT	Cash Over/Short	101-0000-42300	6.00
ACTION DOOR, INC.	112907	10/21/16- TEMP STAFFING	Temporary Agency Services	101-1004-60125	198.90
ALBERT F GARCIA JR SOLE PR	112908	10/19/16- REFUND OVERPAYMENT	Cash Over/Short	101-0000-42300	49.00
AMERIPRIDE SERVICES INC	112909	10/27/16- REFUND TOT OVERPAYMENT	Cash Over/Short	101-0000-42300	6.97
APWA COACHELLA VALLEY	112913	10/13-10/27/16- WC JANITORIAL SUPPL	Janitorial	101-3008-60115	152.59
APWA COACHELLA VALLEY	112914	11/17/16- CV BRANCH VENDOR SHOW	Travel & Training	101-7006-60320	25.00
ATLAS AWNING & SCREEN IN	112914	11/17/16- CV BRANCH VENDOR SHOW	Travel & Training	101-7006-60320	25.00
BIO CLEAR WATER SOLUTION	112915	10/25/16- REFUND OVERPAYMENT	Cash Over/Short	101-0000-42300	50.00
BURRTEC WASTE & RECYCLI	112916	10/16- CC CAMPUS POND SVC	Civic Center Lake Maintenanc	101-3005-60117	1,590.75
BURRTEC WASTE & RECYCLI	112917	11/01/16- FY 15/16 TAX PAYMENT	Due to Waste Management	101-0000-20307	42,910.68
BURRTEC WASTE & RECYCLI	112917	11/01/16- FY 15/16 TAX PAYMENT	Franchise Taxes - Burrtec	101-0000-41505	-2,427.81
BURRTEC WASTE & RECYCLI	112917	11/01/16- FY 15/16 TAX PAYMENT	Burrtec AB 939 Fee	101-0000-41506	-1,907.57
CALPERS LONG-TERM CARE	112918	LONG TERM CARE	LT Care Insurance Pay	101-0000-20949	196.05
CAPITAL ONE COMMERCIAL	112919	10/19/16- ANN'L CRIME SEMINAR SNA	Special Enforcement Funds	101-2001-60175	24.37
CAPITAL ONE COMMERCIAL	112919	10/19/16- BATTERIES	Operating Supplies	101-2001-60420	32.16
CARLOS FLORES	112920	10/25/16- APA CONFERENCE	Travel & Training	101-6002-60320	163.81
COACHELLA VALLEY WATER	112921	10/26/16- WATER SERVICE	Utilities - Water - Civic Cente	101-3005-61202	2,114.22
COACHELLA VALLEY WATER	112921	10/26/16- WATER SERVICE	Utilities - Water -Community	101-3005-61209	7,411.47
COACHELLA VALLEY WATER	112921	10/26/16- WATER SERVICE	PM 10 SilverRock	101-7006-60146	161.96
COACHELLA VALLEY WATER	112921	10/26/16- WATER SERVICE	Utilities - Water	101-2002-61200	197.74
COACHELLA VALLEY WATER	112921	10/26/16- WATER SERVICE	Water - Inside	101-3002-61200	139.79
COACHELLA VALLEY WATER	112921	10/26/16- WATER SERVICE	Utilities - Water - Civic Cente	101-3005-61202	159.46
COACHELLA VALLEY WATER	112921	10/26/16- WATER SERVICE	Utilities - Water -Eisenhower	101-3005-61203	185.62
COACHELLA VALLEY WATER	112921	10/26/16- WATER SERVICE	Utilities - Water -Fritz Burns	101-3005-61204	610.70
COACHELLA VALLEY WATER	112921	10/26/16- WATER SERVICE	Utilities - Water -Velasco Par	101-3005-61205	320.94
COACHELLA VALLEY WATER	112921	10/26/16- WATER SERVICE	Utilities - Water	101-3008-61200	167.45
COUNTRY CLUB PROPERTIES	112922	10/27/16- REFUND TOT OVERPAYMENT	Cash Over/Short	101-0000-42300	3.60
DATA TICKET, INC.	112923	08/16- PARKING CITATION PROCESSING	Administrative Citation Servi	101-6004-60111	548.42
DATA TICKET, INC.	112923	08/16- CODE PROCESSING	Administrative Citation Servi	101-6004-60111	382.00
DATA TICKET, INC.	112923	10/25/16- CODE CITATION PROCESSING	Administrative Citation Servi	101-6004-60111	200.00
DATA TICKET, INC.	112923	10/14/16- PARKING CITATION PROCESSI	Administrative Citation Servi	101-6004-60111	641.00
DEAN WILLIAMS AND ANDR	112924	10/25/16- REFUND OVERPAYMENT	Cash Over/Short	101-0000-42300	25.00
DEPARTMENT OF JUSTICE	112925	10/06/16- BLOOD ALCOHOL	Blood/Alcohol Testing	101-2001-60174	70.00
DESERT SANDS UNIFIED SCH	112926	07/21-08/17/16- SCHOOL OFFICER BP#	School Officer	101-2001-60168	1,812.55
DIAMOND ENVIRONMENTAL	112927	10/21/16- FENCING & BARRICADES BRE	Special Events Sponsorships	101-0000-22836	3,210.00
DUNE, CLARE	112928	10/27/16- CHAIR MASSAGE	Instructors	101-3002-60107	21.00
FRANCHISE TAX BOARD	112929	GARNISHMENT	Garnishments Payable	101-0000-20985	125.00
GALLS	112930	10/18/16- CODE UNIFORMS	Uniforms	101-6004-60690	292.73
GAS COMPANY, THE	112931	09/21-10/19/16- FS #32 GAS	Utilities - Gas	101-2002-61100	33.02
GAS COMPANY, THE	112931	10/21/16- CITY HALL GAS	Utilities - Gas	101-3008-61100	117.13
GAS COMPANY, THE	112931	09/21-10/19/16- WC GAS	Utilities - Gas	101-3008-61100	13.81
GUARDIAN HR	112932	11/01/16- SUBSCRIPTION SERVICE	Subscriptions & Publications	101-1004-60352	450.00
HENSON CONSULTING GROU	112933	09/16- CONSULTING SERVICES	Professional Services	101-1004-60103	4,068.75
HENSON CONSULTING GROU	112933	10/16- CONSULTING SERVICES	Professional Services	101-1004-60103	5,512.50
KATIE MCVICARS	112935	10/25/16- RENTAL DEPOSIT REFUND	Miscellaneous Deposits	101-0000-22830	100.00
KEPLER, KRISTOFFER	112936	10/27/16- PERSONAL TRAINER	Instructors	101-3002-60107	224.00
KLEIN, SANDRA	112937	10/27/16- LA QUINTA GLEE	Instructors	101-3002-60107	75.00
LARSON, TUSTIN	112938	11/01/16- EVENT BRITE REIMB	Special Events Sponsorships	101-0000-22836	35.67
LIN LINES INC	112939	07/14/16- YOUTH EDUCATION CADET	Special Enforcement Funds	101-2001-60175	1,323.00
LINDA Y MCKINDLEY	112940	10/24/16- REFUND OVERPAYMENT	Cash Over/Short	101-0000-42300	3.00
LOCK SHOP INC, THE	112941	09/13/16- KEYS	Repair & Maintenance	101-3008-60691	234.54
LOWE'S HOME IMPROVEME	112942	10/05- SPORTS COMPLEX LIGHT	Sports Complex Building	101-3005-60555	21.34
LOWE'S HOME IMPROVEME	112942	10/17- SAWZALL TOOL	Small Tools/Equipment	101-3008-60432	115.67

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Vendor Name	Payment Number	Description (Item)	Account Name	Account Number	Amount
LOWE'S HOME IMPROVEME	112942	09/29- RETURN	Maint.-Other Equipment	101-3008-60665	-44.67
LOWE'S HOME IMPROVEME	112942	09/29- LQ PARK TRASH CANS	Maint.-Other Equipment	101-3008-60665	44.67
LOWE'S HOME IMPROVEME	112942	10/18- STRAPS FOR COURTYARD	Maint.-Other Equipment	101-3008-60665	101.52
LOWE'S HOME IMPROVEME	112942	10/10- CITY HALL LIGHT BULBS	Maint.-Other Equipment	101-3008-60665	88.17
LOWE'S HOME IMPROVEME	112942	09/27- POWER CORDS	Repair & Maintenance	101-3008-60691	293.81
LOWE'S HOME IMPROVEME	112942	10/07- CITY YARD PLYWOOD	Repair & Maintenance	101-3008-60691	279.32
LOWE'S HOME IMPROVEME	112942	09/30- REPAIR PARTS FOR CITY HALL	Repair & Maintenance	101-3008-60691	332.86
LOWE'S HOME IMPROVEME	112942	10/14- SHELVES STRAP	Repair & Maintenance	101-3008-60691	9.69
LOWE'S HOME IMPROVEME	112942	10/10- SAFETY EQUIPMENT CITY HALL	Repair & Maintenance	101-3008-60691	239.92
LOWE'S HOME IMPROVEME	112942	09/26- LIGHT SWITCHES	Repair & Maintenance	101-3008-60691	236.79
LOWE'S HOME IMPROVEME	112942	09/29- RETURN	Repair & Maintenance	101-3008-60691	-84.71
LOWE'S HOME IMPROVEME	112942	10/20- SPRAY PAINT	Repair & Maintenance	101-3008-60691	9.68
MIMI'S CAFE	112944	11/10/16- WC THANKSGIVING LUNCHE	Operating Supplies	101-3002-60420	583.20
MISELL, STACY	112945	10/27/16- ZUMBA	Instructors	101-3002-60107	23.40
MISSION LINEN SUPPLY	112946	10/26/16- UNIFORM BELTS	Safety Gear	101-7006-60427	64.07
NELSEN'S JANITORIAL SERVIC	112948	09/29/16- JANITORIAL SERVICE	Janitorial	101-3008-60115	1,770.00
NELSEN'S JANITORIAL SERVIC	112948	09/29/16- JANITORIAL SERVICE	Janitorial	101-3008-60115	3,920.00
NELSEN'S JANITORIAL SERVIC	112948	09/29/16- JANITORIAL SERVICE	Janitorial	101-3008-60115	1,000.00
OFFICE DEPOT	112949	10/11/16- OFFICE SUPPLIES	Office Supplies	101-1005-60400	24.08
OFFICE DEPOT	112949	10/07/16- OFFICE SUPPLIES	Office Supplies	101-1005-60400	37.50
OFFICE DEPOT	112949	10/12/16- ONBOARDING BINDERS	Office Supplies	101-1004-60400	16.85
OFFICE DEPOT	112949	10/12/16- CREDIT FOR CALENDERS	Office Supplies	101-1005-60400	-37.50
OFFICE DEPOT	112949	10/13/16- OFFICE SUPPLIES	Office Supplies	101-1006-60400	141.09
PALMS TO PINES PRINTING	112950	10/24/16- FURNITURE SHIELDS	Maint.-Other Equipment	101-3008-60665	540.60
POWERS AWARDS INC	112953	10/20/16- FINANCE NAME BADGES	Printing	101-1006-60410	72.33
PSOMAS INC	112954	09/16- INSPECTION SERVICES	Consultants	101-7006-60104	14,840.00
RAMIREZ, BEN	112955	10/27/16- AWARD PLAQUE REIMB	Special Enforcement Funds	101-2001-60175	64.96
RIVERSIDE DEPARTMENT OF	112956	GARNISHMENT	Garnishments Payable	101-0000-20985	200.00
ROGERS, ANDERSON, MALO	112957	09/30/16- ACCOUNTING SERVICES	Professional Services	101-1006-60103	1,568.00
ROJAS, MIGUEL ANGEL	112958	10/27/16- TAEKWONDO	Instructors	101-3002-60107	387.81
SALCEDO, KATHLEEN	112959	10/27/16- ZUMBA	Instructors	101-3002-60107	50.40
SERVICE WEAR APPAREL	112960	10/17/16- UNIFORMS	Uniforms	101-3008-60690	117.51
SERVICE WEAR APPAREL	112960	10/17/16- UNIFORMS	Safety Gear	101-7006-60427	129.30
SHIRY, TERESA	112961	10/27/16- FRIDAY NIGHT DANCE	Instructors	101-3002-60107	231.00
SHRED-IT USA - SAN BERNAD	112962	10/15/16- LQPD SHREDDING	LQ Police Volunteers	101-2001-60109	35.90
STAPLES ADVANTAGE	112964	07/20/16- BACK TO SCHOOL SUPPLIES	Operating Supplies	101-3002-60420	374.11
STAPLES ADVANTAGE	112964	10/06/16- TRAFFIC EQUIP	Special Enforcement Funds	101-2001-60175	28.29
STAPLES ADVANTAGE	112964	10/12/16- OFFICE SUPPLIES	Office Supplies	101-3001-60400	93.90
STAPLES ADVANTAGE	112964	10/12/16- OFFICE SUPPLIES	Office Supplies	101-6004-60400	24.58
STAPLES ADVANTAGE	112964	10/13/16- ERGONOMIC ITEMS	Office Supplies	101-1006-60400	614.81
STAPLES ADVANTAGE	112964	10/15/16- ERGONOMIC ITEMS	Office Supplies	101-1006-60400	820.78
STAPLES ADVANTAGE	112964	10/24/16- CREDIT	Office Supplies	101-3005-60400	-24.25
THE FLOWER PATCH FLORIST	112965	10/12/16- FLOWERS FOR PSPD	Special Enforcement Funds	101-2001-60175	200.00
TIME WARNER CABLE	112966	10/24-11/23/16- FS #93 CABLE SVC	Utilities - Cable	101-2002-61400	87.94
TIME WARNER CABLE	112966	10/16-11/15/16- FS #32 CABLE SVC	Utilities - Cable	101-2002-61400	66.18
TRUE, ARTHUR ALLEN	112969	10/27/16- YOGA	Instructors	101-3002-60107	49.00
UNITED WAY OF THE DESERT	112971	CONTRIBUTION	United Way Deductions	101-0000-20981	30.00
US AIR CONDITIONING DISTR	112972	06/25/16- PARTS STOCK & METER	HVAC	101-3008-60667	335.10
US AIR CONDITIONING DISTR	112972	10/26/16- CREDIT	Repair & Maintenance	101-3008-60691	-118.20
US AIR CONDITIONING DISTR	112972	10/27/16- AC FILTERS	HVAC	101-3008-60667	27.48
VIELHARBER, KAREN	112973	10/27/16- FLEX YOGA	Instructors	101-3002-60107	174.13
XPRESS GRAPHICS	112977	10/20/16- BANNERS BREW IN LQ	Special Events Sponsorships	101-0000-22836	110.36
				Fund 101 - GENERAL FUND Total:	102,405.74
Fund: 201 - GAS TAX FUND					
AMERICAN TRAFFIC SAFETY	112912	12/12/16- TRAFFIC CONTROL CLASSES	Travel & Training	201-7003-60320	740.00
TOPS'N BARRICADES INC	112967	10/14/16- MATERIAL/SUPPLY	Materials	201-7003-60431	20.03
TOPS'N BARRICADES INC	112967	10/14/16- SIGN RIVETS	Signs	201-7003-60429	135.00
TOPS'N BARRICADES INC	112967	10/20/16- TRAFFIC SIGNS	Signs	201-7003-60429	91.80
TOPS'N BARRICADES INC	112967	10/20/16- SAFETY GEAR	Safety Gear	201-7003-60427	61.78

Demand Register

Packet: APPKT00897 - DA 11/04/16

Vendor Name	Payment Number	Description (Item)	Account Name	Account Number	Amount
UNDERGROUND SERVICE AL	112970	09/01/16- DIG ALERT 27	Materials	201-7003-60431	40.50
Fund 201 - GAS TAX FUND Total:					1,089.11
Fund: 202 - LIBRARY FUND					
GAS COMPANY, THE	112931	09/21-10/18/16- LIBRARY GAS	Utilities - Gas	202-3004-61100	15.47
LOWE'S HOME IMPROVEME	112942	10/05- LIBRARY GRAFFITI SUPPLIES	Maint-Other Equipment	202-3004-60665	3.87
LUXE WATER SOLUTIONS LLC	112943	10/23/16- MUSEUM WATER COOLER	Water - Inside	202-3006-61200	37.80
NELSEN'S JANITORIAL SERVIC	112948	09/29/16- JANITORIAL SERVICE	Janitorial	202-3004-60115	1,875.00
NELSEN'S JANITORIAL SERVIC	112948	09/29/16- JANITORIAL SERVICE	Janitorial	202-3006-60115	525.00
US AIR CONDITIONING DISTR	112972	10/26/16- LIBRARY AC FILTERS	Repair & Maintenance	202-3004-60691	42.90
Fund 202 - LIBRARY FUND Total:					2,500.04
Fund: 215 - LIGHTING & LANDSCAPING FUND					
ALSCO INC	112910	10/28/16- UNIFORM RENTAL	Uniforms	215-7004-60690	75.76
COACHELLA VALLEY WATER	112921	11/01/16- WATER SERVICE	Utilities - Electric - Signals	215-7004-61116	3,083.79
COACHELLA VALLEY WATER	112921	11/01/16- WATER SERVICE	Utilities - Electric - Medians	215-7004-61117	1,227.15
COACHELLA VALLEY WATER	112921	10/26/16- WATER SERVICE	Utilities - Water - Medians	215-7004-61211	22,647.01
SOUTHWEST BOULDER & ST	112963	10/14/16- FAIRWAY GRANITE MATERIAL	Materials	215-7004-60431	254.64
Fund 215 - LIGHTING & LANDSCAPING FUND Total:					27,288.35
Fund: 248 - SA 2004 LO/MOD BOND FUND					
ALTUM GROUP, THE	112911	10/10/16- WASH ST DESIGN PRJT	Design	248-0000-60185	24,232.50
Fund 248 - SA 2004 LO/MOD BOND FUND Total:					24,232.50
Fund: 270 - ART IN PUBLIC PLACES FUND					
WATERJET WEST, INC.	112975	10/25/16- VETERAN TRIBUTE PANELS	APP Maintanace	270-0000-60683	1,194.12
Fund 270 - ART IN PUBLIC PLACES FUND Total:					1,194.12
Fund: 401 - CAPITAL IMPROVEMENT PROGRAMS					
HERMANN DESIGN GROUP I	112934	10/03/16- CREDIT	Design	401-0000-60185	-0.83
HERMANN DESIGN GROUP I	112934	10/19/16- DESIGN SERVICES 2015-11	Design	401-0000-60185	499.80
HERMANN DESIGN GROUP I	112934	10/20/16- DESIGN SERVICES 2016-03A	Design	401-0000-60185	1,793.59
HERMANN DESIGN GROUP I	112934	10/21/16- DESIGN SERVICES	Design	401-0000-60185	13,497.70
LOWE'S HOME IMPROVEME	112942	10/24- MAINT SUPPLIES	Construction	401-0000-60188	119.96
PLANIT REPROGRAPHICS SYS	112952	10/24/16- CONST PLANS 2015-11	Design	401-0000-60185	154.70
PSOMAS INC	112954	09/16- INSPECTION SERVICES 2012-07D	Technical	401-0000-60108	224.00
PSOMAS INC	112954	09/16- INSPECTION SERVICES 2013-02A	Technical	401-0000-60108	1,008.00
PSOMAS INC	112954	09/16- INSPECTION SERVICES 2015-04	Technical	401-0000-60108	4,032.00
PSOMAS INC	112954	09/16- INSPECTION SERVICES 2016-03A	Technical	401-0000-60108	952.00
VOLZ DESIGN, DAVID	112974	10/11/16- DESIGN SERVICES 2015-02	Design	401-0000-60185	10,313.20
Fund 401 - CAPITAL IMPROVEMENT PROGRAMS Total:					32,594.12
Fund: 501 - EQUIPMENT REPLACEMENT					
MOUNTAIN VIEW TIRE	112947	10/26/16- TRUCK #60 BATTERY	Parts & Maintenance Supplie	501-0000-60675	147.39
MOUNTAIN VIEW TIRE	112947	10/31/16- TRUCK #67 TIRE	Vehicle Repair & Maintenanc	501-0000-60676	147.67
TOWER ENERGY GROUP	112968	10/16/16- UNLEAD/DIESEL FUEL	Fuel & Oil	501-0000-60674	1,386.75
WORLDMARK CONSTRUCTIO	112976	10/26/16- COURTYARD CONCRETE REM	Cvc Ctr Bldg Repl/Repair	501-0000-71103	3,500.00
Fund 501 - EQUIPMENT REPLACEMENT Total:					5,181.81
Fund: 502 - INFORMATION TECHNOLOGY					
PCMG INC	112951	10/25/16- PARALLELS SOFTWARE RENE	Supplies - Software	502-0000-60421	475.00
PCMG INC	112951	10/24/16- LAPTOP COMPUTER	Computers	502-0000-80103	1,708.33
TIME WARNER CABLE	112966	10/24-11/23/16- WC VECINA CABLE	Utilities - Cable	502-0000-61400	238.98
TIME WARNER CABLE	112966	10/18/16- CITY HALL CABLE	Utilities - Cable	502-0000-61400	126.09
Fund 502 - INFORMATION TECHNOLOGY Total:					2,548.40
Grand Total:					199,034.19

Fund Summary

Fund	Expense Amount
101 - GENERAL FUND	102,405.74
201 - GAS TAX FUND	1,089.11
202 - LIBRARY FUND	2,500.04
215 - LIGHTING & LANDSCAPING FUND	27,288.35
248 - SA 2004 LO/MOD BOND FUND	24,232.50
270 - ART IN PUBLIC PLACES FUND	1,194.12
401 - CAPITAL IMPROVEMENT PROGRAMS	32,594.12
501 - EQUIPMENT REPLACEMENT	5,181.81
502 - INFORMATION TECHNOLOGY	2,548.40
Grand Total:	199,034.19

Account Summary

Account Number	Account Name	Expense Amount
101-0000-20307	Due to Waste Managem	42,910.68
101-0000-20949	LT Care Insurance Pay	196.05
101-0000-20981	United Way Deductions	30.00
101-0000-20985	Garnishments Payable	325.00
101-0000-22830	Miscellaneous Deposits	100.00
101-0000-22836	Special Events Sponsors	3,356.03
101-0000-41505	Franchise Taxes - Burrtec	-2,427.81
101-0000-41506	Burrtec AB 939 Fee	-1,907.57
101-0000-42300	Cash Over/Short	143.57
101-1004-60103	Professional Services	9,581.25
101-1004-60125	Temporary Agency Servi	198.90
101-1004-60352	Subscriptions & Publicati	450.00
101-1004-60400	Office Supplies	16.85
101-1005-60400	Office Supplies	24.08
101-1006-60103	Professional Services	1,568.00
101-1006-60400	Office Supplies	1,576.68
101-1006-60410	Printing	72.33
101-2001-60109	LQ Police Volunteers	35.90
101-2001-60168	School Officer	1,812.55
101-2001-60174	Blood/Alcohol Testing	70.00
101-2001-60175	Special Enforcement Fun	1,640.62
101-2001-60420	Operating Supplies	32.16
101-2002-61100	Utilities - Gas	33.02
101-2002-61200	Utilities - Water	197.74
101-2002-61400	Utilities - Cable	154.12
101-3001-60400	Office Supplies	93.90
101-3002-60107	Instructors	1,235.74
101-3002-60420	Operating Supplies	957.31
101-3002-61200	Water - Inside	139.79
101-3005-60117	Civic Center Lake Mainte	1,590.75
101-3005-60400	Office Supplies	-24.25
101-3005-60555	Sports Complex Building	21.34
101-3005-61202	Utilities - Water - Civic C	2,273.68
101-3005-61203	Utilities - Water -Eisenho	185.62
101-3005-61204	Utilities - Water -Fritz Bu	610.70
101-3005-61205	Utilities - Water -Velasco	320.94
101-3005-61209	Utilities - Water -Commu	7,411.47
101-3008-60115	Janitorial	6,842.59
101-3008-60432	Small Tools/Equipment	115.67
101-3008-60665	Maint.-Other Equipment	730.29
101-3008-60667	HVAC	362.58
101-3008-60690	Uniforms	117.51
101-3008-60691	Repair & Maintenance	1,433.70
101-3008-61100	Utilities - Gas	130.94
101-3008-61200	Utilities - Water	167.45
101-6002-60320	Travel & Training	163.81

Account Summary

Account Number	Account Name	Expense Amount
101-6004-60111	Administrative Citation S	1,771.42
101-6004-60400	Office Supplies	24.58
101-6004-60690	Uniforms	292.73
101-7006-60104	Consultants	14,840.00
101-7006-60146	PM 10 SilverRock	161.96
101-7006-60320	Travel & Training	50.00
101-7006-60427	Safety Gear	193.37
201-7003-60320	Travel & Training	740.00
201-7003-60427	Safety Gear	61.78
201-7003-60429	Signs	226.80
201-7003-60431	Materials	60.53
202-3004-60115	Janitorial	1,875.00
202-3004-60665	Maint-Other Equipment	3.87
202-3004-60691	Repair & Maintenance	42.90
202-3004-61100	Utilities - Gas	15.47
202-3006-60115	Janitorial	525.00
202-3006-61200	Water - Inside	37.80
215-7004-60431	Materials	254.64
215-7004-60690	Uniforms	75.76
215-7004-61116	Utilities - Electric - Signal	3,083.79
215-7004-61117	Utilities - Electric - Medi	1,227.15
215-7004-61211	Utilities - Water - Media	22,647.01
248-0000-60185	Design	24,232.50
270-0000-60683	APP Maintenece	1,194.12
401-0000-60108	Technical	6,216.00
401-0000-60185	Design	26,258.16
401-0000-60188	Construction	119.96
501-0000-60674	Fuel & Oil	1,386.75
501-0000-60675	Parts & Maintenance Su	147.39
501-0000-60676	Vehicle Repair & Mainte	147.67
501-0000-71103	Cvc Ctr Bldg Repl/Repair	3,500.00
502-0000-60421	Supplies - Software	475.00
502-0000-61400	Utilities - Cable	365.07
502-0000-80103	Computers	1,708.33
	Grand Total:	199,034.19

Project Account Summary

Project Account Key	Expense Amount
None	138,851.54
131402T	1,008.00
151602D	10,313.20
151604T	4,032.00
151611D	654.50
1617PMPT	224.00
1617TMICT	119.96
201603D	15,290.46
201603T	952.00
999901D	24,232.50
BREWLQE	3,356.03
	Grand Total:
	199,034.19

CITY OF LA QUINTA
BANK TRANSACTIONS 10/22/16 - 11/04/16

10/21/16 WIRE TRANSFER - LANDMARK	\$114,858.72
10/21/16 WIRE TRANSFER - ICMA	\$4,594.00
10/21/16 WIRE TRANSFER - LQCEA	\$382.50
10/25/16 WIRE TRANSFER - TASC	\$1,038.58
10/26/16 WIRE TRANSFER - INTEREST EARNINGS	\$60,920.97
11/01/16 WIRE TRANSFER - INTEREST EARNINGS	\$47,774.46
11/02/16 WIRE TRANSFER - ICMA	\$4,594.00
11/01/16 WIRE TRANSFER - LQCEA	\$391.00
11/03/16 WIRE TRANSFER - PERS	\$35,664.27
11/03/16 WIRE TRANSFER - PERS HEALTH	\$90,527.94
TOTAL WIRE TRANSFER OUT	<u>\$360,746.44</u>

City of La Quinta

CITY COUNCIL MEETING: November 15, 2016

STAFF REPORT

AGENDA TITLE: RECEIVE AND FILE REVENUE AND EXPENDITURE REPORT DATED SEPTEMBER 30, 2016

RECOMMENDATION

Receive and file revenue and expenditure report dated September 30, 2016.

EXECUTIVE SUMMARY

- Revenue and expenditure reports are submitted for City Council review.
- The report summarizes the City's year-to-date (YTD) revenues and expenditures for September 2016 (Attachment 1).

FISCAL IMPACT – None.

BACKGROUND/ANALYSIS

Revenues

Below is a summary of the column headers used on the *Revenue Summary Report All Funds*:

Original Total Budget – represents the revenue budget the Council adopted in June 2016 for fiscal year 2016/17.

Current Total Budget – includes original adopted revenue budget, plus carryovers, from the prior fiscal year and Council approved budget amendments. The bulk of the carryovers are related to Capital Improvement Project (CIP) matters. Each year total CIP projects are budgeted; however, project length may span over multiple years. Therefore, unfinished projects from the prior year are carried over (along with associated revenue reimbursements).

Capital project carryovers for 2016/17 will be entered after the prior year-end audit is complete and will be reflected in the October 2016 expenditure report.

Period Activity – represents actual revenues received in the reporting month.

Fiscal Activity – presents actual revenues collected year to date (YTD). For example, the September report shows revenues collected in September in the *Period Activity* column, but revenues collected from the beginning of the FY through the end of the reporting month for 2016/17 are presented in the *Fiscal Activity* column.

Variance Favorable/ (Unfavorable) – represents the difference between YTD collections and the budgeted amount.

Percent Used – represents the percentage of budgeted revenues collected YTD.

The revenue report includes revenues and transfers into funds from other funds (income items). Unlike expenditures, revenues are not received uniformly throughout the year, which results in peaks and valleys depending upon large payments that are received throughout the year. For example, large property tax payments are usually received in December and May. Similarly, Redevelopment Property Tax Trust Fund payments are typically received in January and June.

September Revenues

\$1.4 million in General Fund revenue was collected in September bringing the total YTD collections to 5.28 percent (\$2,134,959). Total collections for all funds were \$4,325,568; bringing total collections to 8.83 percent (\$5.6 million).

The bulk of General Fund revenues for September consisted of:

- \$136,961 – Fire service tax credit
- \$264,103 – Property tax
- \$718,097 – Sales tax

The larger non-General Fund payments received in September consisted of:

- \$348,800 – Equipment replacement internal service charges
- \$636,337 – City Hall debt service payment
- \$899,462 – Capital improvements transfers in from multiple funds for projects

Expenditures

Below is a summary of the column headers used on the *Expenditure Summary Report All Funds*:

Original Total Budget – represents the expenditure budget adopted by Council in June 2016 for 2016/17.

Current Total Budget – includes the original adopted expenditure budget plus any carryovers from the prior fiscal year, and any Council approved budget amendments. The bulk of the carryovers are related to CIP matters. Each year total CIP projects are budgeted; however, project length can span over multiple years. Therefore, unfinished projects from the prior year are carried over (along with associated revenue reimbursements).

Capital project carryovers for 2016/17 will be entered after the prior year-end audit is complete and will be reflected in the October 2016 expenditure report.

Period Activity – represents actual expenditures made in the reporting month.

Fiscal Activity – presents actual expenditures made YTD. For example, the September report shows expenditures made in the *Period Activity* column, but expenditures made during the fiscal year from July 2016 through the end of the reporting period are presented in the *Fiscal Activity* column.

Variance Favorable/ (Unfavorable) – represents the difference between YTD expenditures and the budgeted amount (the amount yet to be expended).

Percent Used – represents the percentage of budget spent to date.

The expenditure report includes expenditures and transfers out to other funds. Unlike revenues, expenditures are fairly consistent month to month. However, large debt service payments or CIP expenditures can cause swings.

September Expenditures

General Fund expenditures in September total \$2.8 million bringing the total YTD expenditures to 11.42 percent. Of the \$2.8 million, \$592,615 is related to personnel costs (salaries, benefits, etc.). In addition to personnel costs, the other larger General Fund expenditures in September were:

- \$133,425 – Park equipment maintenance
- \$317,203 – Transfer out for capital improvement projects (quarterly)
- \$636,337 – Debt service transfer to Finance Authority fund

Total expenditures for all funds in September were \$17.7 million bringing total expenditures to 38.82 percent. The larger non-General Fund expenditures were:

- \$196,951 – Construction costs relating to capital projects (traffic signal and pavement maintenance improvements; Madison Street median landscaping)
- \$636,337 – Debt service payment for 1996 City Hall bonds
- \$12,713,432 – Debt Service payments for Successor Agency bonds

Summary

All funds are generally on target or under budget with regard to expenditures. The timing imbalance of revenues receipts versus expenditures is funded from the City's cash flow reserve.

Prepared by: Karla Campos, Finance Director

Approved by: Frank J. Spevacek, City Manager

Attachments: 1. Revenue and Expenditure Reports for September 2016

[Click here to return to Agenda](#)



City of La Quinta, CA

REVENUE SUMMARY REPORT ALL FUNDS

September 2016 Summary

For Fiscal: 2016/17 Period Ending: 09/30/2016

Fund	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
101 - GENERAL FUND	40408600.00	40,408,600.00	1,448,330.13	2,134,959.53	-38,273,640.47	5.28 %
201 - GAS TAX FUND	1299100.00	1,299,100.00	65,093.78	213,190.63	-1,085,909.37	16.41 %
202 - LIBRARY FUND	2250000.00	2,250,000.00	5,717.85	5,717.85	-2,244,282.15	0.25 %
210 - FEDERAL ASSISTANCE FUND	125800.00	125,800.00	0.00	0.00	-125,800.00	0.00 %
212 - SLESF (COPS) FUND	100100.00	100,100.00	8,309.47	16,642.80	-83,457.20	16.63 %
213 - JAG FUND	9000.00	9,000.00	0.00	0.00	-9,000.00	0.00 %
215 - LIGHTING & LANDSCAPING FUND	1447400.00	1,447,400.00	0.00	0.00	-1,447,400.00	0.00 %
218 - CV VIOLENT CRIME TASK FORCE	22600.00	22,600.00	1,163.64	12,037.76	-10,562.24	53.26 %
219 - ASSET FORFEITURE	0.00	0.00	14.68	14.68	14.68	0.00 %
220 - QUIMBY FUND	87000.00	87,000.00	8,515.44	8,515.44	-78,484.56	9.79 %
221 - AB 939	52500.00	52,500.00	1,167.47	1,167.47	-51,332.53	2.22 %
223 - MEASURE A	752500.00	752,500.00	66,212.56	66,212.56	-686,287.44	8.80 %
224 - TUMF	0.00	0.00	39.13	39.13	39.13	0.00 %
225 - INFRASTRUCTURE FUND	0.00	0.00	37.47	37.47	37.47	0.00 %
231 - SUCCESSOR AGCY PA 1 RORF	0.00	0.00	122.69	180.21	180.21	0.00 %
235 - SO COAST AIR QUALITY FUND	45300.00	45,300.00	243.70	243.70	-45,056.30	0.54 %
237 - SUCCESSOR AGCY PA 1 ADMIN	0.00	0.00	0.00	0.00	0.00	0.00 %
241 - HOUSING AUTHORITY	889600.00	889,600.00	28,227.55	76,340.71	-813,259.29	8.58 %
242 - HOUSING AUTHORITY PA2	0.00	0.00	52,451.28	158,567.42	158,567.42	0.00 %
249 - SA 2011 LOW/MOD BOND FUND	0.00	0.00	130.75	388.03	388.03	0.00 %
250 - TRANSPORTATION DIF FUND	669000.00	669,000.00	39,668.70	73,772.70	-595,227.30	11.03 %
251 - PARKS & REC DIF FUND	350000.00	350,000.00	24,576.00	49,152.00	-300,848.00	14.04 %
252 - CIVIC CENTER DIF FUND	200000.00	200,000.00	11,304.00	22,608.00	-177,392.00	11.30 %
253 - LIBRARY DEVELOPMENT DIF	65000.00	65,000.00	4,128.00	8,256.00	-56,744.00	12.70 %
254 - COMMUNITY CENTER DIF	35600.00	35,600.00	1,712.48	3,260.48	-32,339.52	9.16 %
255 - STREET FACILITY DIF FUND	35000.00	35,000.00	1,392.00	2,784.00	-32,216.00	7.95 %
256 - PARK FACILITY DIF FUND	7000.00	7,000.00	481.00	961.00	-6,039.00	13.73 %
257 - FIRE PROTECTION DIF	80000.00	80,000.00	5,196.00	10,392.00	-69,608.00	12.99 %
270 - ART IN PUBLIC PLACES FUND	98500.00	98,500.00	6,482.76	12,370.66	-86,129.34	12.56 %
299 - INTEREST ALLOCATION FUND	0.00	0.00	-29,356.61	0.00	0.00	0.00 %
310 - LQ FIN AUTHORITY DEBT SVC	678100.00	678,100.00	636,337.34	636,337.34	-41,762.66	93.84 %
401 - CAPITAL IMPROVEMENT PROGRAMS	7327300.00	7,327,300.00	952,619.34	952,619.34	-6,374,680.66	13.00 %
501 - EQUIPMENT REPLACEMENT	456100.00	456,100.00	353,327.79	353,327.79	-102,772.21	77.47 %
502 - INFORMATION TECHNOLOGY	849800.00	849,800.00	213,227.82	213,227.82	-636,572.18	25.09 %
503 - PARK EQUIP & FACILITY FND	534700.00	534,700.00	137,706.24	137,706.24	-396,993.76	25.75 %
504 - INSURANCE FUND	648300.00	648,300.00	156,750.00	156,750.00	-491,550.00	24.18 %
601 - SILVERROCK RESORT	4034800.00	4,034,800.00	123,641.78	291,736.74	-3,743,063.26	7.23 %
602 - SILVERROCK GOLF RESERVE	61400.00	61,400.00	595.95	595.95	-60,804.05	0.97 %
Report Total:	63,620,100.00	63,620,100.00	4,325,568.18	5,620,113.45	-57,999,986.55	8.83 %



City of La Quinta, CA

EXPENDITURE SUMMARY REPORT ALL FUNDS

September 2016 Summary

For Fiscal: 2016/17 Period Ending: 09/30/2016

Fund	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
101 - GENERAL FUND	41242100.00	41,242,100.00	2,831,579.98	4,707,997.87	36,534,102.13	11.42 %
201 - GAS TAX FUND	1299200.00	1,299,200.00	95,534.27	272,499.70	1,026,700.30	20.97 %
202 - LIBRARY FUND	1717400.00	1,717,400.00	63,542.59	80,755.77	1,636,644.23	4.70 %
210 - FEDERAL ASSISTANCE FUND	20200.00	20,200.00	0.00	0.00	20,200.00	0.00 %
212 - SLESF (COPS) FUND	0.00	0.00	0.00	0.00	0.00	0.00 %
213 - JAG FUND	0.00	0.00	0.00	0.00	0.00	0.00 %
215 - LIGHTING & LANDSCAPING FUND	1467400.00	1,467,400.00	154,665.76	281,609.93	1,185,790.07	19.19 %
218 - CV VIOLENT CRIME TASK FORCE	46700.00	46,700.00	837.36	2,387.48	44,312.52	5.11 %
220 - QUIMBY FUND	437300.00	437,300.00	201,889.40	201,889.40	235,410.60	46.17 %
221 - AB 939	20000.00	20,000.00	0.00	460.10	19,539.90	2.30 %
223 - MEASURE A *	651000.00	651,000.00	355,292.15	355,292.15	295,707.85	54.58 %
225 - INFRASTRUCTURE FUND	0.00	0.00	0.00	0.00	0.00	0.00 %
231 - SUCCESSOR AGCY PA 1 RORF	0.00	0.00	12,713,432.38	12,713,432.38	-12,713,432.38	0.00 %
235 - SO COAST AIR QUALITY FUND	30000.00	30,000.00	8,148.60	0.00	30,000.00	0.00 %
237 - SUCCESSOR AGCY PA 1 ADMIN	0.00	0.00	4,750.00	9,550.00	-9,550.00	0.00 %
241 - HOUSING AUTHORITY	960200.00	960,200.00	24,497.33	97,594.72	862,605.28	10.16 %
242 - HOUSING AUTHORITY PA2	0.00	0.00	50,157.18	144,890.67	-144,890.67	0.00 %
249 - SA 2011 LOW/MOD BOND FUND	0.00	0.00	0.00	0.00	0.00	0.00 %
250 - TRANSPORTATION DIF FUND	675900.00	675,900.00	25,049.61	25,049.61	650,850.39	3.71 %
251 - PARKS & REC DIF FUND	0.00	0.00	0.00	0.00	0.00	0.00 %
252 - CIVIC CENTER DIF FUND	0.00	0.00	0.00	0.00	0.00	0.00 %
253 - LIBRARY DEVELOPMENT DIF	0.00	0.00	0.00	0.00	0.00	0.00 %
254 - COMMUNITY CENTER DIF	0.00	0.00	0.00	0.00	0.00	0.00 %
255 - STREET FACILITY DIF FUND	0.00	0.00	0.00	0.00	0.00	0.00 %
256 - PARK FACILITY DIF FUND	0.00	0.00	0.00	0.00	0.00	0.00 %
257 - FIRE PROTECTION DIF	0.00	0.00	0.00	0.00	0.00	0.00 %
270 - ART IN PUBLIC PLACES FUND	129000.00	129,000.00	0.00	0.00	129,000.00	0.00 %
299 - INTEREST ALLOCATION FUND	0.00	0.00	0.00	0.00	0.00	0.00 %
310 - LQ FIN AUTHORITY DEBT SVC	678100.00	678,100.00	636,337.50	636,337.50	41,762.50	93.84 %
401 - CAPITAL IMPROVEMENT PROGRAMS *	190400.00	190,400.00	196,951.32	906,671.06	-716,271.06	476.19 %
501 - EQUIPMENT REPLACEMENT	498900.00	498,900.00	40,019.88	52,265.31	446,634.69	10.48 %
502 - INFORMATION TECHNOLOGY	848800.00	848,800.00	66,994.92	214,504.27	634,295.73	25.27 %
503 - PARK EQUIP & FACILITY FND	603700.00	603,700.00	33,255.06	39,654.60	564,045.40	6.57 %
504 - INSURANCE FUND **	649200.00	649,200.00	3,802.50	434,103.72	215,096.28	66.87 %
601 - SILVERROCK RESORT	4262200.00	4,262,200.00	264,289.22	725,634.84	3,536,565.16	17.02 %
602 - SILVERROCK GOLF RESERVE	0.00	0.00	0.00	0.00	0.00	0.00 %
Report Total:	56,427,700.00	56,427,700.00	17,771,027.01	21,902,581.08	34,525,118.92	38.82 %

* Funds 223 and 401 - Current total budget does not reflect carryovers from prior years. These will be inputted after the prior year-end audit is complete.

** Fund 504 - Insurance premiums are due at the beginning of each fiscal year for the twelve month period therefore expenditures are at 66.87%

City of La Quinta

CITY COUNCIL MEETING: November 15, 2016

STAFF REPORT

AGENDA TITLE: APPROVE PROFESSIONAL SERVICES AGREEMENT WITH ADVANTEC CONSULTING ENGINEERS TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM TRAFFIC SIGNAL INTERCONNECT PROJECT (NO. 2016-02)

RECOMMENDATION

Approve Professional Services Agreement with Advantec Consulting Engineers in the amount of \$65,195.00 to prepare plans, specifications, and engineer’s estimate for the Highway Safety Improvement Program Traffic Signal Interconnect Project (2016-02) and authorize the City Manager to execute the agreement.

EXECUTIVE SUMMARY

- This project will upgrade the traffic signal interconnect network to fiber optic communications which is faster and more reliable (Attachment 1) than the existing system.
- Advantec Consulting Engineers submitted the most qualified proposal to provide engineering services for this project.

FISCAL IMPACT

This project is included in the Council approved 2016/17 Capital Improvement Program and is fully funded with federal Highway Safety Improvement Program grant funds.

	Approved Project Budget
Professional:	\$37,800
Engineering:	\$94,500
Inspection:	\$90,000
Construction:	\$ 1,593,900
Administration:	\$13,500
Contingency:	\$141,300
Total Budget:	\$1,971,000

BACKGROUND/ANALYSIS

This project will improve traffic signal operations and provide more reliable communication with the City's signalized intersections. Improvements include replacing the existing wire interconnect with fiber optic cable, installing new fiber optic cable to replace the existing wireless interconnect, and making connections to the Traffic Management Center at City Hall.

A Request for Proposals was issued in August, 2016. The City received four proposals from qualified firms. Following an in-depth selection process, staff recommends awarding a Professional Services Agreement (Attachment 2) to Advantec Consulting Engineers of Irvine, California.

If Council approves this item, the plans, specifications and cost estimates are expected to be complete in September, 2017.

ALTERNATIVES

No alternative is recommended.

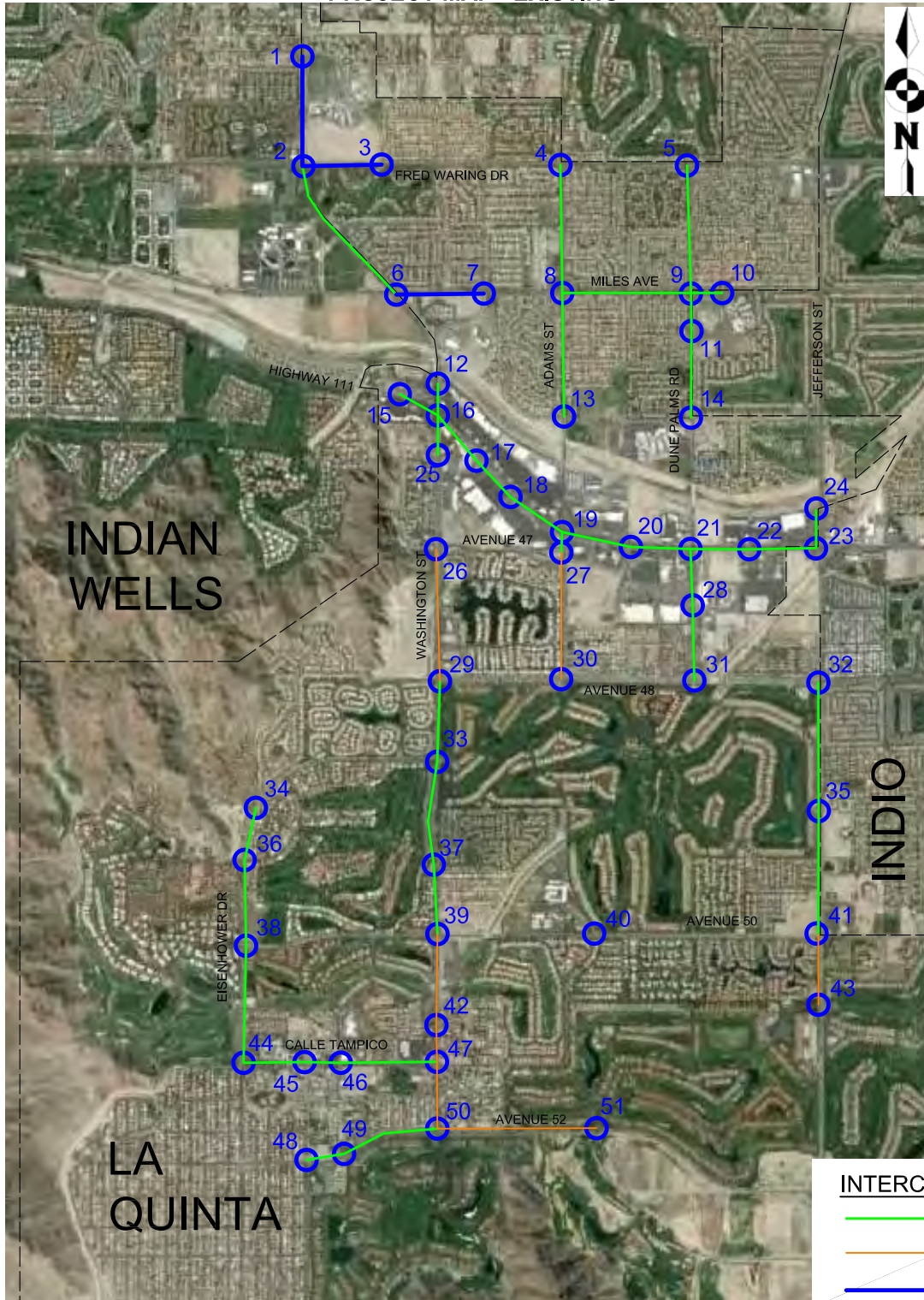
Prepared by: Ed Wimmer, P.E., Principal Engineer

Approved by: Timothy R. Jonasson, P.E., Design and Development Director/City Engineer

Attachments:

1. Vicinity Map
2. Professional Services Agreement

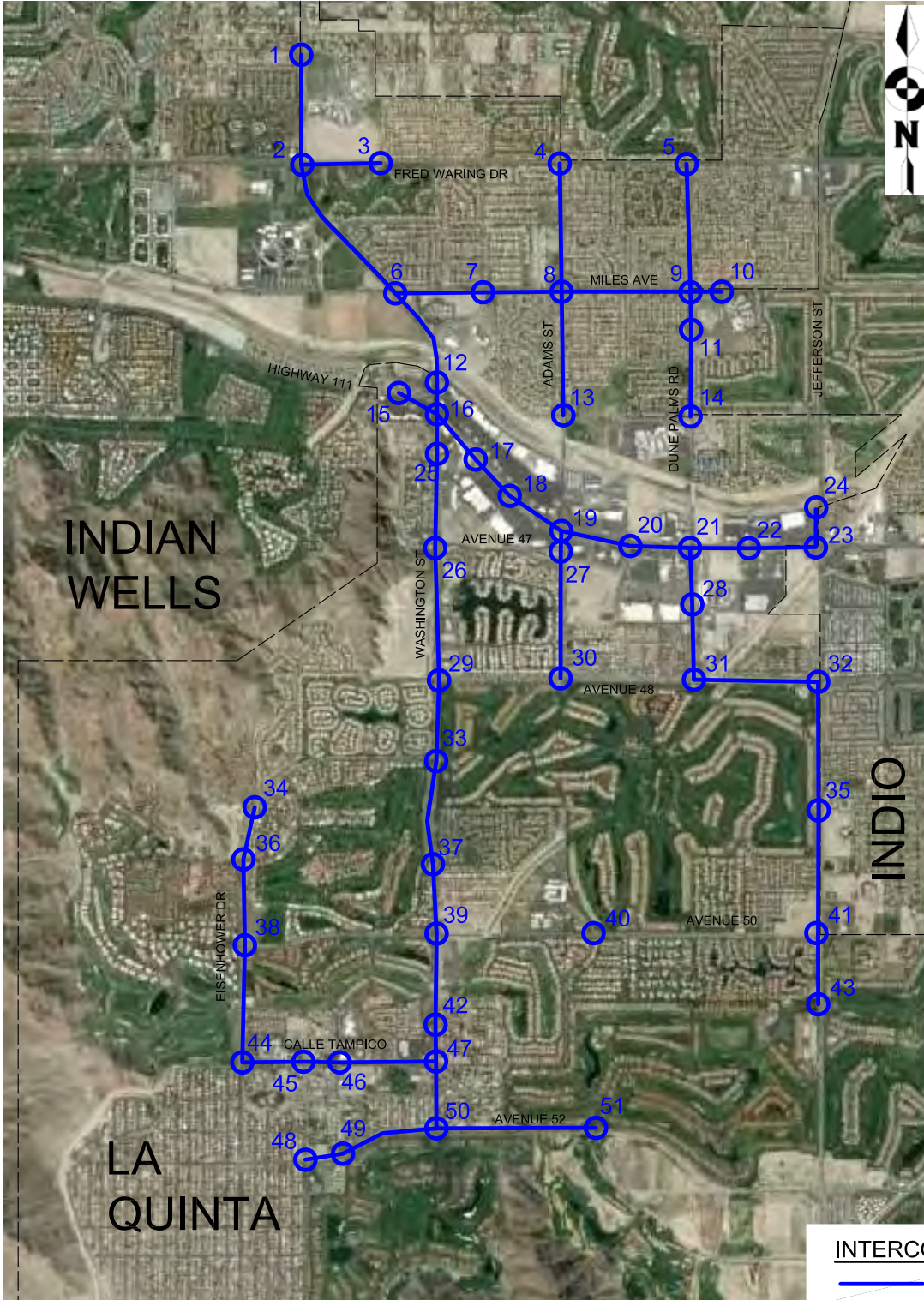
**TRAFFIC SIGNAL INTERCONNECT NETWORK UPGRADE
PROJECT MAP - EXISTING**



- | | | | |
|-------------------------------|-------------------------------|----------------------------|---------------------------------|
| 1. Washington / Palm Royale | 14. Dune Palms / Westward Ho | 27. Adams / Ave 47 | 40. Park / Ave 50 |
| 2. Washington / Fred Waring | 15. Hwy 111 / Plaza La Quinta | 28. Dune Palms / Coralina | 41. Jefferson / Ave 50 |
| 3. Fred Waring / Palm Royale | 16. Hwy 111 / Washington | 29. Washington / Ave 48 | 42. Washington / Village Center |
| 4. Fred Waring / Adams | 17. Hwy 111 / Simon | 30. Adams / Ave 48 | 43. Jefferson / Pomelo |
| 5. Fred Waring / Dune Palms | 18. Hwy 111 / LQ Center | 31. Dune Palms / Ave 48 | 44. Eisenhower / Tampico |
| 6. Washington / Miles | 19. Hwy 111 / Adams | 32. Jefferson / Ave 48 | 45. Tampico / Bermudas |
| 7. Miles / Seeley | 20. Hwy 111 / La Quinta Dr | 33. Washington / Rancho LQ | 46. Tampico / Desert Club |
| 8. Miles / Adams | 21. Hwy 111 / Dune Palms | 34. Eisenhower / Coachella | 47. Washington / Tampico |
| 9. Miles / Dune Palms | 22. Hwy 111 / Depot Dr | 35. Jefferson / Ave 49 | 48. Ave 52 / Bermudas |
| 10. Miles / Ped Crossing | 23. Hwy 111 / Jefferson | 36. Eisenhower / Fernando | 49. Ave 52 / Desert Club |
| 11. Dune Palms / Desert Crest | 24. Jefferson / Vista Grande | 37. Washington / Sagebrush | 50. Washington / Ave 52 |
| 12. Washington / Channel | 25. Washington / Simon | 38. Eisenhower / Ave 50 | 51. Ave 52 / Cerrillo |
| 13. Adams / Westward Ho | 26. Washington / Ave 47 | 39. Washington / Ave 50 | |

[Click here to return to Agenda](#)

TRAFFIC SIGNAL INTERCONNECT NETWORK UPGRADE PROJECT MAP - PROPOSED



INTERCONNECT LEGEND

 - FIBER OPTIC

- | | | | |
|-------------------------------|-------------------------------|----------------------------|---------------------------------|
| 1. Washington / Palm Royale | 14. Dune Palms / Westward Ho | 27. Adams / Ave 47 | 40. Park / Ave 50 |
| 2. Washington / Fred Waring | 15. Hwy 111 / Plaza La Quinta | 28. Dune Palms / Coralina | 41. Jefferson / Ave 50 |
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| 12. Washington / Channel | 25. Washington / Simon | 38. Eisenhower / Ave 50 | 51. Ave 52 / Center |
| 13. Adams / Westward Ho | 26. Washington / Ave 47 | 39. Washington / Ave 50 | |

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PROFESSIONAL SERVICES AGREEMENT

THIS PROFESSIONAL SERVICES AGREEMENT (the "Agreement") is made and entered into by and between the CITY OF LA QUINTA, ("City"), a California municipal corporation, and Advantec Consulting Engineers ("Consultant"). The parties hereto agree as follows:

1.0 SERVICES OF CONSULTANT

1.1 Scope of Services. In compliance with all terms and conditions of this Agreement, Consultant shall provide those services related to HSIP Signal Interconnect, Project No. 2016-02, as specified in the "Scope of Services" dated October 20, 2016, attached hereto as Exhibit "A" and incorporated herein by this reference (the "Services"). Consultant represents that all services will be performed in a competent, professional and satisfactory manner in accordance with "standards prevalent in the industry" and Consultant is experienced in performing the Services contemplated herein. For purposes of this Agreement, the phrase "prevalent industry standards" shall mean those standards of practice recognized by one or more firms performing similar services under similar circumstances.

1.2 Compliance with Law. All services rendered hereunder shall be provided in accordance with all ordinances, resolutions, statutes, rules, regulations, and laws of the City and any Federal, State, or local governmental agency of competent jurisdiction.

1.3 Licenses, Permits, Fees and Assessments. Except as otherwise specified herein, Consultant shall obtain at its sole cost and expense such licenses, permits, and approvals as may be required by law for the performance of the Services required by this Agreement, including a City of La Quinta business license. Consultant and its employees, agents, and subcontractors shall, at their sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals that are legally required for the performance of the Services required by this Agreement. Consultant shall have the sole obligation to pay for any fees, assessments, and taxes, plus applicable penalties and interest, which may be imposed by law and arise from or are necessary for the performance of the Services required by this Agreement, and shall indemnify, defend (with counsel selected by City), and hold City, its elected officials, officers, employees, and agents, free and harmless against any such fees, assessments, taxes, penalties, or interest levied, assessed, or imposed against City hereunder. Consultant shall be responsible for all subcontractors' compliance with this Section.

1.4 Familiarity with Work. By executing this Agreement, Consultant represents that (a) it has thoroughly investigated and considered the Services to be performed, (b) it has investigated the site where the Services are to be performed, if any, and fully acquainted itself with the conditions there existing, (c) it has carefully considered how the Services should be performed, and (d) it fully understands the facilities, difficulties, and restrictions attending performance of the Services under this Agreement. Should Consultant discover any latent or unknown conditions materially differing from those inherent in the Services or as represented by City, Consultant shall immediately inform City of such fact and shall not proceed except at Consultant's risk until written instructions are received from the Contract Officer (as defined in Section 4.2 hereof).

1.5 Standard of Care. Consultant acknowledges and understands that the Services contracted for under this Agreement require specialized skills and abilities and that, consistent with this understanding, Consultant's work will be held to standards prevalent in the industry. Consistent with Section 1.4

hereinabove, Consultant represents to City that it holds the necessary skills and abilities to satisfy the standard of quality as set forth in this Agreement. Consultant shall adopt reasonable methods during the life of this Agreement to furnish continuous protection to the Services performed by Consultant, and the equipment, materials, papers, and other components thereof to prevent losses or damages, and shall be responsible for all such damages, to persons or property, until acceptance of the Services by City, except such losses or damages as may be caused by City's own negligence. The performance of Services by Consultant shall not relieve Consultant from any obligation to correct any incomplete, inaccurate, or defective work at no further cost to City, when such inaccuracies are due to the negligence of Consultant.

1.6 Additional Services. In accordance with the terms and conditions of this Agreement, Consultant shall perform services in addition to those specified in the Scope of Services ("Additional Services") only when directed to do so by the Contract Officer, provided that Consultant shall not be required to perform any Additional Services without compensation. Consultant shall not perform any Additional Services until receiving prior written authorization from the Contract Officer, incorporating therein any adjustment in (i) the Contract Sum, and/or (ii) the time to perform this Agreement, which said adjustments are subject to the written approval of Consultant. It is expressly understood by Consultant that the provisions of this Section shall not apply to the Services specifically set forth in the Scope of Services or reasonably contemplated therein. It is specifically understood and agreed that oral requests and/or approvals of Additional Services shall be barred and are unenforceable. Failure of Consultant to secure the Contract Officer's written authorization for Additional Services shall constitute a waiver of any and all right to adjustment of the Contract Sum or time to perform this Agreement, whether by way of compensation, restitution, quantum meruit, or the like, for Additional Services provided without the appropriate authorization from the Contract Officer. Compensation for properly authorized Additional Services shall be made in accordance with Section 2.3 of this Agreement.

1.7 Special Requirements. Additional terms and conditions of this Agreement, if any, which are made a part hereof are set forth in Exhibit "D" (the "Special Requirements"), which is incorporated herein by this reference and expressly made a part hereof. In the event of a conflict between the provisions of the Special Requirements and any other provisions of this Agreement, the provisions of the Special Requirements shall govern.

2.0 COMPENSATION

2.1 Contract Sum. For the Services rendered pursuant to this Agreement, Consultant shall be compensated in accordance with Exhibit "B" (the "Schedule of Compensation") dated September 7, 2016, in a total amount not to exceed Sixty-Five Thousand, One Hundred Ninety-Five Dollars (\$65,195.00) (the "Contract Sum"), except as provided in Section 1.6. The method of compensation set forth in the Schedule of Compensation may include a lump sum payment upon completion, payment in accordance with the percentage of completion of the Services, payment for time and materials based upon Consultant's rate schedule, but not exceeding the Contract Sum, or such other methods as may be specified in the Schedule of Compensation. The Contract Sum shall include the attendance of Consultant at all project meetings reasonably deemed necessary by City; Consultant shall not be entitled to any additional compensation for attending said meetings. Compensation may include reimbursement for actual and necessary expenditures for reproduction costs, transportation expense, telephone expense, and similar costs and expenses when and if specified in the Schedule of Compensation. Regardless of the method of compensation set forth in the Schedule of Compensation, Consultant's overall compensation shall not exceed the Contract Sum, except as provided in Section 1.6 of this Agreement.

2.2 Method of Billing. Any month in which Consultant wishes to receive payment, Consultant shall submit to City no later than the tenth (10th) working day of such month, in the form approved by City's Finance Director, an invoice for Services rendered prior to the date of the invoice. Such invoice shall (1) describe in detail the Services provided, including time and materials, and (2) specify each staff member who has provided Services and the number of hours assigned to each such staff member. Such invoice shall contain a certification by a principal member of Consultant specifying that the payment requested is for Services performed in accordance with the terms of this Agreement. Subject to retention pursuant to Section 8.3, City will pay Consultant for all items stated thereon which are approved by City pursuant to this Agreement no later than thirty (30) days after invoices are received by the City's Finance Department.

2.3 Compensation for Additional Services. Additional Services approved in advance by the Contract Officer pursuant to Section 1.6 of this Agreement shall be paid for in an amount agreed to in writing by both City and Consultant in advance of the Additional Services being rendered by Consultant. Any compensation for Additional Services amounting to five percent (5%) or less of the Contract Sum may be approved by the Contract Officer. Any greater amount of compensation for Additional Services must be approved by the La Quinta City Council. Under no circumstances shall Consultant receive compensation for any Additional Services unless prior written approval for the Additional Services is obtained from the Contract Officer pursuant to Section 1.6 of this Agreement.

3.0 PERFORMANCE SCHEDULE

3.1 Time of Essence. Time is of the essence in the performance of this Agreement. If the Services not completed in accordance with the Schedule of Performance, as set forth in Section 3.2 and Exhibit C, it is understood that the City will suffer damage.

3.2 Schedule of Performance. All Services rendered pursuant to this Agreement shall be performed diligently and within the time period established in Exhibit C (the "Schedule of Performance"). Extensions to the time period specified in the Schedule of Performance may be approved in writing by the Contract Officer.

3.3 Force Majeure. The time period specified in the Schedule of Performance for performance of the Services rendered pursuant to this Agreement shall be extended because of any delays due to unforeseeable causes beyond the control and without the fault or negligence of Consultant, including, but not restricted to, acts of God or of the public enemy, fires, earthquakes, floods, epidemic, quarantine restrictions, riots, strikes, freight embargoes, acts of any governmental agency other than City, and unusually severe weather, if Consultant shall within ten (10) days of the commencement of such delay notify the Contract Officer in writing of the causes of the delay. The Contract Officer shall ascertain the facts and the extent of delay, and extend the time for performing the Services for the period of the forced delay when and if in his or her judgment such delay is justified, and the Contract Officer's determination shall be final and conclusive upon the parties to this Agreement. Extensions to time period in the Schedule of Performance which are determined by the Contract Officer to be justified pursuant to this Section shall not entitle the Consultant to additional compensation in excess of the Contract Sum.

3.4 Term. Unless earlier terminated in accordance with Sections 8.8 or 8.9 of this Agreement, the term of this agreement shall commence on November 16, 2016 and terminate on November 15, 2019 ("Initial Term"). This Agreement may be extended upon mutual agreement by both parties ("Extended Term").

4.0 COORDINATION OF WORK

4.1 Representative of Consultant. The following principals of Consultant ("Principals") are hereby designated as being the principals and representatives of Consultant authorized to act in its behalf with respect to the Services specified herein and make all decisions in connection therewith:

- a. Carlos Ortiz, PE, TE, PTOE
E-mail: cortiz@advantec-usa.com

It is expressly understood that the experience, knowledge, capability, and reputation of the foregoing Principals were a substantial inducement for City to enter into this Agreement. Therefore, the foregoing Principals shall be responsible during the term of this Agreement for directing all activities of Consultant and devoting sufficient time to personally supervise the Services hereunder. For purposes of this Agreement, the foregoing Principals may not be changed by Consultant and no other personnel may be assigned to perform the Services required hereunder without the express written approval of City.

4.2 Contract Officer. The "Contract Officer" shall be Timothy R. Jonasson, PE, Director of Design and Development/City Engineer or such other person as may be designated in writing by the City Manager of City. It shall be Consultant's responsibility to assure that the Contract Officer is kept informed of the progress of the performance of the Services, and Consultant shall refer any decisions, that must be made by City to the Contract Officer. Unless otherwise specified herein, any approval of City required hereunder shall mean the approval of the Contract Officer. The Contract Officer shall have authority to sign all documents on behalf of City required hereunder to carry out the terms of this Agreement.

4.3 Prohibition Against Subcontracting or Assignment. The experience, knowledge, capability, and reputation of Consultant, its principals, and its employees were a substantial inducement for City to enter into this Agreement. Except as set forth in this Agreement, Consultant shall not contract with any other entity to perform in whole or in part the Services required hereunder without the express written approval of City. In addition, neither this Agreement nor any interest herein may be transferred, assigned, conveyed, hypothecated, or encumbered, voluntarily or by operation of law, without the prior written approval of City. Transfers restricted hereunder shall include the transfer to any person or group of persons acting in concert of more than twenty five percent (25%) of the present ownership and/or control of Consultant, taking all transfers into account on a cumulative basis. Any attempted or purported assignment or contracting by Consultant without City's express written approval shall be null, void, and of no effect. No approved transfer shall release Consultant of any liability hereunder without the express consent of City.

4.4 Independent Contractor. Neither City nor any of its employees shall have any control over the manner, mode, or means by which Consultant, its agents, or its employees, perform the Services required herein, except as otherwise set forth herein. City shall have no voice in the selection, discharge, supervision, or control of Consultant's employees, servants, representatives, or agents, or in fixing their number or hours of service. Consultant shall perform all Services required herein as an independent

contractor of City and shall remain at all times as to City a wholly independent contractor with only such obligations as are consistent with that role. Consultant shall not at any time or in any manner represent that it or any of its agents or employees are agents or employees of City. City shall not in any way or for any purpose become or be deemed to be a partner of Consultant in its business or otherwise or a joint venturer or a member of any joint enterprise with Consultant. Consultant shall have no power to incur any debt, obligation, or liability on behalf of City. Consultant shall not at any time or in any manner represent that it or any of its agents or employees are agents or employees of City. Except for the Contract Sum paid to Consultant as provided in this Agreement, City shall not pay salaries, wages, or other compensation to Consultant for performing the Services hereunder for City. City shall not be liable for compensation or indemnification to Consultant for injury or sickness arising out of performing the Services hereunder. Notwithstanding any other City, state, or federal policy, rule, regulation, law, or ordinance to the contrary, Consultant and any of its employees, agents, and subcontractors providing services under this Agreement shall not qualify for or become entitled to any compensation, benefit, or any incident of employment by City, including but not limited to eligibility to enroll in the California Public Employees Retirement System ("PERS") as an employee of City and entitlement to any contribution to be paid by City for employer contributions and/or employee contributions for PERS benefits. Consultant agrees to pay all required taxes on amounts paid to Consultant under this Agreement, and to indemnify and hold City harmless from any and all taxes, assessments, penalties, and interest asserted against City by reason of the independent contractor relationship created by this Agreement. Consultant shall fully comply with the workers' compensation laws regarding Consultant and Consultant's employees. Consultant further agrees to indemnify and hold City harmless from any failure of Consultant to comply with applicable workers' compensation laws. City shall have the right to offset against the amount of any payment due to Consultant under this Agreement any amount due to City from Consultant as a result of Consultant's failure to promptly pay to City any reimbursement or indemnification arising under this Section.

4.5 Identity of Persons Performing Work. Consultant represents that it employs or will employ at its own expense all personnel required for the satisfactory performance of any and all of the Services set forth herein. Consultant represents that the Services required herein will be performed by Consultant or under its direct supervision, and that all personnel engaged in such work shall be fully qualified and shall be authorized and permitted under applicable State and local law to perform such tasks and services.

4.6 City Cooperation. City shall provide Consultant with any plans, publications, reports, statistics, records, or other data or information pertinent to the Services to be performed hereunder which are reasonably available to Consultant only from or through action by City.

5.0 INSURANCE

5.1 Insurance. Prior to the beginning of any Services under this Agreement and throughout the duration of the term of this Agreement, Consultant shall procure and maintain, at its sole cost and expense, and submit concurrently with its execution of this Agreement, policies of insurance as set forth in Exhibit E (the "Insurance Requirements") which is incorporated herein by this reference and expressly made a part hereof.

6.0 INDEMNIFICATION.

6.1 Indemnification. To the fullest extent permitted by law, Consultant shall indemnify, protect, defend (with counsel selected by City), and hold harmless City and any and all of its officers, employees, agents, and volunteers as set forth in Exhibit F ("Indemnification") which is incorporated herein by this reference and expressly made a part hereof.

7.0 RECORDS AND REPORTS.

7.1 Reports. Consultant shall periodically prepare and submit to the Contract Officer such reports concerning Consultant's performance of the Services required by this Agreement as the Contract Officer shall require. Consultant hereby acknowledges that City is greatly concerned about the cost of the Services to be performed pursuant to this Agreement. For this reason, Consultant agrees that if Consultant becomes aware of any facts, circumstances, techniques, or events that may or will materially increase or decrease the cost of the Services contemplated herein or, if Consultant is providing design services, the cost of the project being designed, Consultant shall promptly notify the Contract Officer of said fact, circumstance, technique, or event and the estimated increased or decreased cost related thereto and, if Consultant is providing design services, the estimated increased or decreased cost estimate for the project being designed.

7.2 Records. Consultant shall keep, and require any subcontractors to keep, such ledgers, books of accounts, invoices, vouchers, canceled checks, reports (including but not limited to payroll reports), studies, or other documents relating to the disbursements charged to City and the Services performed hereunder (the "Books and Records"), as shall be necessary to perform the Services required by this Agreement and enable the Contract Officer to evaluate the performance of such Services. Any and all such Books and Records shall be maintained in accordance with generally accepted accounting principles and shall be complete and detailed. The Contract Officer shall have full and free access to such Books and Records at all times during normal business hours of City, including the right to inspect, copy, audit, and make records and transcripts from such Books and Records. Such Books and Records shall be maintained for a period of three (3) years following completion of the Services hereunder, and City shall have access to such Books and Records in the event any audit is required. In the event of dissolution of Consultant's business, custody of the Books and Records may be given to City, and access shall be provided by Consultant's successor in interest. Under California Government Code Section 8546.7, if the amount of public funds expended under this Agreement exceeds Ten Thousand Dollars (\$10,000.00), this Agreement shall be subject to the examination and audit of the State Auditor, at the request of City or as part of any audit of City, for a period of three (3) years after final payment under this Agreement.

7.3 Ownership of Documents. All drawings, specifications, maps, designs, photographs, studies, surveys, data, notes, computer files, reports, records, documents, and other materials plans, drawings, estimates, test data, survey results, models, renderings, and other documents or works of authorship fixed in any tangible medium of expression, including but not limited to, physical drawings, digital renderings, or data stored digitally, magnetically, or in any other medium prepared or caused to be prepared by Consultant, its employees, subcontractors, and agents in the performance of this Agreement (the "Documents and Materials") shall be the property of City and shall be delivered to City upon request of the Contract Officer or upon the expiration or termination of this Agreement, and Consultant shall have no claim for further employment or additional compensation as a result of the exercise by City of its full rights of

ownership use, reuse, or assignment of the Documents and Materials hereunder. Any use, reuse or assignment of such completed Documents and Materials for other projects and/or use of uncompleted documents without specific written authorization by Consultant will be at City's sole risk and without liability to Consultant, and Consultant's guarantee and warranties shall not extend to such use, revise, or assignment. Consultant may retain copies of such Documents and Materials for its own use. Consultant shall have an unrestricted right to use the concepts embodied therein. All subcontractors shall provide for assignment to City of any Documents and Materials prepared by them, and in the event Consultant fails to secure such assignment, Consultant shall indemnify City for all damages resulting therefrom.

In the event City or any person, firm, or corporation authorized by City reuses said Documents and Materials without written verification or adaptation by Consultant for the specific purpose intended and causes to be made or makes any changes or alterations in said Documents and Materials, City hereby releases, discharges, and exonerates Consultant from liability resulting from said change. The provisions of this clause shall survive the termination or expiration of this Agreement and shall thereafter remain in full force and effect.

7.4 Licensing of Intellectual Property. This Agreement creates a non-exclusive and perpetual license for City to copy, use, modify, reuse, or sublicense any and all copyrights, designs, rights of reproduction, and other intellectual property embodied in the Documents and Materials. Consultant shall require all subcontractors, if any, to agree in writing that City is granted a non-exclusive and perpetual license for the Documents and Materials the subcontractor prepares under this Agreement. Consultant represents and warrants that Consultant has the legal right to license any and all of the Documents and Materials. Consultant makes no such representation and warranty in regard to the Documents and Materials which were prepared by design professionals other than Consultant or provided to Consultant by City. City shall not be limited in any way in its use of the Documents and Materials at any time, provided that any such use not within the purposes intended by this Agreement shall be at City's sole risk.

7.5 Release of Documents. The Documents and Materials shall not be released publicly without the prior written approval of the Contract Officer or as required by law. Consultant shall not disclose to any other entity or person any information regarding the activities of City, except as required by law or as authorized by City.

8.0 ENFORCEMENT OF AGREEMENT.

8.1 California Law. This Agreement shall be interpreted, construed, and governed both as to validity and to performance of the parties in accordance with the laws of the State of California. Legal actions concerning any dispute, claim, or matter arising out of or in relation to this Agreement shall be instituted in the Superior Court of the County of Riverside, State of California, or any other appropriate court in such county, and Consultant covenants and agrees to submit to the personal jurisdiction of such court in the event of such action.

8.2 Disputes. In the event of any dispute arising under this Agreement, the injured party shall notify the injuring party in writing of its contentions by submitting a claim therefore. The injured party shall continue performing its obligations hereunder so long as the injuring party commences to cure such default within ten (10) days of service of such notice and completes the cure of such default within forty-five (45) days after service of the notice, or such longer period as may be permitted by the Contract Officer; provided that if the default is an immediate danger to the health, safety, or general welfare, City may take such

immediate action as City deems warranted. Compliance with the provisions of this Section shall be a condition precedent to termination of this Agreement for cause and to any legal action, and such compliance shall not be a waiver of any party's right to take legal action in the event that the dispute is not cured, provided that nothing herein shall limit City's right to terminate this Agreement without cause pursuant to Section 8.8. During the period of time that Consultant is in default, City shall hold all invoices and shall, when the default is cured, proceed with payment on the invoices. In the alternative, City may, in its sole discretion, elect to pay some or all of the outstanding invoices during any period of default.

8.3 Retention of Funds. City may withhold from any monies payable to Consultant sufficient funds to compensate City for any losses, costs, liabilities, or damages it reasonably believes were suffered by City due to the default of Consultant in the performance of the Services required by this Agreement.

8.4 Waiver. No delay or omission in the exercise of any right or remedy of a non-defaulting party on any default shall impair such right or remedy or be construed as a waiver. City's consent or approval of any act by Consultant requiring City's consent or approval shall not be deemed to waive or render unnecessary City's consent to or approval of any subsequent act of Consultant. Any waiver by either party of any default must be in writing and shall not be a waiver of any other default concerning the same or any other provision of this Agreement.

8.5 Rights and Remedies are Cumulative. Except with respect to rights and remedies expressly declared to be exclusive in this Agreement, the rights and remedies of the parties are cumulative and the exercise by either party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other party.

8.6 Legal Action. In addition to any other rights or remedies, either party may take legal action, at law or at equity, to cure, correct, or remedy any default, to recover damages for any default, to compel specific performance of this Agreement, to obtain declaratory or injunctive relief, or to obtain any other remedy consistent with the purposes of this Agreement.

8.7 Termination Prior To Expiration Of Term. This Section shall govern any termination of this Agreement, except as specifically provided in the following Section 8.9 for termination for cause. City reserves the right to terminate this Agreement at any time, with or without cause, upon thirty (30) days' written notice to Consultant. Upon receipt of any notice of termination, Consultant shall immediately cease all Services hereunder except such as may be specifically approved by the Contract Officer. Consultant shall be entitled to compensation for all Services rendered prior to receipt of the notice of termination and for any Services authorized by the Contract Officer thereafter in accordance with the Schedule of Compensation or such as may be approved by the Contract Officer, except as provided in Section 8.3.

8.8 Termination for Default of Consultant. If termination is due to the failure of Consultant to fulfill its obligations under this Agreement, City may, after compliance with the provisions of Section 8.2, take over the Services and prosecute the same to completion by contract or otherwise, and Consultant shall be liable to the extent that the total cost for completion of the Services required hereunder exceeds the compensation herein stipulated (provided that City shall use reasonable efforts to mitigate such damages), and City may withhold any payments to Consultant for the purpose of setoff or partial payment of the amounts owed City as previously stated in Section 8.3.

8.9 Attorneys' Fees. If either party to this Agreement is required to initiate or defend or made a party to any action or proceeding in any way connected with this Agreement, the prevailing party in such action or proceeding, in addition to any other relief which may be granted, whether legal or equitable, shall be entitled to reasonable attorneys' fees; provided, however, that the attorneys' fees awarded pursuant to this Section shall not exceed the hourly rate paid by City for legal services multiplied by the reasonable number of hours spent by the prevailing party in the conduct of the litigation. Attorneys' fees shall include attorneys' fees on any appeal, and in addition a party entitled to attorneys' fees shall be entitled to all other reasonable costs for investigating such action, taking depositions and discovery, and all other necessary costs the court allows which are incurred in such litigation. All such fees shall be deemed to have accrued on commencement of such action and shall be enforceable whether or not such action is prosecuted to judgment. The court may set such fees in the same action or in a separate action brought for that purpose.

9.0 CITY OFFICERS AND EMPLOYEES; NONDISCRIMINATION.

9.1 Non-liability of City Officers and Employees. No officer, official, employee, agent, representative, or volunteer of City shall be personally liable to Consultant, or any successor in interest, in the event of any default or breach by City or for any amount which may become due to Consultant or to its successor, or for breach of any obligation of the terms of this Agreement.

9.2 Conflict of Interest. Consultant covenants that neither it, nor any officer or principal of it, has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of City or which would in any way hinder Consultant's performance of the Services under this Agreement. Consultant further covenants that in the performance of this Agreement, no person having any such interest shall be employed by it as an officer, employee, agent, or subcontractor without the express written consent of the Contract Officer. Consultant agrees to at all times avoid conflicts of interest or the appearance of any conflicts of interest with the interests of City in the performance of this Agreement.

No officer or employee of City shall have any financial interest, direct or indirect, in this Agreement nor shall any such officer or employee participate in any decision relating to this Agreement which effects his financial interest or the financial interest of any corporation, partnership or association in which he is, directly or indirectly, interested, in violation of any State statute or regulation. Consultant warrants that it has not paid or given and will not pay or give any third party any money or other consideration for obtaining this Agreement.

9.3 Covenant against Discrimination. Consultant covenants that, by and for itself, its heirs, executors, assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of any impermissible classification including, but not limited to, race, color, creed, religion, sex, marital status, sexual orientation, national origin, or ancestry in the performance of this Agreement. Consultant shall take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to their race, color, creed, religion, sex, marital status, sexual orientation, national origin, or ancestry.

10.0 MISCELLANEOUS PROVISIONS

10.1 Notice. Any notice, demand, request, consent, approval, or communication either party desires or is required to give the other party or any other person shall be in writing and either served personally or sent by prepaid, first-class mail to the address set forth below. Either party may change its

address by notifying the other party of the change of address in writing. Notice shall be deemed communicated forty-eight (48) hours from the time of mailing if mailed as provided in this Section.

To City:
CITY OF LA QUINTA
Attention: Frank Spevacek, City Manager
78-495 Calle Tampico
La Quinta, California 92253

To Consultant:
Advantec Consulting Engineers
Attention: Carlos Ortiz, PE, Chief Operating Officer
1200 Roosevelt
Irvine, CA 92620

10.2 Interpretation. The terms of this Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against either party by reason of the authorship of this Agreement or any other rule of construction which might otherwise apply.

10.3 Section Headings and Subheadings. The section headings and subheadings contained in this Agreement are included for convenience only and shall not limit or otherwise affect the terms of this Agreement.

10.4 Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument

10.5 Integrated Agreement. This Agreement including the exhibits hereto is the entire, complete, and exclusive expression of the understanding of the parties. It is understood that there are no oral agreements between the parties hereto affecting this Agreement and this Agreement supersedes and cancels any and all previous negotiations, arrangements, agreements, and understandings, if any, between the parties, and none shall be used to interpret this Agreement.

10.6 Amendment. No amendment to or modification of this Agreement shall be valid unless made in writing and approved by Consultant and by the City Council of City. The parties agree that this requirement for written modifications cannot be waived and that any attempted waiver shall be void.

10.7 Severability. In the event that any one or more of the articles, phrases, sentences, clauses, paragraphs, or sections contained in this Agreement shall be declared invalid or unenforceable, such invalidity or unenforceability shall not affect any of the remaining articles, phrases, sentences, clauses, paragraphs, or sections of this Agreement which are hereby declared as severable and shall be interpreted to carry out the intent of the parties hereunder unless the invalid provision is so material that its invalidity deprives either party of the basic benefit of their bargain or renders this Agreement meaningless.

10.8 Unfair Business Practices Claims. In entering into this Agreement, Consultant offers and agrees to assign to City all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. § 15) or under the Cartwright Act (Chapter 2, (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services, or materials related to this Agreement. This assignment shall be made and become effective at the time City renders final payment to Consultant without further acknowledgment of the parties.

10.9 No Third Party Beneficiaries. With the exception of the specific provisions set forth in this Agreement, there are no intended third-party beneficiaries under this Agreement and no such other third parties shall have any rights or obligations hereunder.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the dates stated below.

CITY OF LA QUINTA,
a California municipal corporation

CONSULTANT: Advantec Consulting Engineers

By:  _____

Name: CARLOS A. ORTIZ, P.E.

FRANK J. SPEVACEK, City Manager

Title: Chief Operating Officer

Dated: _____

ATTEST:

SUSAN MAYSELS, City Clerk La Quinta,
California

APPROVED AS TO FORM:

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

10.10 Authority. The persons executing this Agreement on behalf of each of the parties hereto represent and warrant that (i) such party is duly organized and existing, (ii) they are duly authorized to execute and deliver this Agreement on behalf of said party, (iii) by so executing this Agreement, such party is formally bound to the provisions of this Agreement, and (iv) that entering into this Agreement does not violate any provision of any other Agreement to which said party is bound. This Agreement shall be binding upon the heirs, executors, administrators, successors, and assigns of the parties.

[SIGNATURES ON FOLLOWING PAGE]

Exhibit A
Scope of Services

Consultant's Scope of Work dated October 20, 2016, related to the HSIP Signal Interconnect, Project 2016-02, is attached and made a part of this Agreement.



EXHIBIT A: SCOPE OF WORK PROGRAM - OCTOBER 20, 2016

Task 1 Project Management and Meetings

ADVANTEC will provide Project Management activities through all the aspects of the project including project administration, monthly progress reports, invoices, and thorough quality control. ADVANTEC will prepare a detailed work plan, project schedule and prepare progress reports. The monthly progress reports will include accomplished tasks for the month, anticipated progress for the next month, pending issues and schedule completion target dates.

ADVANTEC will schedule and conduct a kick-off meeting with the City to discuss the overall project, planning and design objectives, constraints, requirements, schedule, develop action items, and understanding next steps. During the kick-off meeting, ADVANTEC will coordinate with City staff to determine if we need to assemble a Project Development Team (PDT).

ADVANTEC will schedule and conduct meetings for project status and to review comments for milestone submittals to ensure all City staff members and participants aware of the project status, critical milestones and decision points including review of project schedules, planning activities, concepts, design, and specifications. ADVANTEC will prepare and distribute meeting agendas, meeting minutes, and an action item matrix to the project team for each meeting that is held. For this task, we propose to conduct the kick-off meeting and up to three meetings at City Hall, and one City Council meeting.

ADVANTEC will also coordinate with City's Project Manager to set up bi-weekly conference calls in order to provide up-to-date project status, discuss any concerns or issues, and follow-ups on any requests or action items. This has been a successful project management strategy, it keeps everyone on same page, and it helps develop a team relationship that contributes to the success of this project with quality work, and on-schedule within budget performance.

Deliverables: Project management and coordination, kick-off meeting attendance, three meetings at City Hall, and one City Council Meeting including monthly progress reports, project schedule updates, meeting agendas, meeting minutes, and action item matrices

Task 2 Data Collection and Field Review

ADVANTEC will coordinate with City staff, collect and review available data for use and reference associated with the project improvements. ADVANTEC's Senior Traffic Engineers/Field Technicians will conduct a thorough field review of existing conditions at the 51 signalized intersections and for the proposed fiber optic communication alignment along each project corridor that consists, but not limited to collecting the following:

- ✓ All roadway features including curb lines, property lines, edges of pavement, edges of paved sidewalks, curb returns, curb ramps, driveways and bus pads
- ✓ Signing and striping, street lighting, and power poles
- ✓ Traffic signal and associated equipment (e.g. traffic signal controllers, controller cabinets, pole locations, conduit, conduit fill, cables, vehicle detection, service enclosures, pull boxes, vaults, battery backup systems, EVP, etc.)
- ✓ Communication type and associated equipment (e.g. Ethernet switches, fiber distribution units, splice closures, fiber optic cable, terminal servers, fiber optic modems, wireless radio and equipment, twist-pair/copper cable, termination blocks, etc.)
- ✓ Communication conduit sizes, pull boxes, conduit sweeps, and cables
- ✓ Nearby underground utilities, cabinets, sub-structures, basements and vaults; and nearby aboveground structures (including bus shelters), aboveground cable and permanent street furniture



- ✓ Other field conditions that might affect a design decision
- ✓ ADA compliance and constraints
- ✓ Photographs of each signalized intersection, traffic signal equipment and roadway features using GPS cameras so that the photos can be easily integrated to GIS map

Upon completion of the above items, ADVANTEC will identify potential constraints that may be encountered in relation to the proposed improvements. This information will be used to prepare base mapping and proposed improvements at the 51 project intersections and the new fiber optic communications alignment (conduit and cable). This information will also be used as our foundation for our inventory and assessment of existing conditions, recommended improvements and preparation of the fiber optic communication plans.

Deliverables: Data collection inventory matrix, project survey, field review notes, and photos

Task 3 Utility Coordination

Utility notification and coordination will be required to ensure quality design and help eliminate utility conflicts during construction. Utility notifications will be provided to the various utility owners within the sphere of the project; the notifications will be prepared using the City's letterhead. ADVANTEC will request locations for existing and proposed underground and overhead utilities, including high risk utilities. The utility information provided by the agencies will be delineated on the plans based on their record drawings and our field review. The location of our proposed improvements will take into consideration of the existing utilities. In the event of any utility conflicts, ADVANTEC will coordinate the relocation of all utilities affected by the project. Our goal is to relocate their facilities prior to the start of construction of the project improvements. ADVANTEC will compile all utility coordination and information in a matrix format to include dates of notification, persons/utility notified and responses from the utility company. Letters will be sent to the utility companies requesting their review and verification of their facilities during the preliminary and final plan submittals in order to obtain their concurrence with the information shown on the plans. Copies of this information will be updated periodically and provided to the City of La Quinta at the scheduled project meetings and/or as the information has been received. ADVANTEC will conduct utility coordination throughout the design phase of the project.

Please note ADVANTEC's fees do not include fees or costs associated with the processing and collection of as-built plans or documentation from the utility companies. Typically, fees are waived when submitting utility requests using the City's letterhead.

Deliverables: Utility notification and coordination, utility letters, utility plans and utility coordination matrix

Task 4 NEPA Approval

The ADVANTEC Team understands that the City of La Quinta proposes to utilize Highway Safety Improvement Program (HSIP) funds for the proposed project, thus requiring compliance with NEPA and the Caltrans Local Assistance Procedures Manual (LAPM). This project should be eligible for a Categorical Exclusion under NEPA. Based on our project experience on similar projects in the Coachella Valley and our subconsultant's, Terra Nova, review of the project improvements and relationship with the City of La Quinta, it is likely that Caltrans will require the preparation of a records search for historic and archaeological properties, particularly because of the City's rich inventory. Special studies will be considered based on the review of the Preliminary Environmental Study (PES) form by Caltrans. This project will also require CEQA review, leading to a Categorical Exemption.

We have included preparation of the CEQA documentation in our scope of work and budget including the following items:

1. Attend 3 Project Development Team (PDT) meetings. These meetings include one kick off meeting, one progress meeting and one meeting when PES is complete



2. Prepare Caltrans PES
 - a. Research, document and complete PES form for review by City.
 - b. Edit PES form per City comments.
 - c. Coordinate and attend field visit with Caltrans, City staff and project engineer.
 - d. Edit PES form per Caltrans comments.
 - e. Prepare final PES form for signature.
3. Coordinate preparation of Categorical Exclusion materials with Caltrans and City
4. Prepare Notice of Exemption (NOE) for City review. Coordinate with City and post the Categorical Exemption with the County Clerk
5. Assure receipt of final documents for both NEPA and CEQA

Deliverables: Three PDT meetings, Draft and Final NOE Packets, Draft and Final PES Forms, Approved CatEx.

Task 5 Prepare Engineering Plans, Specifications, and Estimates (PS&E)

Task 5.1 Project Communication System Architecture

Based on our field review and recommended communication improvements, ADVANTEC will provide the City with a high level map that illustrates the citywide fiber optic communications alignment, potential wireless radio locations, and field communication hubs for the project and build-out conditions. We will also provide preliminary construction costs associated with the proposed project improvements in order to stay within the allocated funding. If there is a surplus of funding, then we may be able to provide additional improvements to enhance the communications system and connectivity to the project elements. We anticipate up to three alternatives. Based on the City's preferred layout, we will use the selected alternative as a guideline for our final communications design.

Deliverables: Citywide communication mapping, up to three alternatives with budgetary cost estimates

Task 5.2 Assessment of Existing Signal Interconnect Communication and Traffic Management System

Based on our inventory and field review, ADVANTEC will prepare a traffic signal equipment cabinet inventory matrix for the 51 signalized intersections and the equipment at the TCC.

The field inventory will include the following: the existing traffic signal cabinet type, traffic signal controller, service cabinet type, conduit sizes, conduit fill, pull boxes and type of communications cable or wireless equipment.

Recommended improvements and preliminary budgetary cost estimate will be prepared based on our review of the traffic signal equipment inventory matrix. ADVANTEC will use our engineering judgement, and the City requirements, in order to determine the recommended improvements on a per item per intersection basis. The traffic signal equipment inventory matrix will be expanded to show the recommended improvements with budgetary cost estimate per item. The unit costs will be based on current cost data. Our recommended improvements will primarily include the new fiber optic communication equipment (e.g. new large pull boxes, splice closures, fiber optic drop cable, fiber patch panels, and managed Ethernet switches).

The ADVANTEC Team will coordinate with City staff to determine the necessary upgrades at the proposed communication hub locations and City Hall to bring the new managed Ethernet/IP-based communication system from the intersections to the TCC at City Hall. Under this task, ADVANTEC will also provide the IP addresses for each device and VLANs based on the City's preference. ADVANTEC will coordinate with the City's IT staff to determine their preferred IP addressing scheme.



Other ITS Solutions/Assessment and Evaluation of ITS Technologies: ADVANTEC will include an assessment of current technologies that are available when the City starts to consider other ITS upgrades citywide. This will include the following technologies:

- ✓ Arterial Management Systems (Bluetooth / Wi Fi)
- ✓ Adaptive Control Systems
- ✓ Performance Measurements
- ✓ Special Events Management Systems
- ✓ Incident Management Systems
- ✓ Transit Management Systems
- ✓ Traveler Information Management Systems
- ✓ Connected Vehicles Technologies

Deliverables: Draft and Final technical memorandum including the traffic signal equipment inventory matrix, recommended improvements, and budgetary cost estimates, and IP addresses for each device and VLANs
Draft memorandum of the new managed Ethernet Switch Technology Assessment report and Other ITS Solutions/Assessment and Evaluation of ITS Technologies
Final memorandum of the new managed Ethernet Switch Technology Assessment report and Other ITS Solutions/Assessment and Evaluation of ITS Technologies

Task 5.3 Preliminary Fiber Optic Communication Design Plans

Based on our approved Project Communication System Architecture layout, ADVANTEC will proceed with preliminary design plans. The preliminary fiber optic communication design plans will conform to the City's requirements and will be prepared in AutoCAD at 1" =40' scale on 24"x36" City of La Quinta title block. At locations where proposed improvements need to be viewed at a larger scale, blow-ups will be provided at 1" =20' scale.

The preliminary fiber optic communication design plans will include base mapping from the as-built information and/or information we obtained from our detailed field review including roadway features, parkway information, centerline with stationing, right-of-way, utilities, existing traffic signal conduit and equipment, communications equipment, existing conduit alignment, conduit sizes, pull boxes, and cables, and the proposed communication alignment, conduit, pull box locations, and communication hubs with potential constraints and concerns. This will be submitted to City staff for their review and approval prior to final plan preparation.

Deliverables: Preliminary Fiber Optic Communication Design Plans

Task 5.4 Final Plan Preparation, Technical Specifications, and Project Estimate

Based on the City's approval of the Preliminary Fiber Optic Communication Design Plans, ADVANTEC will advance the plans to final design. Based on our assessment of the proposed fiber optic communication alignment and associated details, we have determined this project will require approximately 33 plan sheets. The following table provides a breakdown of the number of sheets, the types of plans, and work or information associated with each plan.



Sheet description	Number of Sheets
Title Sheet	1
Construction Notes and Legend	1
Communication Plans (fiber optic cable/conduit and wireless communications)	21
Detail Sheet: Trenching details, pull box placement detail, conduit sweep details, conduit entering controller cabinet foundation details	1
Detail Sheet: Communication Hub Details	1
Detail Sheet: Fiber optic communication schematic details (citywide overview)	1
Detail Sheet: Fiber assignment details	5
Detail Sheet: Traffic Control Center Room and Communication Equipment Room details	2
TOTAL	33

The following summarizes the layout for each plan type and details associated with each sheet:

Communication Plans (21 Sheets): Based on the City’s approval of the Preliminary Fiber Optic Communication Design Plans, ADVANTEC will prepare the citywide fiber optic communication plans. The recommended improvements include, but not limit to, the following:

- Installation of new single-mode fiber optic cable.
 - The number of fiber strands will be determined with City staff
- Installation of new 12-strands single mode fiber optic drop cables
- Installation of 2-inch or 3-inch Schedule 80 PVC conduit and/or HDPE conduit with tracer wire
- Replacement of existing pull boxes
- Installation of splice vaults and/or large pull boxes with splice closures adjacent to traffic signal controller cabinet and at splice point locations
- Installation of Layer 2 or Layer 3 managed Ethernet switches
- Installation of field communication hubs (cabinets)
- Installation of wireless communications (as approved)

The communications plans will include all base mapping from our field review, as-built information and utilities including the specified border, title block, signature block, and construction notes, and any construction details necessary to facilitate the installation of the project improvements.

The communication system plans will be prepared in AutoCAD at 1" =40' scale with new conduit and at 1" =60' scale with existing conduit and in accordance with standards set forth by the City of La Quinta and Caltrans. At locations that require greater detail will provide blow-ups at 1" =20' scale. All plans will be prepared by a registered Civil Engineer in the State of California. We are assuming that we will double and triple stack the viewports on every layout sheet.

Typical project improvement details: The following summarizes the typical traffic signal connections and construction details we will provide in the plans set including trenching details, pull box placement detail, conduit sweep details, conduit entering controller cabinet foundation details, and fiber optic cable entry and landing inside traffic signal



controller cabinet detail. Each detail will include general notes and/or construction notes for the contractor to complete the intended work.

Fiber optic communication schematic details: This is a high-level plan that illustrates the general location of each traffic signal controller cabinet, field communication hub cabinet and City TCC including the fiber optic links and the fiber optic cable size to each location.

Fiber assignment details: The fiber assignment details will show how each strand is spliced and linked to each traffic signal, communication hub and City's TCC. It will show the fiber strands that are not used and can be reserved for future connections.

Traffic Control Center and Communication Equipment Room details: Based on our approved recommended improvements, ADVANTEC will prepare the Traffic Control Center (TCC) and Communication Equipment Room detail plans. The recommended improvements include:

- TCC equipment layout
- Communication Equipment Room rack mounted equipment

Each detail will include general notes and/or construction notes for the contractor to complete the intended work.

ADVANTEC will prepare the project Technical Specifications and Bid Documents for the HISP Interconnect Improvements Project and the associated improvements based on the City of La Quinta's requirements and the latest Caltrans Standard Plans and Specifications; California Manual on Uniform Traffic Control Devices (CAMUTCD), and the GREENBOOK. The technical specifications will include a project description, preparation of bid schedules, bid item descriptions, payment methods, special provisions, technical specifications, and any specification detail sheets or standard plans.

ADVANTEC will also include specification requirements; defining the contractor testing and acceptance plan for the traffic management system, traffic control center, communications network, and establishing performance metrics using industry-standard testing procedures. Tests will typically be required to quantify bandwidth availability and line losses. ADVANTEC will also include specifications requirements for the proposed hardware and software to fully installed, configured, integrated, tested and commissioned to the manufacturer's specifications, and the project plans.

ADVANTEC will prepare construction quantity take-offs and construction cost estimates for the proposed fiber optic communication improvements. The unit costs will be based on current cost data and historical cost data associated with the identified bid items. Preliminary and final quantities and construction cost estimates will be provided to the City.

Deliverables: HSIP Interconnect Improvement Project: Fiber Optic Communication Plans (33 Sheets)
Technical Specifications, and Construction Quantity Take-Offs and Construction Cost Estimates
Submittals will be provided at 90%, 100% and Final

Task 6 Construction Support

ADVANTEC will provide construction support services for the construction plans and specification interpretation and consultation during the bidding and construction phases of the project, including the following:

- ✓ Review and respond to shop drawing submittal for conformity with the plans and specifications.
- ✓ Review and respond to Request for Information (RFI) or Change Request (CR) from the City or Contractor
- ✓ Review design change request and prepare new design plans as needed



Professional Engineering Services HSIP Interconnect Improvements – Project No. 2016-02
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- ✓ Maintain a documentation of all changes (either clouded or clearly described) to approved plan set (e.g. delta revisions)
- ✓ Assist City's Project Manager in review and making recommendations to contract change order; and prepare cost estimates for cost analysis based on the change order work
- ✓ As-built drawings will be prepared based upon completion of the project and the Contractors red lined plans.

Deliverables: Construction Support Services and preparation of as-built plans.

Exhibit B
Schedule of Compensation

With the exception of compensation for Additional Services, provided for in Section 2.3 of this Agreement, the maximum total "Lump Sum/Fixed Fee" compensation to be paid to Consultant under this Agreement is Sixty-Five Thousand, One Hundred Ninety-Five Dollars (\$65,195.00) ("Contract Sum"). The Contract Sum shall be paid to Consultant in installment payments made on a monthly basis and in an amount identified in Consultant's schedule of compensation attached hereto for the work tasks performed and properly invoiced by Consultant in conformance with Section 2.2 of this Agreement.

EXHIBIT 10-H COST PROPOSAL (EXAMPLE #1) PAGE 1 OF 2
ACTUAL COST-PLUS-FIXED FEE OR LUMP SUM (FIRM FIXED PRICE) CONTRACTS
 (DESIGN, ENGINEERING AND ENVIRONMENTAL STUDIES)

Note: Mark-ups are Not Allowed

Consultant ADVANTEC Contract No. _____ Date 9/7/2016

DIRECT LABOR

Classification/Title	Name	hours	Actual Hourly Rate	Total
Project Director	Carlos Ortiz	4	\$111.54	\$446.16
Project Manager	John Dorado	50	\$62.50	\$3,125.00
QA/QC	Tracy Moriya	2	\$56.91	\$113.82
Signal Interconnect PS &E	Mark Esposito	40	\$67.31	\$2,692.40
Design Support Staff	Jose Guedes	2	\$68.27	\$136.54
Design Support Staff	Alfredo Cabrera	60	\$31.73	\$1,903.80
Design Support Staff	Enrique Biche	88	\$37.02	\$3,257.76
Design Support Staff	Kheang Tang	88	\$33.65	\$2,961.20
Design Support Staff	John Cox	12	\$33.65	\$403.80
Construction Support Staff	Calvin Hansen	12	\$34.62	\$415.44
				\$0.00
				\$0.00
		358		\$0.00

LABOR COSTS

a) Subtotal Direct Labor Costs	<u>\$15,455.92</u>
b) Anticipated Salary Increases (see page 2 for sample)	<u>\$1,071.75</u>
c) TOTAL DIRECT LABOR COSTS [(a) + (b)]	<u>\$16,527.67</u>

FRINGE BENEFITS

d) Fringe Benefits (Rate <u>43.40%</u>)	e) Total Fringe Benefits
	[(c) x (d)] <u>\$7,173.01</u>

INDIRECT COSTS

f) Overhead (Rate: <u>140.55%</u>)	g) Overhead [(c) x (f)]	<u>\$23,229.64</u>
h) General and Administrative (Rate: _____)	i) Gen & Admin [(c) x (h)]	<u>\$0.00</u>
	j) Total Indirect Costs [(e) + (g) + (i)]	<u>\$30,402.65</u>

FEE (Profit)

q) (Rate: <u>10.00%</u>)	k) TOTAL FIXED PROFIT [(c) + (j)] x (q)	<u>\$4,693.03</u>
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OTHER DIRECT COSTS (ODC)

Description	Unit(s)	Unit Cost	Total
l) Travel/Mileage Costs (supported by consultant actual costs)	555	\$0.54	<u>\$299.70</u>
m) Traffic Counts			<u>\$0.00</u>
n) Permit Fees (itemize), Plan sheets (each), Test Holes (each), etc.			<u>\$1,700.00</u>
o) Subconsultant Costs (attach detailed cost proposal in same format as prime consultant estimate for each subconsultant)	0		<u>\$11,572.00</u>
			p) Total Other Direct Costs [(l) + (m) + (n) + (o)] <u>\$13,571.70</u>
			TOTAL COST [(c) + (j) + (k) + (p)] <u>\$65,195.06</u>

NOTES:

- Employees subject to prevailing wage requirements to be marked with an *.
- ODC items should be based on actual costs and supported by historical data and other documentation.
- ODC items that would be considered "tools of the trade" are not reimbursable.
- ODC items should be consistently billed directly to all clients, not just when client will pay for them as a direct cost.
- ODC items when incurred for the same purpose, in like circumstances, should not be included in any indirect cost pool or in overhead rate.

EXHIBIT 10-H COST PROPOSAL (EXAMPLE #1) PAGE 2 OF 2
ACTUAL COST-PLUS-FIXED FEE OR LUMP SUM (FIRM FIXED PRICE) CONTRACTS
 (SAMPLE CALCULATIONS FOR ANTICIPATED SALARY INCREASES)

Consultant ADVANTEC Contract No. _____ Date 9/7/2016

1. Calculate Average Hourly Rate for 1st year of the contract (Direct Labor Subtotal divided by total hours)

Direct Labor <u>Subtotal</u> per Cost Proposal	Total Hours per Cost Proposal	=	Avg Hourly Rate	5 Year Contract Duration
\$15,455.92	358		\$43.17	Year 1 Avg Hourly Rate

2. Calculate hourly rate for all years (Increase the Average Hourly Rate for a year by proposed escalation %)

	Avg Hourly Rate		Proposed Escalation			
Year 1	\$43.17	+	5.0%	=	\$45.33	Year 2 Avg Hourly Rate
Year 2	\$45.33	+	5.0%	=	\$47.60	Year 3 Avg Hourly Rate
Year 3	\$47.60	+	5.0%	=	\$49.98	Year 4 Avg Hourly Rate
Year 4	\$49.98	+	5.0%	=	\$52.48	Year 5 Avg Hourly Rate

3. Calculate estimated hours per year (Multiply estimate % each year by total hours)

	Estimated % Completed Each Year		Total Hours per Cost Proposal		Total Hours per Year	
Year 1	24.00%	*	358.0	=	85.9	Estimated Hours Year 1
Year 2	31.00%	*	358.0	=	111.0	Estimated Hours Year 2
Year 3	31.00%	*	358.0	=	111.0	Estimated Hours Year 3
Year 4	14.00%	*	358.0	=	50.1	Estimated Hours Year 4
Year 5	0.00%	*	358.0	=	0.0	Estimated Hours Year 5
Total	100%		Total	=	358.0	

4. Calculate Total Costs including Escalation (Multiply Average Hourly Rate by the number of hours)

	Avg Hourly Rate (calculated above)		Estimated hours (calculated above)		Cost per Year	
Year 1	\$43.17	*	86	=	\$3,709.42	Estimated Hours Year 1
Year 2	\$45.33	*	111	=	\$5,030.90	Estimated Hours Year 2
Year 3	\$47.60	*	111	=	\$5,282.45	Estimated Hours Year 3
Year 4	\$49.98	*	50	=	\$2,504.90	Estimated Hours Year 4
Year 5		*	0	=	\$0.00	Estimated Hours Year 5
	Total Direct Labor Cost with Escalation			=	\$16,527.67	
	Direct Labor Subtotal before Escalation			=	\$15,455.92	
	Estimated total of Direct Labor Salary Increase			=	\$1,071.75	Transfer to Page 1

NOTES:

- This is not the only way to estimate salary increases. Other methods will be accepted if they clearly indicate the % increase, the # of years of the contract, and a breakdown of the labor to be performed each year.
- An estimation that is based on direct labor multiplied by salary increase % multiplied by the # of years is not acceptable. (i.e. \$250,000 x 2% x 5 yrs = \$25,000 is not an acceptable methodology)
- This assumes that one year will be worked at the rate on the cost proposal before salary increases are granted.

**CITY OF LA QUINTA
SIGNAL SYNCHRONIZATION PROJECT**

Federal Project No.

Project Name: La Quinta HSIP Signal Interconnect Project 2016-02

Date: 9/2/16

Consultant: Terra Nova Planning & Research, Inc.

DIRECT LABOR

Classification	Name	Range	Hours	Hourly Rate	Total
Senior Project Manager	Nicole Sauviat Criste		26 @	\$ 70.00	\$ 1,820.00
Senior Environ Planner	John D. Criste		8 @	\$ 52.50	\$ 420.00
Assoc Environ Planner	Kelly Clark		4 @	\$ 42.50	\$ 170.00
Assistant Planner	P. Lopez/K. Nadimi		22 @	\$ 36.00	\$ 792.00
Graphics Technician	Brandy Webb		16 @	\$ 24.00	\$ 384.00
Clerical/Admin Support	Kim Cuza		12 @	\$ 22.00	\$ 264.00
			@		\$ -
			@		\$ -
			0 @		\$ -
			0 @		\$ -

Subtotal Direct Labor Costs \$ 3,850.00

Escalation (5%) \$ 192.50

Total Direct Labor Costs (DLC) \$ 4,042.50

FRINGE BENEFITS

Rate	Total
33 %	-
Total Fringe Benefits (FB)	\$ -

INDIRECT COSTS

	Rate	Total
Overhead (OH)	33 %	-
General and Administrative (G&A)	74 %	-
Total (* Combined FB, OH and G&A)	140 %	\$ 5,659.50
Total Indirect Costs (IC)		\$ 5,659.50

FEE (PROFIT)

Rate	Total
10 %	\$ 970.20
Fee (DLC+FB+IC)	\$ 970.20

OTHER DIRECT COSTS (ODC)

(ODC is actual cost to be reimbursed with supporting documentation.)

1. Reproduction	\$ -
2. Conference Calls	\$ -
3. Transportation/Travel-Related Expense (Mileage will be IRS standard rate.)	\$ 100.00
4. Mailing/Overnight/Special Deliveries	\$ 300.00
5. Permit Fees (Est.)	\$ 500.00
6. Exhibits	\$ 300.00
7. Printing	\$ 500.00
Total Other Direct Costs	\$ 900.00

SUBCONTRACTOR COSTS

\$ -
Total Subcontractor Costs \$ -

TOTAL COST

\$ 11,572.20

**Exhibit C
Schedule of Performance**

Consultant shall complete all services identified in the Scope of Services, Exhibit A of this Agreement, in accordance with the Project Schedule, attached hereto and incorporated herein by this reference.



Exhibit B
ADVANTEC Consulting Engineers
Fee Proposal
City of La Quinta
Professional Engineering Services HSIP Interconnect Improvements - Project No. 2016-02



Date: 11/01/2016

Task/ Subtask Description	Project Director II Carlos Ortiz \$373 Hours	QA/QC Manager Tracy Mertha \$190	Project Manager John Dorado \$209	Task Leader I Mark Espesito \$225	Project Engineer Support Staff I Jose Gonzales \$228	Project Engineer Support Staff II Alfredo Cabrera \$106	Project Engineer Support Staff III Enrique Blanco \$124	Project Engineer Support Staff IV Kuang Tang \$112	Project Engineer Support Staff V John Cox \$112	Project Engineer Support Staff VI Cahin Hansen \$116	Sub-consultant (Terra Nova)	Other Direct Costs	Total Hours	Total Cost
1. Project Management and Meetings	4		16									\$300	20	\$5,130
2. Data Collection and Field Review			2	16		8	40	20					8	\$11,208
3. Utility Coordination														\$848
4. NEPA Approval														
NEPA Approval			1		1						\$11,082			\$11,518
CEQA Approval			1		1						\$491			\$927
Prepare engineering plans, specifications, and estimates (PS&E)														
5.1 Architecture			2					4	2				8	\$1,092
Assessment of Existing Signal Interconnect Communication and 5.2 Traffic Management System			2			8							10	\$1,265
Preliminary Fiber Optic 5.3 Communication Design Plans			2	4			12	12	2				32	\$4,374
Final Plan Preparation, Technical 5.4 Specifications, and Project Estimate		2	16	20	28		36	32	8	12		\$1,700	154	\$23,218
6. Construction Support			8		16			20					44	\$5,614
Total Hours	4	2	50	40	2	60	88	88	12	12			358	
Total Cost	\$ 1,491	\$ 380	\$ 10,435	\$ 8,991	\$ 455	\$ 6,357	\$ 10,879	\$ 9,896	\$ 1,349	\$ 1,388		\$ 2,000		\$65,195
<i>Note:</i> Other Direct Costs includes mileage and printing fees per task, as shown.														
TOTAL FEE (Not-To-Exceed)														\$65,195

Exhibit C
City of La Quinta
HSIP Interconnect Improvements - Project No. 2016-02
Project Schedule

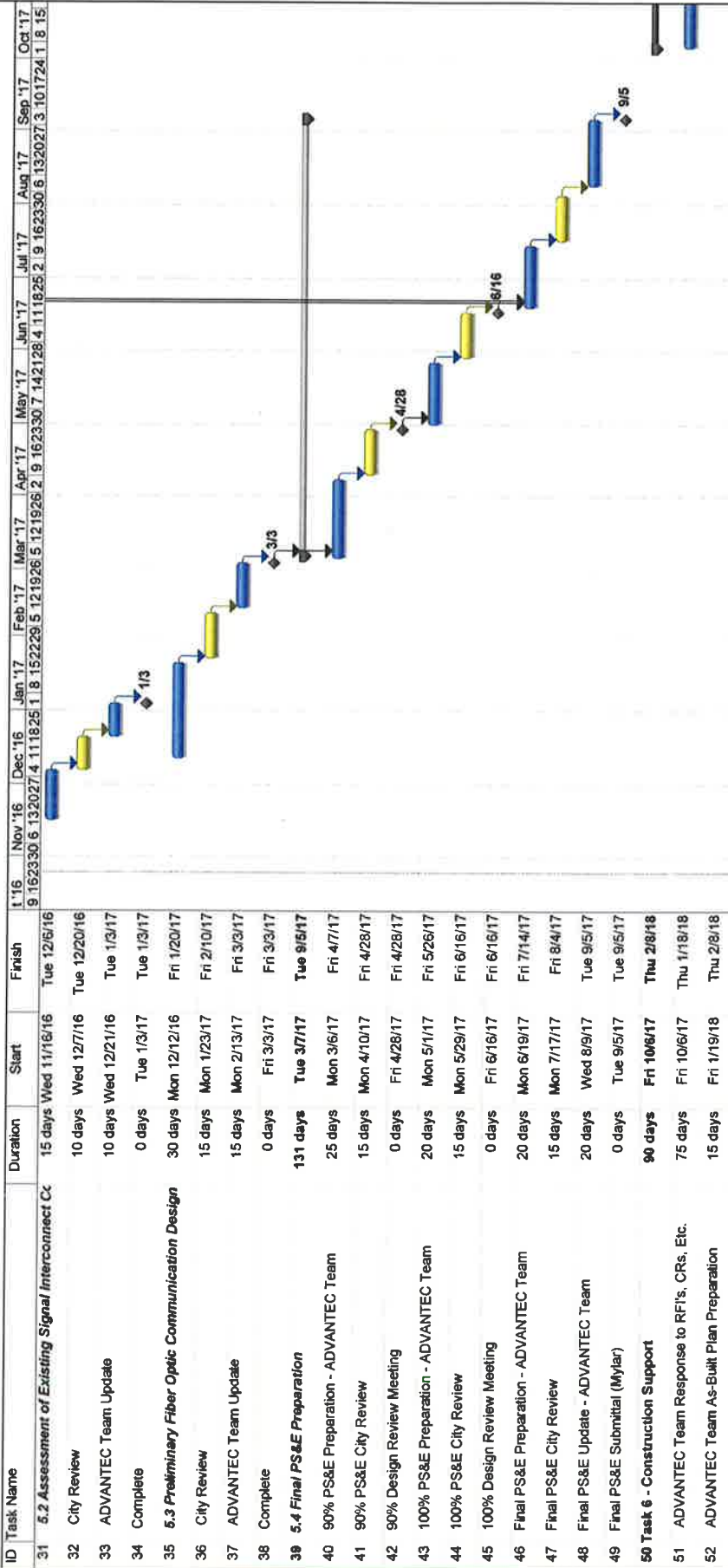


Exhibit C
City of La Quinta
HSRP Interconnect Improvements – Project No. 2016-02
Project Schedule

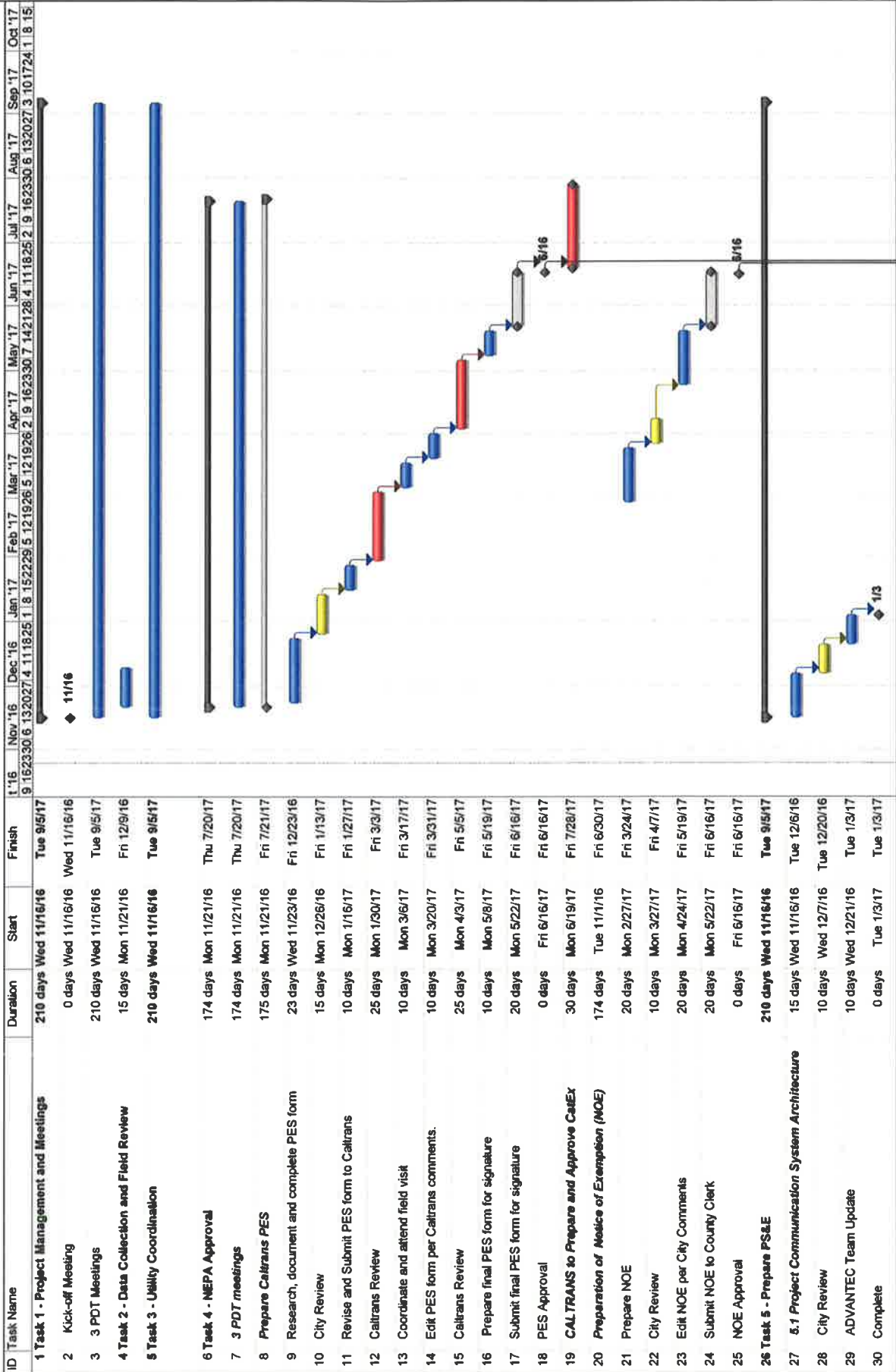


Exhibit D
Special Requirements

D. MANDATORY FEDERAL AND FISCAL CONTRACT PROVISIONS.

D.1 Performance Period. In accordance with the provisions of Section 3.0, this Agreement shall go into effect on November 16, 2016, contingent upon approval by the City, and the Consultant shall commence work after notification to proceed by the City's Contract Officer. The Agreement shall end on November 15, 2019, unless extended by contract amendment. The Consultant is advised that any recommendation for contract award is not binding on the City until the Agreement is fully executed and approved by the City.

D.2 Allowable Costs and Payment. Supplementary to Section 2.0 of the Agreement:

D.2.1 The method of payment for this Agreement will be based on lump sum. The total lump sum price paid to the Consultant will include compensation for all work and deliverables, including travel and equipment described in Section 1.1 Scope of Services of this Agreement. No additional compensation will be paid to the Consultant, unless there is a change in the scope of the work or the scope of the project. In the instance of a change in the scope of work or scope of the project, adjustment to the total lump sum compensation will be negotiated between the Consultant and the City. Adjustment in the total lump sum compensation will not be effective until authorized by contract amendment and approved by the City.

D.2.2 Progress payments may be made monthly in arrears based on the percentage of work completed by the Consultant. If the Consultant fails to submit the required deliverable items according to the schedule set forth in the Scope of Services, the City shall have the right to delay payment or terminate this Agreement in accordance with the provisions of Article D.3 Termination of these Special Requirements.

D.2.3 The Consultant shall not commence performance of work or services until this Agreement has been approved by the City and notification to proceed has been issued by the City's Contract Officer. No payment will be made prior to approval of any work, or for any work performed prior to approval of this Agreement.

D.2.4 The Consultant will be reimbursed, as promptly as fiscal procedures will permit, upon receipt by the City's Contract Officer of itemized invoices in triplicate. Invoices shall be submitted no later than 45 calendar days after the performance of work for which the Consultant is billing. Invoices shall detail the work performed on each milestone, on each project as applicable. Invoices shall follow the format stipulated for the Cost Proposal and shall reference this project number and project title. Final invoice must contain the final cost and all credits due the City that include any equipment purchased under the provisions of Article D.8 Equipment Purchase of these Special Requirements. The final invoice should be submitted within 60-calendar days after completion of the Consultant's work. Invoices shall be mailed to the City's Contract Officer at the address identified in Section 10.1 Notice of the Agreement.

D.2.5 The total amount payable by the City shall not exceed \$65,195.06

D.2.6 All subcontracts in excess of \$25,000 shall contain the above provisions.

D.3 Termination. Supplementary to the provisions of Section 8.5 Termination Prior to Expiration of Term, the City reserves the right to terminate this Agreement upon thirty (30) calendar days written notice to the Consultant with the reasons for termination stated in the notice. The City may terminate this Agreement with the Consultant should the Consultant fail to perform the covenants herein contained at the time and in the manner herein provided. In the event of such termination, the City may proceed with the work in any manner deemed proper by the City. If the City terminates this Agreement with the Consultant, the City shall pay the Consultant the sum due to the Consultant under this Agreement prior to termination, unless the cost of completion to the City exceeds the funds remaining in the Agreement. In which case the overage shall be deducted from any sum due the Consultant under this Agreement and the balance, if any, shall be paid to the Consultant upon demand.

The maximum amount for which the City shall be liable if this Agreement is terminated is \$65,195.06.

D.4 Cost Principles and Administrative Requirements. The Consultant agrees that the Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31.000 et seq., shall be used to determine the cost allowability of individual items. The Consultant also agrees to comply with federal procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. Any costs for which payment has been made to the Consultant that are determined by subsequent audit to be unallowable under 49 CFR, Part 18 and 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31.000 et seq., are subject to repayment by the Consultant to the City. All subcontracts in excess of \$25,000 shall contain this provision.

D.5 Retention of Records/Audit. Supplementary to Section 7.2 of the Agreement, for the purpose of determining compliance with Public Contract Code 10115, et seq. and Title 21, California Code of Regulations, Chapter 21, Section 2500 et seq., when applicable and other matters connected with the performance of the Agreement pursuant to Government Code 8546.7; the Consultant, subconsultants, and the City shall maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of the contract, including but not limited to, the costs of administering the Agreement. All parties shall make such materials available at their respective offices at all reasonable times during the Performance Period and for three years from the date of final payment under the Agreement. The state, State Auditor, City, FHWA, or any duly authorized representative of the Federal Government shall have access to any books, records, and documents of the Consultant and its certified public accountants (CPA) work papers that are pertinent to the Agreement and indirect cost rates (ICR) for audit, examinations, excerpts, and transactions, and copies thereof shall be furnished if requested. Subcontracts in excess of \$25,000 shall contain this provision.

D.6 Audit Review Procedures.

D.6.1 Any dispute concerning a question of fact arising under an interim or post audit of this Agreement that is not disposed of by agreement, shall be reviewed by the City's Chief Financial Officer.

D.6.2 Not later than 30 days after issuance of the final audit report, the Consultant may request a review by the City's Chief Financial Officer of unresolved audit issues. The request for review will be submitted in writing.

D.6.3 Neither the pendency of a dispute nor its consideration by the City will excuse the Consultant from full and timely performance, in accordance with the terms of this Agreement.

D.6.4 The Consultant and subconsultant contracts, including cost proposals and ICR, are subject to audits or reviews such as, but not limited to, a contract audit, an incurred cost audit, an ICR Audit, or a CPA ICR audit work paper review. If selected for audit or review, the Agreement, cost proposal and ICR and related work papers, if applicable, will be reviewed to verify compliance with 48 CFR, Part 31 and other related laws and regulations. In the instances of a CPA ICR audit work paper review it is the Consultant's responsibility to ensure federal, state, or local government officials are allowed full access to the CPA's work papers including making copies as necessary. The Agreement, cost proposal, and ICR shall be adjusted by the Consultant and approved by the City's Contract Officer to conform to the audit or review recommendations. The Consultant agrees that individual terms of costs identified in the audit report shall be incorporated into the Agreement by this reference if directed by the City at its sole discretion. Refusal by the Consultant to incorporate audit or review recommendations, or to ensure that the federal, state or local governments have access to CPA work papers, will be considered a breach of contract terms and cause for termination of the contract under Section 8.3 and supplemented by Article D.3 of these Special Requirements and disallowance of prior reimbursed costs.

D.7 Subcontracting. Supplementary to Section 4.3, nothing contained in this Agreement or otherwise, shall create any contractual relation between the City and any subconsultant(s), and no subcontract shall relieve the Consultant of its responsibilities and obligations hereunder. The Consultant agrees to be as fully responsible to the City for the acts and omissions of its subconsultant(s) and of persons either directly or indirectly employed by any of them as it is for the acts and omissions of persons directly employed by the Consultant. The Consultant's obligation to pay its subconsultant(s) is an independent obligation from the City's obligation to make payments to the Consultant. The Consultant shall perform the work contemplated with resources available within its own organization and no portion of the work pertinent to this Agreement shall be subcontracted without written authorization by the City's Contract Officer, except that, which is expressly identified in the approved Cost Proposal. The Consultant shall pay its subconsultants within ten (10) calendar days from receipt of each payment made to the Consultant by the City. Any subcontract in excess of \$25,000 entered into as a result of this Agreement shall contain all the provisions stipulated in this Agreement to be applicable to subconsultants. Any substitution of subconsultant(s) must be approved in writing by the City's Contract Officer prior to the start of work by the subconsultant(s).

D.8 Equipment Purchase. Prior authorization in writing, by the City's Contract Officer shall be required before the Consultant enters into any unbudgeted purchase order, or subcontract exceeding \$5,000 for supplies, equipment, or Consultant services. The Consultant shall provide an evaluation of the necessity or desirability of incurring such costs. For purchase of any item, service or consulting work not covered in the Consultant's Cost Proposal and exceeding \$5,000 prior authorization by the City's Contract Officer; three competitive quotations must be submitted with the request, or the absence of bidding must be adequately justified. Any equipment purchased as a result of this Agreement is subject to the following:

"The Consultant shall maintain an inventory of all nonexpendable property. Nonexpendable property is defined as having a useful life of at least two years and an acquisition cost of \$5,000 or more. If the purchased equipment needs replacement and is sold or traded in, the City shall receive a proper refund or credit at the conclusion of the Agreement, or if the Agreement is terminated, the Consultant may either keep the equipment and credit the City in an amount equal to its fair market value, or sell such equipment

at the best price obtainable at a public or private sale, in accordance with established City procedures; and credit the City in an amount equal to the sales price. If the Consultant elects to keep the equipment, fair market value shall be determined at the Consultant's expense, on the basis of a competent independent appraisal of such equipment. Appraisals shall be obtained from an appraiser mutually agreeable to by the City and Consultant, if it is determined to sell the equipment, the terms and conditions of such sale must be approved in advance by the City."

49 CFR, Part 18 requires a credit to Federal funds when participating equipment with a fair market value greater than \$5,000 is credited to the project. All subcontracts in excess \$25,000 shall contain the above provisions.

D.9 State Prevailing Wages. The Consultant shall comply with the State of California's General Prevailing Wage Rate requirements in accordance with California Labor Code, Section 1770, and all Federal, State, and local laws and ordinances applicable to the work. Any subcontract entered into as a result of this Agreement, if for more than \$25,000 for public works construction or more than \$15,000 for the alteration, demolition, repair, or maintenance of public works, shall contain all of the provisions of this Article. When prevailing wages apply to the services described in the scope of work, transportation and subsistence costs shall be reimbursed at the minimum rates set by the Department of Industrial Relations (DIR) as outlined in the applicable Prevailing Wage Determination. See <http://www.dir.ca.gov>.

D.10 Conflict of Interest. Supplementary to Section 9.2 of the Agreement, the Consultant shall disclose any financial, business, or other relationship with the City that may have an impact upon the outcome of this Agreement, or any ensuing City construction project. The Consultant shall also list current clients who may have a financial interest in the outcome of this Agreement, or any ensuing City construction project, which will follow. The Consultant hereby certifies that it does not now have, nor shall it acquire any financial or business interest that would conflict with the performance of services under this Agreement. Any subcontract in excess of \$25,000 entered into as a result of this Agreement, shall contain all of the provisions of this Article.

The Consultant hereby certifies that neither the Consultant, nor any firm affiliated with the Consultant will bid on any construction contract, or on any contract to provide construction inspection for any construction project resulting from this Agreement. An affiliated firm is one, which is subject to the control of the same persons through joint-ownership, or otherwise. Except for subconsultants whose services are limited to providing surveying or materials testing information, no subconsultant who has provided design services in connection with this Agreement shall be eligible to bid on any construction contract, or on any contract to provide construction inspection for any construction project resulting from this contract.

D.11 Rebates, Kickbacks, or Other Unlawful Consideration. The Consultant warrants that this Agreement was not obtained or secured through rebates kickbacks or other unlawful consideration, either promised or paid to any City employee. For breach or violation of this warranty, the City shall have the right in its discretion; to terminate the Agreement without liability; to pay only for the value of the work actually performed; or to deduct from the contract price; or otherwise recover the full amount of such rebate, kickback or other unlawful consideration.

D.12 Prohibition of Expending Local Agency State or Federal Funds for Lobbying. The Consultant certifies to the best of his or her knowledge and belief that:

1. No state, federal or local agency appropriated funds have been paid, or will be paid by-or-on behalf of the Consultant to any person for influencing or attempting to influence an officer or employee of any state or federal agency; a Member of the State Legislature or United States Congress; an officer or employee of the Legislature or Congress; or any employee of a Member of the Legislature or Congress, in connection with the awarding of any state or federal contract; the making of any state or federal grant; the making of any state or federal loan; the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any state or federal contract, grant, loan, or cooperative agreement.
2. If any funds other than federal appropriated funds have been paid, or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency; a Member of Congress; an officer or employee of Congress, or an employee of a Member of Congress; in connection with this federal contract, grant, loan, or cooperative agreement; The Consultant shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure. The Consultant also agrees by signing this document that he or she shall require that the language of this certification be included in all lower-tier subcontracts, which exceed \$100,000 and that all such sub recipients shall certify and disclose accordingly.

D.13 Statement of Compliance. The Consultant's signature affixed herein, and dated, shall constitute a certification under penalty of perjury under the laws of the State of California that the Consultant has, unless exempt, complied with, the nondiscrimination program requirements of Government Code Section 12990 and Title 2, California Administrative Code, Section 8103.

During the performance of this Agreement, Consultant and its subconsultants shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition (e.g., cancer), age (over 40), marital status, and denial of family care leave. Consultant and subconsultants shall insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. Consultant and subconsultants shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12990 (a-f) et seq.) and the applicable regulations promulgated there under (California Code of Regulations, Title 2, Section 7285 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code Section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this Agreement by reference and made a part hereof as if set forth in full. Consultant and its subconsultants shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other Agreement.

The Consultant shall comply with regulations relative to Title VI (nondiscrimination in federally-assisted programs of the Department of Transportation – Title 49 Code of Federal Regulations, Part 21 -

Effectuation of Title VI of the 1964 Civil Rights Act). Title VI provides that the recipients of federal assistance will implement and maintain a policy of nondiscrimination in which no person in the state of California shall, on the basis of race, color, national origin, religion, sex, age, disability, be excluded from participation in, denied the benefits of or subject to discrimination under any program or activity by the recipients of federal assistance or their assignees and successors in interest. The Consultant, with regard to the work performed by it during the Agreement shall act in accordance with Title VI. Specifically, the Consultant shall not discriminate on the basis of race, color, national origin, religion, sex, age, or disability in the selection and retention of Subconsultants, including procurement of materials and leases of equipment. The Consultant shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the U.S. DOT's Regulations, including employment practices when the Agreement covers a program whose goal is employment.

D.14 Debarment and Suspension Certification. The Consultant's signature affixed herein, shall constitute a certification under penalty of perjury under the laws of the State of California, that the Consultant has complied with Title 2 CFR, Part 180, "OMB Guidelines to Agencies on Government wide Debarment and Suspension (nonprocurement)", which certifies that he/she or any person associated therewith in the capacity of owner, partner, director, officer, or manager, is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency; has not been suspended, debarred, voluntarily excluded, or determined ineligible by any federal agency within the past three (3) years; does not have a proposed debarment pending; and has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past three (3) years. Any exceptions to this certification must be disclosed to the City. Exceptions will not necessarily result in denial of recommendation for award, but will be considered in determining the Consultant responsibility. Disclosures must indicate to whom exceptions apply, initiating agency, and dates of action. Exceptions to the Federal Government Excluded Parties List System maintained by the General Services Administration are to be determined by the Federal Highway Administration.

D.15 Change in Terms. Supplementary to Section 1.6 of the Agreement, this Agreement may be amended or modified only by mutual written agreement of the parties. The Consultant shall only commence work covered by an amendment after the amendment is executed and notification to proceed has been provided by the City's Contract Officer. There shall be no change in the Consultant's Project Manager or members of the project team, as listed in the approved Cost Proposal, which is a part of this Agreement without prior written approval by the City's Contract Officer.

D.16 Disadvantaged Business Enterprise (DBE) Participation.

D.16.1 This Agreement is subject to 49 CFR, Part 26 entitled "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs". Consultants who obtain DBE participation on this Agreement will assist Caltrans in meeting its federally mandated statewide overall DBE goal.

D.16.2 The goal for DBE participation for this contract is 3 %. Participation by DBE consultant or subconsultants shall be in accordance with information contained in the Consultant Proposal DBE Commitment (Exhibit 10-O1), or in the Consultant Contract DBE Information (Exhibit 10-O2) attached hereto and incorporated as part of the Agreement. If a DBE subconsultant is unable to perform, the

Consultant must make a good faith effort to replace him/her with another DBE subconsultant, if the goal is not otherwise met.

D.16.3 DBEs and other small businesses, as defined in 49 CFR, Part 26 are encouraged to participate in the performance of contracts financed in whole or in part with federal funds. The Consultant or subconsultant shall not discriminate on the basis of race, color, national origin, or sex in the performance of this Agreement. The Consultant shall carry out applicable requirements of 49 CFR, Part 26 in the award and administration of US DOT-assisted agreements. Failure by the Consultant to carry out these requirements is a material breach of this Agreement, which may result in the termination of this Agreement or such other remedy as the City deems appropriate.

D.16.4 Any subcontract entered into as a result of this Agreement shall contain all of the provisions of this Article.

D.16.5 A DBE firm may be terminated only with prior written approval from the City and only for the reasons specified in 49 CFR 26.53(f). Prior to requesting City consent for the termination, the Consultant must meet the procedural requirements specified in 49 CFR 26.53(f).

D.16.6 A DBE performs a Commercially Useful Function (CUF) when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a CUF, the DBE must also be responsible with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether a DBE is performing a CUF, evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing, and other relevant factors.

D.16.7 A DBE does not perform a CUF if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation. In determining whether a DBE is such an extra participant, examine similar transactions, particularly those in which DBEs do not participate.

D.16.8 If a DBE does not perform or exercise responsibility for at least thirty percent (30%) of the total cost of its contract with its own work force, or the DBE subcontracts a greater portion of the work of the contract than would be expected on the basis of normal industry practice for the type of work involved, it will be presumed that it is not performing a CUF.

D.16.9 The Consultant shall maintain records of materials purchased or supplied from all subcontracts entered into with certified DBEs. The records shall show the name and business address of each DBE or vendor and the total dollar amount actually paid each DBE or vendor, regardless of tier. The records shall show the date of payment and the total dollar figure paid to all firms. DBE prime consultants shall also show the date of work performed by their own forces along with the corresponding dollar value of the work.

D.16.10 Upon completion of the Agreement, a summary of these records shall be prepared and submitted on the form entitled, "Final Report-Utilization of Disadvantaged Business Enterprise (DBE), First-Tier Subconsultants" CEM-2402F [Exhibit 17-F, of the LAPM], certified correct by the Consultant or

the Consultant's authorized representative and shall be furnished to the Contract Officer with the final invoice. Failure to provide the summary of DBE payments with the final invoice will result in twenty-five percent (25%) of the dollar value of the invoice being withheld from payment until the form is submitted. The amount will be returned to the Consultant when a satisfactory "Final Report-Utilization of Disadvantaged Business Enterprises (DBE), First-Tier Subconsultants" is submitted to the Contract Officer.

D.16.11 If a DBE subconsultant is decertified during the life of the Agreement, the decertified subconsultant shall notify the Consultant in writing with the date of decertification. If a subconsultant becomes a certified DBE during the life of the Agreement, the subconsultant shall notify the consultant in writing with the date of certification. Any changes should be reported to the City's Contract Officer within 30 days.

D.17 Contingent Fee. The Consultant warrants, by execution of this Agreement that no person or selling agency has been employed, or retained, to solicit or secure this contract upon an agreement or understanding, for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees, or bona fide established commercial or selling agencies maintained by the Consultant for the purpose of securing business. For breach or violation of this warranty, the City has the right to annul this Agreement without liability; pay only for the value of the work actually performed, or in its discretion to deduct from the contract price or consideration, or otherwise recover the full amount of such commission, percentage, brokerage, or contingent fee.

D.18 Inspection of Work. The Consultant and any subconsultant shall permit the City, the state, and the FHWA if federal participating funds are used in this Agreement; to review and inspect the project activities and files at all reasonable times during the performance period of this Agreement including review and inspection on a daily basis.

D.19 Safety. The Consultant shall comply with OSHA regulations applicable to the Consultant regarding necessary safety equipment or procedures. The Consultant shall comply with safety instructions issued by the City Safety Officer and other City representatives. The Consultant personnel shall wear hard hats and safety vests at all times while working on the construction project site. Pursuant to the authority contained in Section 591 of the Vehicle Code, the City has determined that such areas are within the limits of the project and are open to public traffic. The Consultant shall comply with all of the requirements set forth in Divisions 11, 12, 13, 14, and 15 of the Vehicle Code. The Consultant shall take all reasonably necessary precautions for safe operation of its vehicles and the protection of the traveling public from injury and damage from such vehicles. Any subcontract entered into as a result of this Agreement, shall contain all of the provisions of this Article.

D.20 Claims Filed by City's Construction Contractor. If claims are filed by the City's construction contractor relating to work performed by the Consultant's personnel, and additional information or assistance from the Consultant's personnel is required in order to evaluate or defend against such claims; The Consultant agrees to make its personnel available for consultation with the City's construction contract administration and legal staff and for testimony, if necessary, at depositions and at trial or arbitration proceedings. The Consultant's personnel that the City considers essential to assist in defending against construction contractor claims will be made available on reasonable notice from the City. Consultation or testimony will be reimbursed at the same rates, including travel costs that are being paid for the Consultant's personnel services under this Agreement. Services of the Consultant's personnel in connection with the City's construction contractor claims will be performed pursuant to a written contract

amendment, if necessary, extending the termination date of this Agreement in order to resolve the construction claims. Any subcontract in excess of \$25,000 entered into as a result of this Agreement, shall contain all of the provisions of this Article.

D.21 Confidentiality of Data. All financial, statistical, personal, technical, or other data and information relative to the City's operations, which are designated confidential by the City and made available to the Consultant in order to carry out this Agreement, shall be protected by the Consultant from unauthorized use and disclosure. Permission to disclose information on one occasion, or public hearing held by the City relating to the Agreement, shall not authorize the Consultant to further disclose such information, or disseminate the same on any other occasion. The Consultant shall not comment publicly to the press or any other media regarding the Agreement or the City's actions on the same, except to the City's staff, the Consultant's own personnel involved in the performance of this Agreement, at public hearings or in response to questions from a Legislative committee. The Consultant shall not issue any news release or public relations item of any nature, whatsoever, regarding work performed or to be performed under this Agreement without prior review of the contents thereof by the City, and receipt of the City's written permission. Any subcontract entered into as a result of this Agreement shall contain all of the provisions of this Article. All information related to the construction estimate is confidential, and shall not be disclosed by the Consultant to any entity other than the City.


D.22 National Labor Relations Board Certification. In accordance with Public Contract Code Section 10296, the Consultant hereby states under penalty of perjury that no more than one final unappealable finding of contempt of court by a federal court has been issued against the Consultant within the immediately preceding two-year period, because of the Consultant's failure to comply with an order of a federal court that orders the Consultant to comply with an order of the National Labor Relations Board.

D.23 Retention of Funds. Any subcontract entered into as a result of this Agreement shall contain all of the provisions of this Article.

No retainage will be withheld by the City from progress payments due the prime consultant. Retainage by the prime consultant or subconsultants is prohibited, and no retainage will be held by the prime consultant from progress due subconsultants. Any violation of this provision shall subject the violating prime consultant or subconsultants to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the prime consultant or subconsultant in the event of a dispute involving late payment or nonpayment by the prime consultant or deficient subconsultant performance, or noncompliance by a subconsultant. This provision applies to both DBE and non-DBE prime consultants and subconsultants.

EXHIBIT 10-02 CONSULTANT CONTRACT DBE COMMITMENT

1. Local Agency: City of La Quinta 2. Contract DBE Goal: 3%
 3. Project Description: HSIP Signal Interconnect, Project No. 2016-02
 4. Project Location: Throughout the City of La Quinta
 5. Consultant's Name: ADVANTEC Consulting Engineers 6. Prime Certified DBE: 7. Total Contract Award Amount: \$65,535.00
 8. Total Dollar Amount for ALL Subconsultants: \$11,572.00 9. Total Number of ALL Subconsultants: 1

10. Description of Work, Service, or Materials Supplied	11. DBE Certification Number	12. DBE Contact Information	13. DBE Dollar Amount
PS&E, and Construction Support	30139	ADVANTEC Consulting Engineers, Inc. 949-861-4999	\$53,963.00
Local Agency to Complete this Section			
20. Local Agency Contract Number _____		14. TOTAL CLAIMED DBE PARTICIPATION	\$53,963.00
21. Federal-Aid Project Number: _____			82%
22. Contract Execution Date: _____		<p>IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Written confirmation of each listed DBE is required.</p> <p style="text-align: right;"> 10/28/2016</p> <p>15. Preparer's Signature _____ 16. Date _____</p> <p>Carlos Ortiz 949-861-4999</p> <p>17. Preparer's Name _____ 18. Phone _____</p> <p>Chief Operating Officer</p> <p>19. Preparer's Title _____</p>	
Local Agency certifies that all DBE certifications are valid and information on this form is complete and accurate.			
23. Local Agency Representative's Signature _____	24. Date _____		
25. Local Agency Representative's Name _____	26. Phone _____		
27. Local Agency Representative's Title _____			

DISTRIBUTION: 1. Original – Local Agency
 2. Copy – Caltrans District Local Assistance Engineer (DLAE). Failure to submit to DLAE within 30 days of contract execution may result in de-obligation of federal funds on contract.

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

INSTRUCTIONS – CONSULTANT CONTRACT DBE COMMITMENTCONSULTANT SECTION

1. **Local Agency** - Enter the name of the local or regional agency that is funding the contract.
2. **Contract DBE Goal** - Enter the contract DBE goal percentage as it appears on the project advertisement.
3. **Project Description** - Enter the project description as it appears on the project advertisement (Bridge Rehab, Seismic Rehab, Overlay, Widening, etc).
4. **Project Location** - Enter the project location as it appears on the project advertisement.
5. **Consultant's Name** - Enter the consultant's firm name.
6. **Prime Certified DBE** - Check box if prime contractor is a certified DBE.
7. **Total Contract Award Amount** - Enter the total contract award dollar amount for the prime consultant.
8. **Total Dollar Amount for ALL Subconsultants** – Enter the total dollar amount for all subcontracted consultants. SUM = (DBEs + all Non-DBEs). Do not include the prime consultant information in this count.
9. **Total number of ALL subconsultants** – Enter the total number of all subcontracted consultants. SUM = (DBEs + all Non-DBEs). Do not include the prime consultant information in this count.
10. **Description of Work, Services, or Materials Supplied** - Enter description of work, services, or materials to be provided. Indicate all work to be performed by DBEs including work performed by the prime consultant's own forces, if the prime is a DBE. If 100% of the item is not to be performed or furnished by the DBE, describe the exact portion to be performed or furnished by the DBE. See LAPM Chapter 9 to determine how to count the participation of DBE firms.
11. **DBE Certification Number** - Enter the DBE's Certification Identification Number. All DBEs must be certified on the date bids are opened.
12. **DBE Contact Information** - Enter the name, address, and phone number of all DBE subcontracted consultants. Also, enter the prime consultant's name and phone number, if the prime is a DBE.
13. **DBE Dollar Amount** - Enter the subcontracted dollar amount of the work to be performed or service to be provided. Include the prime consultant if the prime is a DBE. See LAPM Chapter 9 for how to count full/partial participation.
14. **Total Claimed DBE Participation** - \$: Enter the total dollar amounts entered in the "DBE Dollar Amount" column. %: Enter the total DBE participation claimed ("Total Participation Dollars Claimed" divided by item "Total Contract Award Amount"). If the total % claimed is less than item "Contract DBE Goal," an adequately documented Good Faith Effort (GFE) is required (see Exhibit 15-H DBE Information - Good Faith Efforts of the LAPM).
15. **Preparer's Signature** - The person completing the DBE commitment form on behalf of the consultant's firm must sign their name.
16. **Date** - Enter the date the DBE commitment form is signed by the consultant's preparer.
17. **Preparer's Name** - Enter the name of the person preparing and signing the consultant's DBE commitment form.
18. **Phone** - Enter the area code and phone number of the person signing the consultant's DBE commitment form.
19. **Preparer's Title** - Enter the position/title of the person signing the consultant's DBE commitment form.

LOCAL AGENCY SECTION

20. **Local Agency Contract Number** - Enter the Local Agency contract number or identifier.
21. **Federal-Aid Project Number** - Enter the Federal-Aid Project Number.
22. **Contract Execution Date** - Enter the date the contract was executed.
23. **Local Agency Representative's Signature** - The person completing this section of the form for the Local Agency must sign their name to certify that the information in this and the Consultant Section of this form is complete and accurate.
24. **Date** - Enter the date the DBE commitment form is signed by the Local Agency Representative.
25. **Local Agency Representative's Name** - Enter the name of the Local Agency Representative certifying the consultant's DBE commitment form.
26. **Phone** - Enter the area code and phone number of the person signing the consultant's DBE commitment form.
27. **Local Agency Representative Title** - Enter the position/title of the Local Agency Representative certifying the consultant's DBE commitment form.

Exhibit E
Insurance Requirements

E.1 Insurance. Prior to the beginning of and throughout the duration of this Agreement, the following policies shall be maintained and kept in full force and effect providing insurance with minimum limits as indicated below and issued by insurers with A.M. Best ratings of no less than A-:VI:

Commercial General Liability (at least as broad as ISO CG 0001)
\$1,000,000 (per occurrence)
\$2,000,000 (general aggregate)

Commercial Auto Liability (at least as broad as ISO CA 0001)
\$1,000,000 (per accident)

Errors and Omissions Liability
\$1,000,000 (per claim and aggregate)

Workers' Compensation
(per statutory requirements)

Consultant shall procure and maintain, at its cost, and submit concurrently with its execution of this Agreement, Commercial General Liability insurance against all claims for injuries against persons or damages to property resulting from Consultant's acts or omissions rising out of or related to Consultant's performance under this Agreement. The insurance policy shall contain a severability of interest clause providing that the coverage shall be primary for losses arising out of Consultant's performance hereunder and neither City nor its insurers shall be required to contribute to any such loss. A certificate evidencing the foregoing and naming City and its officers and employees as additional insured (on the Commercial General Liability policy only) shall be delivered to and approved by City prior to commencement of the services hereunder.

Consultant shall carry automobile liability insurance of \$1,000,000 per accident against all claims for injuries against persons or damages to property arising out of the use of any automobile by Consultant, its officers, any person directly or indirectly employed by Consultant, any subcontractor or agent, or anyone for whose acts any of them may be liable, arising directly or indirectly out of or related to Consultant's performance under this Agreement. If Consultant or Consultant's employees will use personal autos in any way on this project, Consultant shall provide evidence of personal auto liability coverage for each such person. The term "automobile" includes, but is not limited to, a land motor vehicle, trailer or semi-trailer designed for travel on public roads. The automobile insurance policy shall contain a severability of interest clause providing that coverage shall be primary for losses arising out of Consultant's performance hereunder and neither City nor its insurers shall be required to contribute to such loss.

Professional Liability or Errors and Omissions Insurance as appropriate shall be written on a policy form coverage specifically designed to protect against acts, errors or omissions of the consultant and "Covered Professional Services" as designated in the policy must specifically include work performed under this agreement. The policy limit shall be no less than \$1,000,000 per claim and in the aggregate. The policy must "pay on behalf of" the insured and must include a provision establishing the insurer's duty to defend. The policy retroactive date shall be on or before the effective date of this agreement.

Consultant shall carry Workers' Compensation Insurance in accordance with State Worker's Compensation laws with employer's liability limits no less than \$1,000,000 per accident or disease.

Consultant shall provide written notice to City within ten (10) working days if: (1) any of the required insurance policies is terminated; (2) the limits of any of the required policies are reduced; or (3) the deductible or self-insured retention is increased. In the event any of said policies of insurance are cancelled, Consultant shall, prior to the cancellation date, submit new evidence of insurance in conformance with this Exhibit to the Contract Officer. The procuring of such insurance or the delivery of policies or certificates evidencing the same shall not be construed as a limitation of Consultant's obligation to indemnify City, its officers, employees, contractors, subcontractors, or agents.

E.2 Remedies. In addition to any other remedies City may have if Consultant fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, City may, at its sole option:

- a. Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under this Agreement.
- b. Order Consultant to stop work under this Agreement and/or withhold any payment(s) which become due to Consultant hereunder until Consultant demonstrates compliance with the requirements hereof.
- c. Terminate this Agreement.

Exercise of any of the above remedies, however, is an alternative to any other remedies City may have. The above remedies are not the exclusive remedies for Consultant's failure to maintain or secure appropriate policies or endorsements. Nothing herein contained shall be construed as limiting in any way the extent to which Consultant may be held responsible for payments of damages to persons or property resulting from Consultant's or its subcontractors' performance of work under this Agreement.

E.3 General Conditions Pertaining to Provisions of Insurance Coverage by Consultant. Consultant and City agree to the following with respect to insurance provided by Consultant:

1. Consultant agrees to have its insurer endorse the third party general liability coverage required herein to include as additional insureds City, its officials; employees, and agents, using standard ISO endorsement No. CG 2010 with an edition prior to 1992. Consultant also agrees to require all contractors, and subcontractors to do likewise.

2. No liability insurance coverage provided to comply with this Agreement shall prohibit Consultant, or Consultant's employees, or agents, from waiving the right of subrogation prior to a loss. Consultant agrees to waive subrogation rights against City regardless of the applicability of any insurance proceeds, and to require all contractors and subcontractors to do likewise.

3. All insurance coverage and limits provided by Consultant and available or applicable to this Agreement are intended to apply to the full extent of the policies. Nothing contained in this Agreement or any other agreement relating to City or its operations limits the application of such insurance coverage.

4. None of the coverages required herein will be in compliance with these requirements if they include any limiting endorsement of any kind that has not been first submitted to City and approved of in writing.

5. No liability policy shall contain any provision or definition that would serve to eliminate so-called "third party action over" claims, including any exclusion for bodily injury to an employee of the insured or of any contractor or subcontractor.

6. All coverage types and limits required are subject to approval, modification and additional requirements by the City, as the need arises. Consultant shall not make any reductions in scope of coverage (e.g. elimination of contractual liability or reduction of discovery period) that may affect City's protection without City's prior written consent.

7. Proof of compliance with these insurance requirements, consisting of certificates of insurance evidencing all of the coverages required and an additional insured endorsement to Consultant's general liability policy, shall be delivered to City at or prior to the execution of this Agreement. In the event such proof of any insurance is not delivered as required, or in the event such insurance is canceled at any time and no replacement coverage is provided, City has the right, but not the duty, to obtain any insurance it deems necessary to protect its interests under this or any other agreement and to pay the premium. Any premium so paid by City shall be charged to and promptly paid by Consultant or deducted from sums due Consultant, at City option.

8. It is acknowledged by the parties of this agreement that all insurance coverage required to be provided by Consultant or any subcontractor, is intended to apply first and on a primary, non-contributing basis in relation to any other insurance or self-insurance available to City.

9. Consultant agrees to ensure that subcontractors, and any other party involved with the project that is brought onto or involved in the project by Consultant, provide the same minimum insurance coverage required of Consultant. Consultant agrees to monitor and review all such coverage and assumes all responsibility for ensuring that such coverage is provided in conformity with the requirements of this section. Consultant agrees that upon request, all agreements with subcontractors and others engaged in the project will be submitted to City for review.

10. Consultant agrees not to self-insure or to use any self-insured retentions or deductibles on any portion of the insurance required herein (with the exception of professional liability coverage, if required) and further agrees that it will not allow any contractor, subcontractor, Architect, Engineer or other entity or person in any way involved in the performance of work on the project contemplated by this agreement to self-insure its obligations to City. If Consultant's existing coverage includes a deductible or self-insured retention, the deductible or self-insured retention must be declared to the City. At that time the City shall review options with the Consultant, which may include reduction or elimination of the deductible or self-insured retention, substitution of other coverage, or other solutions.

11. The City reserves the right at any time during the term of this Agreement to change the amounts and types of insurance required by giving the Consultant ninety (90) days advance written notice of such change. If such change results in substantial additional cost to the Consultant, the City will negotiate additional compensation proportional to the increased benefit to City.

12. For purposes of applying insurance coverage only, this Agreement will be deemed to have been executed immediately upon any party hereto taking any steps that can be deemed to be in furtherance of or towards performance of this Agreement.

13. Consultant acknowledges and agrees that any actual or alleged failure on the part of City to inform Consultant of non-compliance with any insurance requirement in no way imposes any additional obligations on City nor does it waive any rights hereunder in this or any other regard.

14. Consultant will renew the required coverage annually as long as City, or its employees or agents face an exposure from operations of any type pursuant to this agreement. This obligation applies whether or not the agreement is canceled or terminated for any reason. Termination of this obligation is not effective until City executes a written statement to that effect.

15. Consultant shall provide proof that policies of insurance required herein expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Proof that such coverage has been ordered shall be submitted prior to expiration. A coverage binder or letter from Consultant's insurance agent to this effect is acceptable. A certificate of insurance and/or additional insured endorsement as required in these specifications applicable to the renewing or new coverage must be provided to City within five (5) days of the expiration of coverages.

16. The provisions of any workers' compensation or similar act will not limit the obligations of Consultant under this agreement. Consultant expressly agrees not to use any statutory immunity defenses under such laws with respect to City, its employees, officials, and agents.

17. Requirements of specific coverage features or limits contained in this section are not intended as limitations on coverage, limits or other requirements nor as a waiver of any coverage normally provided by any given policy. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue, and is not intended by any party or insured to be limiting or all-inclusive.

18. These insurance requirements are intended to be separate and distinct from any other provision in this Agreement and are intended by the parties here to be interpreted as such.

19. The requirements in this Exhibit supersede all other sections and provisions of this Agreement to the extent that any other section or provision conflicts with or impairs the provisions of this Exhibit.

20. Consultant agrees to be responsible for ensuring that no contract used by any party involved in any way with the project reserves the right to charge City or Consultant for the cost of additional insurance coverage required by this agreement. Any such provisions are to be deleted with reference to City. It is not the intent of City to reimburse any third party for the cost of complying with these requirements. There shall be no recourse against City for payment of premiums or other amounts with respect thereto.

21. Consultant agrees to provide immediate notice to City of any claim or loss against Consultant arising out of the work performed under this agreement. City assumes no obligation or liability

by such notice, but has the right (but not the duty) to monitor the handling of any such claim or claims if they are likely to involve City.

Exhibit F
Indemnification

F.1 General Indemnification Provision.

a. Indemnification for Professional Liability. When the law establishes a professional standard of care for Consultant's Services, to the fullest extent permitted by law, Consultant shall indemnify, protect, defend (with counsel selected by City), and hold harmless City and any and all of its officials, employees, and agents ("Indemnified Parties") from and against any and all claims, losses, liabilities of every kind, nature, and description, damages, injury (including, without limitation, injury to or death of an employee of Consultant or of any subcontractor), costs and expenses of any kind, whether actual, alleged or threatened, including, without limitation, incidental and consequential damages, court costs, attorneys' fees, litigation expenses, and fees of expert consultants or expert witnesses incurred in connection therewith and costs of investigation, to the extent same are cause in whole or in part by any negligent or wrongful act, error or omission of Consultant, its officers, agents, employees or subcontractors (or any entity or individual that Consultant shall bear the legal liability thereof) in the performance of professional services under this agreement. With respect to the design of public improvements, the Consultant shall not be liable for any injuries or property damage resulting from the reuse of the design at a location other than that specified in Exhibit A without the written consent of the Consultant.

b. Indemnification for Other Than Professional Liability. Other than in the performance of professional services and to the full extent permitted by law, Consultant shall indemnify, defend (with counsel selected by City), and hold harmless the Indemnified Parties from and against any liability (including liability for claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, without limitation, incidental and consequential damages, court costs, attorneys' fees, litigation expenses, and fees of expert consultants or expert witnesses) incurred in connection therewith and costs of investigation, where the same arise out of, are a consequence of, or are in any way attributable to, in whole or in part, the performance of this Agreement by Consultant or by any individual or entity for which Consultant is legally liable, including but not limited to officers, agents, employees, or subcontractors of Consultant.

F.2 Standard Indemnification Provisions. Consultant agrees to obtain executed indemnity agreements with provisions identical to those set forth herein this section from each and every subcontractor or any other person or entity involved by, for, with or on behalf of Consultant in the performance of this Agreement. In the event Consultant fails to obtain such indemnity obligations from others as required herein, Consultant agrees to be fully responsible according to the terms of this Exhibit. Failure of City to monitor compliance with these requirements imposes no additional obligations on City and will in no way act as a waiver of any rights hereunder. This obligation to indemnify and defend City as set forth herein is binding on the successors, assigns or heirs of Consultant and shall survive the termination of this agreement or this section.

a. Indemnity Provisions for Contracts Related to Construction. Without affecting the rights of City under any provision of this agreement, Consultant shall not be required to indemnify and hold harmless City for liability attributable to the active negligence of City, provided such active negligence is determined by agreement between the parties or by the findings of a court of competent jurisdiction. In

instances where City is shown to have been actively negligent and where City's active negligence accounts for only a percentage of the liability involved, the obligation of Consultant will be for that entire portion or percentage of liability not attributable to the active negligence of City.

b. Indemnification Provision for Design Professionals.

1. Applicability of Section F.2(b). Notwithstanding Section F.2(a) hereinabove, the following indemnification provision shall apply to Consultants who constitute "design professionals" as the term is defined in paragraph 3 below.

2. Scope of Indemnification. To the fullest extent permitted by law, Consultant shall indemnify, defend (with counsel selected by City), and hold harmless the Indemnified Parties from and against any and all claims, losses, liabilities of every kind, nature and description, damages, injury (including, without limitation, injury to or death of an employee of Consultant or of any subcontractor), costs and expenses of any kind, whether actual, alleged or threatened, including, without limitation, court costs, attorneys' fees, litigation expenses, and fees of expert consultants or expert witnesses incurred in connection therewith and costs of investigation, that arise out of, pertain to, or relate to, directly or indirectly, in whole or in part, the negligence, recklessness, or willful misconduct of Consultant, any subcontractor, anyone directly or indirectly employed by them or anyone that they control.

3. Design Professional Defined. As used in this Section F.2(b), the term "design professional" shall be limited to licensed architects, registered professional engineers, licensed professional land surveyors and landscape architects, all as defined under current law, and as may be amended from time to time by Civil Code § 2782.8.

City of La Quinta

CITY COUNCIL MEETING: November 15, 2016

STAFF REPORT

AGENDA TITLE: INTRODUCE ORDINANCE NO. 551 AT FIRST READING TO AMEND TITLE 8 OF THE LA QUINTA MUNICIPAL CODE AND ADOPT THE 2016 CALIFORNIA BUILDING STANDARDS CODE WITH LOCAL AMENDMENTS

RECOMMENDATION

- Move to take up Ordinance No. 551 by title and number only and waive further reading.
- Move to introduce at first reading, Ordinance No. 551 revising Municipal Code Title 8 relating to the adoption of the 2016 California Building Standards Code with local amendments.

EXECUTIVE SUMMARY

- The California Building Standards Commission (Commission) recently adopted the 2016 California Building Standards Code (Code).
- Coinciding with the Commission's triennial adoption schedule, the City has adopted ordinances (about every three years) to implement these building code updates.
- The attached Ordinance enacts these updates, eliminates redundant text and reformats text to improve readability.

FISCAL IMPACT – None.

BACKGROUND/ANALYSIS

The California Building Standards Commission (Commission) recently adopted the 2016 Code, which automatically applies to all building permit applications on or after January 1, 2017. Coinciding with the Commission's triennial adoption schedule, the City has adopted similar ordinances about every three years. This provides a regular opportunity to review and modify portions of the Municipal Code for consistency and clarity.

The most significant change is the requirement for fire sprinklers in non-residential buildings that are 3,600 square feet or larger in size. The current Code imposes this requirement on buildings 5,000 square feet or greater.

Other changes are typographical corrections, textual coordination, and cleanup of La Quinta Municipal Code section numbering. A summary of the recommended amendments is attached (Attachment 1).

If approved, this Ordinance will adopt the State-mandated Code with the City's local amendments. Local amendments encompass the following:

- reduce size of non-sprinklered buildings;
- require fire retardant roofing;
- limit use of aluminum wiring in electrical installations; undergrounding electrical service installations.

ALTERNATIVES

If no action is taken the 2016 Code will take effect on January 1, 2017, which would conflict with State law. Therefore, staff does not recommend an alternative.

Prepared by: Burt Hanada, Building Official

Approved by: Tim Jonasson, Design and Development Director

Attachments: 1. A summary of the proposed local amendments

ORDINANCE NO. 551

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, AMENDING TITLE 8 OF THE LA QUINTA MUNICIPAL CODE BY ADOPTING BY REFERENCE THE 2016 CALIFORNIA BUILDING STANDARDS CODE AND CERTAIN SPECIFIED APPENDICES THEREOF, INCLUDING THE 2016 CALIFORNIA ADMINISTRATIVE CODE; 2016 CALIFORNIA BUILDING CODE; 2016 CALIFORNIA RESIDENTIAL CODE; 2016 CALIFORNIA ELECTRICAL CODE; 2016 MECHANICAL CODE; 2016 CALIFORNIA PLUMBING CODE; 2016 CALIFORNIA ENERGY CODE; 2016 CALIFORNIA HISTORICAL BUILDING CODE; 2016 CALIFORNIA FIRE CODE; 2016 CALIFORNIA EXISTING BUILDING CODE; 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE; AND 2016 CALIFORNIA REFERENCED STANDARDS CODE, AND MAKING FINDINGS OF LOCAL CONDITIONS WITHIN THE CITY OF LA QUINTA WHICH MAKE CERTAIN AMENDMENTS TO THE CALIFORNIA BUILDINGS STANDARDS CODE REASONABLY NECESSARY.

WHEREAS, California Health & Safety Code Section 17958 and 18941.5 mandates that the City of La Quinta adopt ordinances or regulations imposing the requirements of certain uniform industry codes adopted by the State pursuant to Health & Safety Code Section 17922; and

WHEREAS, the State of California has adopted the 2016 editions of the California Administrative Code, California Building Code, the California Residential Code, the California Electrical Code, the California Mechanical Code, the California Plumbing Code, the California Energy Code, the California Historical Building Code, the California Fire Code, the California Existing Building Code, the California Green Building Standards Code, and the California Referenced Standards Code, known collectively as the California Building Standards Code, and comprising Title 24 of the California Code of Regulations; and

WHEREAS, the California Building Standards Code establishes minimum standards to regulate the construction of buildings throughout the State; and

WHEREAS, California Health & Safety Code Section 17958.5 permits the City of La Quinta to make such changes and modifications to the California Building Standards Code as are reasonably necessary because of local conditions; and

WHEREAS, the Building Official, the Design and Development Director, and the Riverside County Fire Marshal have recommended that changes and modifications be made to the California Building Standards Code and have advised that certain of said changes are reasonably necessary due to local conditions in the City of La Quinta and

have further advised that the remainder of said changes and modifications are of an administrative or procedural nature, or concern themselves with subjects not covered by the California Building Standards Code or are reasonably necessary to safeguard life and property within the City of La Quinta.

NOW, THEREFORE, the City Council of the City of La Quinta finds and determines, pursuant to the requirements of Health & Safety Code Section 17958.7 and 18941.5, that there is a need to adopt the changes or modifications to the California Building Standards Code because of local climatic, topographical, and geological conditions, and does ordain as follows:

SECTION 1. Changes and modifications to the California Building Standards Code adopted by the City of La Quinta, as recommended by the Building Official, the Design and Development Director, and the Riverside County Fire Marshal are hereby found to be reasonably necessary due to the following general findings of local conditions:

I. Climatic Conditions:

- A. La Quinta has an arid desert climate with rainfall averaging just over three inches annually, reducing the moisture content of combustible materials. Frequent periods of drought and low humidity contribute to the probability of a year-round fire season.
- B. For nearly four months each year, average daily high temperatures in La Quinta reach 100 degrees or higher, reducing the amount of added heat required to bring combustible materials to their ignition point.
- C. La Quinta is subject to hot, dry winds that further dry combustible materials, adding to the intensity of fires and their potential to spread rapidly. During the summer months the dry winds and existing vegetation mix to create a hazardous fuel condition which has resulted in large loss in vegetation and structure fires. Severe “Santa Ana” winds frequently occur and can move a fire quickly throughout areas of the City. Multiple shifting wind patterns throughout the canyon areas add to the difficulty in suppressing fires.
- D. High winds cause failures of electrical supply and telephone communication, reducing the reliability of water supply pumps and timely emergency notification.
- E. Because of weather patterns, water is a scarce commodity in desert environments, and La Quinta and its neighboring areas draw more water from the underground aquifer than is replenished naturally. As a result, the area is dependent upon imported water to reduce the effects of overdrafting from the aquifer. Limited storage capacities, high consumption, and droughts reduce the dependability of future water allocations. Scarcity of water necessitates reducing the need for large volumes of water for firefighting efforts by early suppression through the installation of fire sprinklers in buildings that would otherwise be exempt from sprinkler requirements.

- F. Under desert conditions, aluminum wiring is more likely than copper to fail mechanically. Aluminum is more reactive than copper to ambient temperature changes as well normal heating produced from the flow of electricity. It expands and contracts when subjected to heating and cooling, respectively, more so than does copper. Compared to copper, its lower electrical conductivity generates more heat. Aluminum is also more brittle than copper and is more likely to break or crimp. Arcing can occur if a wire breaks or crimps, causing very high temperatures inside concealed building spaces. Aluminum is more likely to corrode (i.e., oxidize) than copper. When excessive corrosion occurs it increases the resistance in the circuit and causes overheating. All of these mechanisms of failure increase the risks of fire associated with the use of aluminum wire.

II. Topographical Conditions:

- A. La Quinta is separated from Los Angeles to the west and Phoenix to the east by mountainous terrain, isolating it from media broadcasts of news and emergency information originating from major metropolitan areas.
- B. Much of La Quinta, particularly the southern portion, is situated in alluvial fans, surrounded by mountains, isolating it from media broadcasts of news and emergency information originating from within the Coachella Valley.
- C. Major roadways, highways, and flood control channels create barriers that increase Fire Department response times. Undulating terrain incorporated into large country clubs also increases these response times.
- D. Streets designed for limited residential traffic and streets designed as storm drains impede emergency vehicle access and evacuation routes.

III. Geological Conditions:

- A. La Quinta is situated in near several significant sources capable of producing moderate to large earthquakes, including the San Andreas, Garnet Hill, Banning, Eureka Peak, Burnt Mountain, Pinto Mountain, San Gorgonio Pass, and San Jacinto Faults.
- B. Faults near La Quinta are capable of producing earthquakes of Magnitude 7.8 or greater, accompanied by intense shaking, liquefaction, and permanent ground displacement, increasing the risk of property damage, or personal injury or death, caused by the failure of structures, necessitating the permitting and inspection of structures that would otherwise be exempt from permit requirements.
- C. Seismic activity within the area occurs yearly. As a result, existing structures and planned new development are subject to serious risks, including fire and collapse, disruption of the water supply for firefighting purposes, and isolation from emergency response as a result of bridge, overpass, and road damage and debris.

- D. Severe ground shaking during a seismic event increases the probability that above-ground structures will fail. The inherent danger to the public is increased when power lines are installed above ground because of the danger from falling or fallen power poles and the possibility of contacting live power lines.

IV. Other Conditions:

- A. Additional amendments are found to be either administrative or procedural in nature or concern themselves with subjects not covered in the California Building Standards Code. These changes include provisions making the California Building Standards Code compatible with other codes enforced by the City.

SECTION 2. As recommended by the Building Official, Design and Development Director, and the Riverside County Fire Marshal, the following local amendments to the 2016 California Building Standards Code are hereby found to be reasonably necessary as identified in the table below and referenced to the express findings noted in Section 1, above.

Local Code Amendments and Express Findings of Necessity		
Code Legend:		
CBC = California Building Code; CRC = California Residential Code; CEC = California Electrical Code; CFC = California Fire Code; LQMC = La Quinta Municipal Code		
Code	Amended Section	Express Finding
LQMC	8.01.010	IV.A
LQMC	8.01.020	IV.A
LQMC	8.01.030	IV.A
CBC	105.2	III.A, III.B, IV.A
CBC	903.2	I.A, I.B, I.C, II.D
CBC	1505.1.5	I.A, I.B, I.C, II.D
CBC	3109.4.4.3.1	IV.A
CEC	120	III.D
CEC	310.10	I.F

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CEC	820.1.1	II.A, II.B
CEC	841.1	II.A, II.B
CFC	101.4	IV.A
CFC	102.5	I.A,B,C, II.C,D, III.C,D
CFC	103.4 and 103.4.1	IV.A
CFC	104.1.1	IV.A
CFC	104.12	IV.A
CFC	108.1	IV.A,
CFC	109.4	IV.A
CFC	113.2	IV.A
CFC	113.6	IV.A
CFC	202	IV.A
CFC	503.2.1	IV.A
CFC	503.2.2	IV.A
CFC	503.6.1	IV.A
CFC	503.7	IV.A
CFC	507.5.7	IA.B,C, III.B,C
CFC	507.5.8	IA.B,C, II.C,D, III.B,C
CFC	508.1, 508.1.1, 508.1.3, 508.1.6, 508.1.8	I.A,B,C, II.C,D, III.A,B,C
CFC	509.2.1	I.B,C, III.B,C,D
CFC	606.10.1.2	II.C,D, III.A,B,C
CFC	903.2	I.A-E, II.A-D, III.A-D
CFC	903.3.5.3	I.A-E, II.A-D
CFC	3204.2.1	I,A-E, II.A-D, III.A-D

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CFC	4904.3	IV.A
CFC	Appendix Chapter B	I.A-D, II.A-D, III.A-D
CFC	Appendix Chapter C	I.A-D, II.A-D, III.A-D

SECTION 3. A copy of this Ordinance adopting the 2016 California Administrative Code, the 2016 California Building Code, the 2016 California Residential Code, the 2016 California Electrical Code, the 2016 California Mechanical Code, the 2016 California Plumbing Code, the 2016 California Energy Code, the 2016 California Historical Building Code, the 2016 California Fire Code, the 2016 California Existing Building Code, the 2016 California Green Building Standards Code, and the 2016 California Referenced Standards Code, along with the findings, amendments, additions, and deletions, shall be filed with the California Building Standards Commission at 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833 by the City Clerk of the City of La Quinta.

SECTION 4. ADOPTION OF BUILDING AND CONSTRUCTION REGULATIONS. There is hereby adopted an amendment, attached hereto as Exhibit A, to Title 8 of the La Quinta Municipal Code, entitled “Buildings and Construction,” which is incorporated as fully as if set out in full herein, for the purpose of prescribing regulations governing conditions related to building and construction and activities including those certain documents specifically described in said Exhibit A, save and except certain specified portions which are hereinafter deleted, modified, or amended within various Chapters of said Title 8, of which documents being adopted by reference copies are on file with the Building Official and the same are also hereby adopted and incorporated as fully as if set out at length herein.

SECTION 5. VALIDITY. If any section, subsection, clause, or phrase of this Ordinance, or of any code adopted thereby is, for any reason, held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance or of any code adopted thereby. The City Council hereby declares that it would have passed this Ordinance and each section or subsection, sentence, clause, and phrase thereof, and each code adopted thereby irrespective of the clauses or phrases being declared invalid.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 7. POSTING. The City Clerk shall, within 15 days after passage of this Ordinance, cause it to be posted in at least three public places designated by resolution of the City Council, shall certify to the adoption and posting of this Ordinance, and shall cause this Ordinance and its certification, together with proof of posting to be entered into the Book of Ordinances of the City of La Quinta.

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PASSED, APPROVED and ADOPTED, at a regular meeting of the La Quinta City Council held this 15th day of November, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

LINDA EVANS, Mayor
City of La Quinta, California

ATTEST:

SUSAN MAYSELS, City Clerk
City of La Quinta, California

(CITY SEAL)

APPROVED AS TO FORM:

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

EXHIBIT “A”

Note: In this Exhibit, Code text is differentiated as follows:
Existing language to remain unchanged is displayed in standard font.
Existing language to be deleted is displayed in ~~strikethrough font~~.
New or revised language is displayed in underlined, italic font.

Title 8 of the La Quinta Municipal Code, entitled “Buildings and Construction,” shall be amended as follows:

1. Section 8.01.010, entitled “Adoption of the California Administrative Code,” shall be amended to read as follows:

Certain documents marked and designated as the “~~2013~~ 2016 California Administrative Code,” published by the California Building Standards Commission, are adopted for establishing administrative, organizational and enforcement rules and regulations for technical codes which regulate site preparation and construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment.

Each and all of the regulations, provisions, conditions and terms therein, on file with the building official, are referenced and made a part hereof as if fully set out in this chapter, except as otherwise provided in this chapter.

2. Section 8.02.010, entitled “Adoption of the California Building Code” shall be amended to read as follows:

Certain documents marked and designated as the “~~2013~~ 2016 California Building Code” Volumes 1 and 2, including Appendix Chapter C (Group U—Agricultural Buildings), Appendix Chapter F (Rodentproofing), Appendix Chapter H (Signs), Appendix Chapter I (Patio Covers), and Appendix Chapter J (Grading) published by the California Building Standards Commission are adopted for regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Each and all of the regulations, provisions, conditions and terms therein, on file with the building official, are referenced and made a part hereof as if fully set out in this chapter, except as otherwise provided in this chapter.

3. Section 8.02.020, entitled “Work exempt from permit.” The body text shall be amended to read as follows:

Subsection 105.2 of Section 105 of the California Building Code is amended by deleting the subheading “Building” and its listed items 1 through 13 and replacing them with the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 120 square feet (11 m²).
2. Fences and non-retaining masonry walls not over 3 feet (914 mm) in height measured from finished grade. ~~not over 7 feet (2134 mm) high.~~
3. Oil derricks.
4. Retaining walls that are not over 2 feet (609 mm) ~~4 feet (1219 mm)~~ in height measured from finished grade to the top of the wall ~~the bottom of the footing~~, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18,925 L) and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18,925 L), and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.

13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1,753 mm) in height.

All such structures must comply with the setback and height requirements of the La Quinta Municipal Code, as applicable. Unless otherwise exempted, separate plumbing, electrical, and mechanical permits are required for the above-exempted items.

4. Section 8.02.030, entitled “Automatic fire-extinguishing systems,” shall be amended to read as follows:

Section 903.2 of the 2016 California Building Code is amended to read as follows:

Where Required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12. Those requirements notwithstanding, an approved automatic sprinkler system shall be installed throughout any new building or structure where the fire area is 3,600 square feet or greater.

5. Section 8.02.040, entitled “Fire-retardant roofing materials required” shall be amended to read as follows:

Section 1505.1.5 of the 2016 California Building Code is added to read as follows:

1505.1.5 Roof coverings within the City of La Quinta. With the exception of patio covers and similar structures, as determined by the building official, roof covering shall be of a Class A rating and shall otherwise comply with the 2013 California Building Code.

Exception: At the discretion of the building official, a waiver may be granted when all of the following conditions exist:

1. The scope of work is an addition or roof repair, and;
2. The newly roofed area consists of less than 25 percent of the existing roof area, and;
3. The existing combustible roof was constructed not more than 25 years prior to currently proposed work.

6. Section 8.02.050, entitled “Swimming pool, spa, and hot tub regulations” is added to read as follows:

Section 3109.4.4.3.1 of the 2016 California Building Code is added to read as follows:

3109.4.4.3.1 Additional pool barrier requirements. The following fencing requirements shall apply to private swimming pools located on individual residential lots:

1. Every person who owns or who is in possession of land upon which a swimming pool is located shall construct and maintain in good condition, completely surrounding such parcel of land or the swimming pool itself, an enclosure not less than five feet in height, consisting of a fence, wall, buildings, or a combination thereof.

Exception: Within a walled, gated community, when the swimming pool is located in a rear or side yard that abuts a golf course or other common open space, a wall or fence shall not be required to separate said rear or side yard from said golf course or other common open space.

2. The enclosure shall be constructed of substantial material, as allowed elsewhere in the La Quinta Municipal Code, and shall have all of the following characteristics:

a. Any access gates through the enclosure are self-closing with a self-latching device placed no lower than 60 inches (1524 mm) above the ground.

b. A minimum height of 60 inches (1524 mm).

c. A maximum vertical clearance from the ground to the bottom of the enclosure of 2 inches (51 mm).

d. Gaps or voids, if any, do not allow passage of a sphere equal to or greater than 4 inches (102 mm) in diameter.

e. An outside surface free of protrusions, cavities or other physical characteristics that would serve as handholds or footholds that could enable a child below the age of five years to climb over.

7. Section 8.03.010, entitled “Adoption of the California Electrical Code” shall be amended to read as follows:

Certain documents marked and designated as the “~~2013~~ 2016 California Electrical Code,” published by the California Building Standards Commission, are adopted for safeguarding persons and property from hazards arising from the use of electricity

Each and all of the regulations, provisions, conditions and terms therein, on file with the building official, are referenced and made a part hereof as if fully set out in this chapter, except as otherwise provided in this chapter.

8. Section 8.03.020, “Underground wiring required.” The body text shall be amended to read as follows:

Article 120 of the 2016 California Electrical Code is added to read as follows:

ARTICLE 120
Underground Wiring Required

120.1 Scope. This article covers the general requirements for restricting the installation of above-ground electrical and other utility components in new construction, and phasing out their use in existing installations.

120.2 Definitions. See Article 100. For the purposes of this article, the following additional definitions apply.

Community Antenna Television System (or CATV). A system of antennas, coaxial cables, wires, wave guides, or other conductors, equipment, or facilities designed, constructed, or used for the purpose of providing television or FM radio service by cable or through its facilities.

Cost of Replacing. Those costs as computed by the Building Official or his or her designee. In making said computation, said City Official shall use those tables and figures provided in that publication entitled “Building Standards,” as published by International Code Council, Whittier, California, and which is current at the time of such computations. Said tables and figures shall apply to a building which would conform to all City and State Regulations, including the City’s Building, Plumbing, Wiring, Mechanical, Fire Codes and Zoning Regulations, which are effective at the time of the computation.

Poles, Wires, and Associated Structures. Poles, towers, supports, wires, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments, and appurtenances used in whole or in part for supplying, distributing or transmitting electric energy, radio signals, television signals, telegraphic signals, CATV services, or any similar associated services to a building or structure and the occupants thereof, if any. Also referred to collectively in this article as “utility facilities.”

Utility. All persons or entities supplying, transmitting, or distributing electrical energy and service, radio signals, television signals, telegraphic signals, and providing telephone, electrical, light, radio, television, telegraphic, and CATV services or any similar associated services by means of poles, wires, and associated structures.

120.3 Prohibition. Except as provided in Article 120.4, no person shall construct, install, or place above the surface of the ground any poles, wires, and associated structures, regardless of the use or proposed use of the structure or building to be served thereby.

120.4 Exceptions. *The provisions of this article shall not apply to the following poles, wires, and associated structures under the circumstances described herein:*

(A) Termination Point for Overhead Utility Facilities. *Utility facilities constructed, placed, or installed (referred to herein collectively as “constructed”), or proposed to be constructed within six feet of the lot line of any real property for which service is being or intended to be provided by said utility facilities, if the sole purpose of the construction of utility facilities is to terminate overhead utility facilities. Such utility facilities may be placed at a distance further than six feet from said lot line to enable a maximum underground run of two hundred feet.*

(B) Ground-mounted Equipment. *Ground-mounted transformers, pedestal-mounted terminal boxes, meter cabinets, concealed ducts, and other appurtenances and associated equipment, which are part of and necessary for the operation of an underground electrical, communication, CATV, radio, or telegraphic system.*

(C) Temporary Facilities. *Utility facilities installed by a utility for temporary purposes, including, but not limited to, servicing building construction projects for which valid building permits have been issued by the City, and which uses are being or proposed to be conducted in compliance with all requirements of this code, the remainder of the California Building Standards Code, and the La Quinta Municipal Code.*

(D) High Voltage Installations. *Utility facilities distributing, supplying, and transmitting electrical energy at 34,000 Volts or greater.*

120.5 Initial Obligation. *The owner, lessee, tenant, or occupant of a building or structure or the owner of property proposed to be developed by a building or structure has the initial obligation to comply with all the requirements of this article, and in performance of said obligation shall make the necessary arrangements with the appropriate utility for the installation and construction of utility facilities so that they will be in compliance with the provisions of this article. This section is not intended to eliminate or limit the obligation of any person, including a utility, to comply at all times with all provisions of this article, but expresses the intent of the La Quinta City Council as to who has the primary obligation of compliance.*

120.6 Waiver. *If any person believes that the application of any provision of this article is impractical and will cause practical difficulties and unnecessary hardship to him or her or the public in general due to certain topographical conditions, street configurations, underground obstacle, soil, water or other natural conditions which would make the underground installation of utility facilities unreasonable, said person may apply in writing to the Community Development Department for a waiver of such provision of this article. Said application shall be filed with the Community Development Department and the*

City Council shall consider said application no later than thirty (30) days thereafter, at which time it shall hear the Applicant’s evidence in support of the application, the comments and recommendations of the City’s employees and officials thereon. It may hear other parties. The City Council may grant a waiver from all or any provisions of this article after considering a specific application therefor and after making a finding that the application of the specific provision in question would be unreasonable, impractical and cause undue hardship to the Applicant or the general public. If the City Council does grant a waiver, it may impose reasonable conditions on said grant in the interest of protecting and preserving the public health, safety and general welfare. The City Council shall make its decision on the application no later than thirty (30) days after it has concluded its consideration thereof. The decision of the City Council shall be final.

120.7 Nonconformance: Continuance and Termination.

(A) Nonconformance. Any legally established utility facility not in conformity with the provision of this article as of the effective date of this ordinance shall be considered nonconforming.

(B) Nonconforming Utility Facilities Not Relocated. Any nonconforming utility facility may continue to be used and may be renewed, altered, enlarged, or have additions thereto in its existing location without any provisions of this article being applicable thereto. However, when any building or structure to which any nonconforming utility facility provides any service is enlarged or an addition is made thereto where the cost of replacing said building or structure including its addition or enlargement exceeds by 50 percent the cost of replacing said building or structure prior to its enlargement or the addition thereto, all utility facilities that provide service to such building or structure, as described in the aforesaid clause, shall be caused to comply with all provisions of this article.

(C) Nonconforming Utility Facilities Relocated. Whenever an existing service is relocated on nonconforming property, or a new service is established on nonconforming property, any such relocated or new service shall be caused to comply with all the provisions of this article.

9. Section 8.03.030, “Copper wire required.” The existing body text shall remain unchanged.

Section 310.10 of the California Electrical Code is amended to read as follows:

310.10 Uses Permitted.

The conductors described in 310.104 shall be permitted for use in any of the wiring methods covered in Chapter 3 and as specified in their respective tables or as permitted elsewhere in this Code. However, aluminum conductors shall only be

permitted for use to feed main electrical panels or sub-panels. Such aluminum conductors shall not be smaller than size 1/0 AWG.

(Note: The Informational Note for Section 310.10 and all text in Sections 310.10(A) through 310.10(H) shall remain unchanged.)

10. Section 8.03.040, entitled “Minimum size of conductor” shall be retitled “Telephone jacks and television cable outlets.” The body text shall be amended to read as follows:

A. Section 820.1.1 of the 2013 California Electrical Code, entitled “Television Cabling Required,” is added to read as follows:

820.1.1 Television Cabling Required.

(A) General Requirement. All newly constructed residences shall be pre-wired for cable television. For the purposes of this section, “pre-wired” shall mean the installation of wires within a structure at the time of construction in such a manner as to be rendered inaccessible by the structure or finish of the building except at required outlets.

(B) Required Outlet Locations. Television cable outlets shall be provided in all habitable rooms in a dwelling unit except kitchens and dining areas.

B. Section 841.1 of the 2013 California Electrical Code, entitled “Telephone Cabling Required,” is added to read as follows:

841.1 Telephone Cabling Required.

(A) General Requirement. All newly constructed residences shall be pre-wired for telephone. For the purposes of this section, “pre-wired” shall mean the installation of wires within a structure at the time of construction in such a manner as to be rendered inaccessible by the structure or finish of the building except at required outlets.

(B) Required Outlet Locations. Telephone outlets shall be provided in all habitable rooms in a dwelling unit except dining areas that are immediately adjacent to a kitchen or living room.

11. Section 8.04.010, entitled “Adoption of the California Plumbing Code” shall be amended to read as follows:

Certain documents marked and designated as the “~~2013~~ 2016 California Plumbing Code,” including all appendices, published by the California Building Standards Commission, are adopted for regulating the erection, installation, alteration, addition, repair, relocation, replacement, maintenance, or use of any plumbing system.

Each and all of the regulations, provisions, conditions and terms therein, on file with the building official, are referenced and made a part hereof as if fully set out in this chapter, except as otherwise provided in this chapter.

12. Section 8.05.010, entitled “Adoption of the California Mechanical Code” shall be amended to read as follows:

Certain documents marked and designated as the “~~2013~~ 2016 California Mechanical Code” including all appendices, published by the California Building Standards Commission, are adopted for regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance or use of heating, ventilating, cooling, refrigeration systems, incinerators, and other miscellaneous heat-producing appliances.

Each and all of the regulations, provisions, conditions and terms therein, on file with the building official, are referenced and made a part hereof as if fully set out in this chapter, except as otherwise provided in this chapter.

13. Section 8.06.010, entitled “Adoption of the California Residential Code.” The body text shall be amended to read as follows:

Certain documents marked and designated as the “~~2013~~ 2016 California Residential Code,” including Appendix H (Patio Covers), published by the California Building Standards Commission are adopted for regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every detached one- and two-family dwelling, townhouse not more than three stories above grade plane in height with a separate means of egress and structures accessory thereto.

Each and all of the regulations, provisions, conditions and terms therein, on file with the building official, are referenced and made a part hereof as if fully set out in this chapter, except as otherwise provided in this chapter.

14. Section 8.06.020, “Work exempt from permit.” The body text shall be amended to read as follows:

Subsection R105.2 of Section 105 of the California Residential Code is amended by deleting the subheading “Building” and its listed items 1 through 10 and replacing them with the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m²).

2. Fences and non-retaining masonry walls not over 3 feet (914 mm) in height measured from finished grade. ~~not over 7 feet (2134 mm) high.~~
3. Retaining walls that are not over 2 feet (609 mm) in height measured from finished grade. ~~4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall,~~ unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18,925 L), and are installed entirely above ground.
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall which do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.
10. Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling, and do not serve the exit door required by Section R311.4.

All such structures must comply with the setback and height requirements of the La Quinta Municipal Code, as applicable. Unless otherwise exempted, separate plumbing, electrical, and mechanical permits are required for the above-exempted items.

15. Section 8.06.030, entitled “Fire-retardant roofing materials required.” The body text shall be amended to read as follows:

Section R902.1.5 of the ~~2013~~ 2016 California Residential Code is added to read as follows:

1505.1.5 Roof coverings within the City of La Quinta. With the exception of patio covers and similar structures, as determined by the building official, roof covering shall be of a Class A rating and shall otherwise comply with the 2016 California Residential Code.

Exception: At the discretion of the building official, a waiver may be granted when all of the following conditions exist:

1. The scope of work is an addition or roof repair, and;
2. The newly roofed area consists of less than 25 percent of the existing roof area, and;
3. The existing combustible roof was constructed not more than 25 years prior to currently proposed work.

16. Section 8.07.010, entitled “Adoption of the California Green Building Standards Code.” The body text shall be amended to read as follows:

Certain documents marked and designated as the “~~2013~~ 2016 California Green Building Standards Code,” published by the California Building Standards Commission are adopted to improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices.

Each and all of the regulations, provisions, conditions and terms therein, on file with the building official, are referenced and made a part hereof as if fully set out in this chapter, except as otherwise provided in this chapter.

17. Section 8.08.010, entitled “Adoption of the California Fire Code” shall be amended to read as follows:

Certain documents marked and designated as the “~~2013~~ 2016 California Fire Code,” including Appendix B (Fire-Flow Requirements for Buildings), Appendix C (Fire Hydrant Locations and Distribution), except as stated in this Section or as amended below in Section 8.08.020 of this ordinance, all of the provisions and appendices of the 2016 California Fire Code, inclusive of all of the inclusions and exclusions set for in each chapter’s matrix, are hereby adopted and shall apply to the City of La Quinta. In addition, the following provisions that are excluded in the 2016 California Fire Code are hereby adopted - Chapter 1, Division II of the California Fire Code is hereby adopted, except that Section 103.2 and 108.3 are not adopted, and Chapters 3, 25, and Sections 403.12, 503, 510.2, and 1103.2, published by the California Building Standards Commission are adopted for the purpose of establishing the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises, and to provide safety to firefighters and emergency responders during emergency operations within the city.

Each and all of the regulations, provisions, conditions and terms therein, on file with the building official, are referenced and made a part hereof as if fully set out in this chapter, except as otherwise provided in this chapter

18. Section 8.08.020, entitled “Deletion of certain parts of the California Fire Code” shall be retitled “Amendments to the California Fire Code” The Body text shall be amended to read as follows:

A. Scope and general requirements.

Section 101.4 of the California Fire Code is deleted in its entirety and replaced with the following:

101.4 Severability. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

B. Applicability.

Section 102.5 of the California Fire Code is amended as follows:

102.5 Application of residential code. Where structures are designed and constructed in accordance with the California Residential Code, the provisions of this code shall apply as follows:

1. Construction and design provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access and water supplies. Where interior or exterior systems or devices are installed, construction permits required by Section 105.7 of this code shall apply.
2. Administrative, operational and maintenance provisions of this code shall apply.
3. Automatic fire sprinkler system requirements of this code shall apply to detached accessory buildings 3,600 square feet or greater in accordance with Section 903.2. The provisions contained in Section 903.2.18 of the California Fire Code or Section R309.6 of the California Residential Code may be used for the design of the automatic fire sprinkler system for detached private garages.

C. Department of fire prevention.

Sections 103.4 and 103.4.1 of the California Fire Code are deleted in their entirety and replaced with the following:

103.4 Liability. Any liability against Riverside County or the City of La Quinta or any officer or employee for damages resulting from the discharge of their duties shall be as provided by law.

D. General authority and responsibilities.

Section 104.1.1 is added to Section 104.1 of the California Fire Code to read as follows:

104.1.1 Authority of the Fire Chief and Fire Department.

1. The Fire Chief is authorized and directed to enforce all applicable State fire laws and provisions of this ordinance and to perform such duties as directed by the City Council.

2. The Fire Chief is authorized to administer, interpret and enforce this ordinance. Under the Fire Chief's direction, the Riverside County Fire Department is authorized to enforce ordinances of the City of La Quinta pertaining to the following:

- a. The prevention of fires.
- b. The suppression or extinguishment of dangerous or hazardous fires.
- c. The storage, use and handling of hazardous materials.
- d. The installation and maintenance of automatic, manual and other private fire alarm systems and fire extinguishing equipment.
- e. The maintenance and regulation of fire escapes.
- f. The maintenance of fire protection and the elimination of fire hazards on land, in buildings, structures and other property, including those under construction.
- g. The maintenance of means of egress.
- h. The investigation of the cause, origin and circumstances of fire and unauthorized releases of hazardous materials.

3. The following persons are hereby authorized to interpret and enforce the provisions of this ordinance and to make arrests and issue citations as authorized by law:

- a. The Unit Chief, Peace Officers and Public Officers of the California Department of Forestry and Fire Protection.
- b. The Fire Chief, Peace Officers and Public Officers of the Riverside County Fire Department.
- c. The Riverside County Sheriff and any deputy sheriff.
- d. The Police Chief and any police officer of any city served by the Riverside County Fire Department.
- e. Officers of the California Highway Patrol.
- f. Code Compliance Officers of the City of La Quinta.
- g. Peace Officers of the California Department of Parks and Recreation.
- h. The law enforcement officer of the Federal Bureau of Land Management.

Section 104.12 is added to Section 104 of the California Fire Code to read as follows:

104.12 Authority of the Fire Chief to close hazardous fire areas. Except upon National Forest Land, the Fire Chief is authorized to determine and announce the closure of any hazardous fire area or portion thereof. Any closure by the Fire Chief for a period of more than fifteen (15) calendar days must be approved by the Riverside County Board of Supervisors and/or the City Council within fifteen (15) calendar days of the Fire Chief's original order of closure. Upon such closure, no person shall go in or be upon any hazardous fire area, except upon the public roadways and inhabited areas. During such closure, the Fire Chief shall erect and maintain at all entrances to the closed area sufficient signs giving notice of closure. This section shall not prohibit residents or owners of private property within any closed area, or their invitees, from going in or being upon their lands. This section shall not apply to any entry, in the course of duty, by a peace officer, duly authorized public officer or fire department personnel. For the purpose of this section, "hazardous fire area" shall mean public or private land that is covered with grass, grain, brush or forest and situated in a location that makes suppression difficult resulting in great damage. Such areas are designated on Hazardous Fire Area maps filed with the office of the Fire Chief.

E. Board of appeals.

Section 108.1 of the California Fire Code is deleted in its entirety and replaced with the following:

108.1 Board of appeals established. The Board of Appeals shall be the City of La Quinta Construction Board of Appeals as designated in LQMC Chapter 2.40. The Fire Chief shall be notified of any appeal and the Fire Chief or designee shall be in attendance at the appeal hearing. Depending on the subject of the appeal, specialized expertise may be solicited, at the expense of the applicant, for the purpose of providing input to the Construction Board of Appeals.

F. Violations.

Section 109.4 of the California Fire Code is deleted in its entirety and replaced with the following:

109.4 Violation and penalties. It shall be unlawful for any person, firm, corporation or association of persons to violate any provision of this ordinance, or to violate the provisions of any permit granted pursuant to this code or ordinance. Punishments and penalties for violations shall be in accordance with the City of La Quinta ordinances, fee schedule and California Health and Safety Code Sections 17995 through 17995.5.

G. Fees.

Section 113.2 of the California Fire Code is deleted in its entirety and replaced with the following:

113.2 Schedule of permit fees. Fees for services and permits shall be as set forth in the City of La Quinta Fee Schedule.

Section 113.6 is added to Section 113 of the California Fire Code to read as follows:

113.6 Cost recovery. Fire suppression, investigation, rescue or emergency medical costs are recoverable in accordance with Health and Safety Code Sections 13009 and 13009.1, as may be amended from time to time. Additionally, any person who negligently, intentionally or in violation of law causes an emergency response, including, but not limited to, a traffic accident, spill of toxic or flammable fluids or chemicals is liable for the costs of securing such emergency, including those costs pursuant to Government Code Section 53150, et seq, as may be amended from time to time. Any expense incurred by the Riverside County Fire Department for securing such emergency shall constitute a debt of such person and shall be collectable by Riverside County in the same manner as in the case of an obligation under contract, express or implied.

H. Definitions

Section 202 of the California Fire Code is amended to add the following definitions:

~~**CALIFORNIA FIRE CODE.** The 2013 Fire Code part of the California Building Standards Code, also known as California Code of Regulations, Title 24, Part 9.~~

~~**CALIFORNIA RESIDENTIAL CODE.** California Code of Regulations, Title 24, Part 2.5.~~

~~**FIRE CHIEF.** The Fire Chief of Riverside County or the Fire Chief’s designee.~~

~~**FIRE PROTECTION ENGINEER.** A professional engineer with the education and experience to understand the engineering problems related to safeguarding life and property from fire and fire-related hazards, to identify, evaluate, correct or prevent present or potential fire and fire related panic hazards in buildings, groups of buildings, or communities, and to recommend the arrangement and use of fire resistant building materials and fire detection and extinguishing systems, devices, and apparatus in order to protect life and property.~~

~~**HAZARDOUS FIRE AREA.** Private or public land not designated as state or local fire hazard severity zone (FHSZ) which is covered with grass, grain, brush or forest and situated in a location that makes suppression difficult resulting in great damage. Such areas are designated on Hazardous Fire Area maps filed with the office of the Fire Chief.~~

~~**SKY LANTERN.** An airborne lantern typically made of paper, Mylar, or other lightweight material with a wood, plastic, or metal frame containing a candle, fuel cell, or other heat source that provides buoyancy.~~

FIRE CHIEF. The Fire Chief of Riverside County or the Fire Chief's designee.

I Fire Apparatus Access Roads.

Section 503.2.1 of the California Fire Code is deleted in its entirety and replaced with the following:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (7315 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm). For additional requirements or alternatives see Riverside County Fire Department Standards and Policies, as may be amended from time to time.

Section 503.2.2 of the California Fire Code is deleted in its entirety and replaced with the following:

503.2.2 Authority. The fire code official shall be the only authority authorized to designate fire apparatus access roads and fire lanes and to modify the minimum fire lane access widths for fire or rescue operations.

Section 503.6.1 is added to Section 503.6 of the California Fire Code to read as follows:

503.6.1 Automatic opener. New motorized gates shall be provided with means to be automatically opened remotely by emergency vehicle in accordance with Riverside County Fire Department standards and Policies, as may be amended from time to time.

Exception: Gates serving individual one- and two-family dwelling parcels.

Section 503.7 is added to Section 503 of the California Fire Code to read as follows:

503.7 Loading areas and passenger drop-off areas. On private properties, where fire apparatus access roads are utilized for loading or unloading or utilized for passenger drop-off or pick-up, an additional eight (8) feet of width shall be added to the minimum required width for the fire apparatus access road.

J. Fire Protection Water Supplies.

Section 507.5.7 is added to Section 507 of the California Fire Code to read as follows:

507.5.7 Fire hydrant size and outlets. As determined by the fire code official, fire hydrant sizes and outlets shall be based on the following:

- a. Residential Standard – one (1) four (4) inch outlet and one (1) two and half (2 ½) inch outlet.
- B. Super Hydrant Standard – one (1) four (4) inch outlet and two (2) two and one half (2 ½) inch outlet.
- C. Super Hydrant Enhanced – two (2) four (4) inch outlet and one (1) two and one half (2 ½) inch outlet.

Section 507.5.8 is added to Section 507 of the California Fire Code to read as follows:

507.5.8 Fire hydrant street marker. Fire hydrant locations shall be visually indicated in accordance with Riverside County Fire Department Standard Technical Policy 06-11, as may be amended from time to time. Any hydrant marker damaged or removed during the course of street construction or repair shall be immediately replaced by the contractor, developer or person responsible for removal or damage.

K. Fire Command Center

Section 508.1 of the California Fire Code is amended as follows:

508.1 General. Where required by other sections of this code and in all buildings classified as high-rise buildings by the California Building Code, in buildings greater than 300,000 square feet in area and in Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level of fire department vehicle access, a fire command center for fire department operations shall be provided and comply with Sections 508.1.1 through 508.1.5 508.1.8

Section 508.1.1 of the California Fire Code is deleted in its entirety and replaced with the following:

508.1.1 Location and access. The fire command center shall be located adjacent to the main lobby and shall be accessible from fire department vehicular access or as approved by the fire code official. The room shall have direct access from the building exterior at the lowest level of fire department access.

Section 508.1.3 of the California Fire Code is amended to add the following:

Exception: A fire command center solely required because a building is greater than 300,000 square feet in area shall be a minimum of 96 square feet (9 m²) with a minimum dimension of 8 feet (2438mm).

508.1.6 of the California Fire Code is amended to add the following:

Exception: A fire command center solely required because a building is greater than 300,000 square feet in area shall comply with NFPA 72 and contain the features set forth in Section 508.1.5 508.1.6 subsections 5, 8, 10, 12, 13 and 14. The features set forth in Section 508.1.5 508.1.6 subsections 1, 2, 3, 4, 6, 7, 9, 11, 15, 16, 17, 18 and 19 shall be required when such building contains systems or functions related to these features.

Section 508.1.8 is added to Section 508 of the California Fire Code to read as follows:

508.1.8 Fire command center identification. The fire command center shall be identified by a permanent easily visible sign stating “Fire Dept. Command Center,” located on the door to the fire command center.

L. Fire protection and utility equipment identification and location

Section 509.2.1 of the California Fire Code is amended to add the following:

509.2.1 Minimum clearances. A 3-foot (914 mm) clear space shall be maintained around the circumference of exterior fire protection system control valves, or any other exterior fire protection system component that may require immediate access, except as otherwise required or approved.

M. Mechanical refrigeration.

Section 606.10.1.2 of the California Fire Code is deleted in its entirety and replaced with the following:

606.10.1.2 Manual operation. When required by the fire code official, automatic crossover valves shall be capable of manual operation. The manual valves shall be located in an approved location immediately outside of the machinery room in a secure metal box or equivalent and marked as Emergency Controls.

N. Automatic sprinkler systems.

Section 903.2 of the California Fire Code is deleted in its entirety and replaced with the following:

903.2 Where required. ~~In all new buildings and structures which are 3,600 square feet or greater an approved automatic sprinkler system shall be provided regardless of occupancy classification. Where the California Fire Code is requiring more restrictive requirements in Sections 903.2.1, 903.2.1.1, 903.2.1.2, 903.2.1.3, 903.2.1.4, 903.2.1.5, 903.2.2, 903.2.3, 903.2.4, 903.2.5, 903.2.5.2, 903.2.6, 903.2.7, 903.2.8, 903.2.9, 903.2.10, 903.2.11.6 903.2.16, 903.2.18, the more restrictive requirement shall take precedence. In all new buildings and structures which are 3,600 square feet or greater, an approved~~

automatic sprinkler system shall be provided regardless of occupancy classification. Where the Sections 903.2.1 – 903.2.19 of the California Fire Code require more restrictive requirements than those listed below, the more restrictive requirement shall take precedence.

Exception: Unless required elsewhere in this code or the California Building Code, automatic fire sprinkler systems shall not be required for the following:

1. Detached Group U occupancies used for agricultural or livestock purposes, less than 5,500 square feet, and having setback distances of 50 feet or more from the property line and other buildings.
2. Detached non-combustible equestrian arena shade canopies that are open on all sides and used for riding only - no commercial, assembly or storage uses.
3. Detached fabric or non-combustible shade structures that are open on all sides and used to shade playground equipment, temporary storage of vehicles and dining areas with no cooking.
4. Detached Group U occupancy greenhouses less than 5,500 square feet.
5. Where determined by the Fire Chief that no major life safety hazard exists, and the fuel load does not pose a significant threat to firefighter safety or to other structures or property, automatic fire sprinklers may be exempted.

One- and two-family dwellings shall have an automatic fire sprinkler system regardless of square footage in accordance with the California Residential Code. Fire sprinkler systems shall be installed in mobilehomes, manufactured homes and multifamily manufactured homes with two dwelling units in accordance with Title 25 of the California Code of Regulations.

The following exceptions in the California Fire Code shall not be allowed:

- a. Exception in Section 903.2.3 is deleted in its entirety.
- b. Exception 2 in Section 903.2.11.3 is deleted in its entirety.

Section 903.3.5.3 of the California Fire Code is added as follows:

903.3.5.3 Hydraulically calculated systems. The design of hydraulically calculated fire sprinkler systems shall not exceed 90% of the water supply capacity.

O. Designation of high-piled storage areas.

Section 3204.2.1 is added to Section 3204.2 of the California Fire Code to read as follows:

3204.2.1 Minimum requirements for client leased or occupant owned warehouses. Designs of an automatic sprinkler system for client leased or occupant owned buildings containing high pile storage shall be based on the requirements of NFPA 13. The responsible fire protection engineer shall perform a survey of the building to determine commodity classification, storage

configuration, building height and other information related to the development of an appropriate sprinkler system design. The fire protection engineer shall also make reasonable efforts to meet with the building owner or operator to understand seasonal or customer related fluctuations to the stored commodities, storage height, and configuration. The sprinkler design shall be based on the most demanding requirements determined through the onsite survey and discussions with the building owner or operator. The technical report shall describe the basis for determining the commodity and sprinkler design selection, how the commodities will be isolated or separated, and include referenced design document(s), including NFPA 13 or the current applicable factory mutual data sheets. If a specific fire test is used as the basis of design, a copy of the fire test report shall be provided at the time of plan review.

P. Fire hazard severity zones.

Section 4904.3 is added to Section 4904 of the California Fire Code to read as follows:

4904.3 High Fire Hazard Severity Zone Maps. In accordance with Government Code Sections 51175 through 51189, Very High Fire Hazard Severity Zones are designated as shown on a map titled Very High Fire Hazard Severity Zones, dated April 8, 2010–December 24, 2009 and retained on file at the office of the Fire Chief, which supersedes other maps previously adopted designating high fire hazard areas.

Q. Appendix B.

Table B105.2 of the California Fire Code is amended as follows:

**TABLE B105.2
 REQUIRED FIRE-FLOW FOR BUILDINGS OTHER THAN ONE- AND
 TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES**

<u>AUTOMATIC SPRINKLER SYSTEM (Design Standard)</u>	<u>MINIMUM FIRE-FLOW (gallons per minute)</u>	<u>FLOW DURATION (hours)</u>
<u>No automatic sprinkler system</u>	<u>Value in Table B105.1(2)</u>	<u>Duration in Table B105.1(2)</u>
<u>Section 903.3.1.1 of the California Fire Code</u>	<u>50% of the value in Table B105.1(2)^a</u>	<u>Duration in Table B105.1(2) at the reduced flow rate</u>
<u>Section 903.3.1.2 of the California Fire Code</u>	<u>50% of the value in Table B105.1(2)^b</u>	<u>Duration in Table B105.1(2) at the reduced flow rate</u>

For SI: 1 gallon per minute = 3.785 L/m.

a. The reduced fire-flow shall be not less than 1,000 gallons per minute.

b. The reduced fire-flow shall be not less than 1,500 gallons per minute.

R. Appendix C.

Section C103.1 Fire hydrant locations is amended to read as follows:

C103.1 Hydrant spacing. Fire apparatus access roads and public streets providing required access to buildings in accordance with Section 503 of the International Fire Code shall be provided with one or more fire hydrants, as determined by Section C102.1. Where more than one fire hydrant is required, the distance between required fire hydrants shall be in accordance with Sections C103.2 and C103.3. Fire hydrants shall be provided at street intersections.

19. Section 8.08.030, entitled “Authority of the Fire Chief and Fire Department.” is deleted in its entirety.

20. Section 8.08.040, entitled “Appeals,” is deleted in its entirety.

21. Section 8.08.050, entitled “Fire apparatus access roads,” is deleted in its entirety.

22. Section 8.08.060, entitled “Automatic fire extinguishing systems,” is deleted in its entirety.

23. Section 8.08.070, entitled “Designation of high-piled storage areas,” is deleted in its entirety.

24. Section 8.08.080, entitled “Fire hazard severity zones,” is deleted in its entirety.

25. Section 8.08.090, entitled “Amendments to the appendices of the California Fire Code,” is deleted in its entirety.

26. Section 8.14.010, entitled “Adoption of the California Energy Code” shall be amended to read as follows:

Certain documents marked and designated as the “~~2013~~ 2016 California Energy Code,” published by the California Building Standards Commission, are adopted to make businesses, homes, and appliances more energy efficient through the development and implementation of energy efficiency building practices.

Each and all of the regulations, provisions, conditions and terms therein, on file with the building official, are referenced and made a part hereof as if fully set out in this chapter, except as otherwise provided in this chapter.

27. Section 8.15.010, entitled “Adoption of the California Historical Code” shall be amended to read as follows:

Ordinance No. 551
Amending Title 8 – 2016 California Building Standards Code
Adopted:
Page 29 of 30

Certain documents marked and designated as the “~~2013~~ 2016 California Historical Building Code,” published by the California Building Standards Commission, are adopted to facilitate the preservation and continuing use of qualified historical buildings or properties while providing reasonable safety for the building occupants and access for persons with disabilities

Each and all of the regulations, provisions, conditions and terms therein, on file with the building official, are referenced and made a part hereof as if fully set out in this chapter, except as otherwise provided in this chapter.

28. Section 8.16.010, entitled “Adoption of the California Existing Building Code” shall be amended to read as follows:

Certain documents marked and designated as the “~~2013~~ 2016 California Existing Building Code,” published by the California Building Standards Commission, are adopted to promote public safety and welfare by reducing the risk or injury that may result from the effects of earthquakes on existing unreinforced masonry bearing wall buildings

Each and all of the regulations, provisions, conditions and terms therein, on file with the building official, are referenced and made a part hereof as if fully set out in this chapter, except as otherwise provided in this chapter.

29. Section 8.17.010, entitled “Adoption of the California Referenced Standards Code” shall be amended to read as follows:

Certain documents marked and designated as the “~~2013~~ 2016 California Referenced Standards Code,” published by the California Building Standards Commission, are hereby adopted

Each and all of the regulations, provisions, conditions and terms therein, on file with the building official, are referenced and made a part hereof as if fully set out in this chapter, except as otherwise provided in this chapter.

No changes to the remainder of Title 8.

Ordinance No. 551
Amending Title 8 – 2016 California Building Standards Code
Adopted:
Page 30 of 30

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

I, SUSAN MAYSELS, City Clerk of the City of La Quinta, California, do hereby certify the foregoing to be a full, true, and correct copy of Ordinance No. (enter number) which was introduced at a regular meeting on the (date) day of (month), (year), and was adopted at a regular meeting held on the (date) day of (month), (year), not being less than 5 days after the date of introduction thereof.

I further certify that the foregoing Ordinance was posted in three places within the City of La Quinta as specified in City Council Resolution No. 2006-115.

SUSAN MAYSELS, City Clerk
City of La Quinta, California

DECLARATION OF POSTING

I, SUSAN MAYSELS, City Clerk of the City of La Quinta, California, do hereby certify that the foregoing ordinance was posted on _____, pursuant to Council Resolution.

SUSAN MAYSELS, City Clerk
City of La Quinta, California

Summary of Local Amendments to the 2016 California Building Standards Code

Item numbers below refer to the numbered items as noted in Exhibit “A” of the Ordinance adopting the 2016 California Building Standards Code and amending Title 8 of the La Quinta Municipal Code (LQMC).

1. Updates edition of adopted California Administrative Code and removes redundant language within the adoption by reference clause.
2. Updates edition of adopted California Building Code (CBC), revises purpose to conform to CBC language, and removes redundant language within the adoption by reference clause.
3. Consolidates list of work exempted from permitting requirements to a single code location. Clarifies wall and fence language to conform to historic City practices. No changes to policy or enforcement.
4. Updates CBC edition reference and reduces size of buildings that may be non-sprinklered to conform to Riverside County Fire Marshal’s proposed California Fire Code amendments.
5. Updates CBC edition reference regarding required roofing materials. Text reformatted to improve readability. No changes to policy or enforcement.
6. Moves existing La Quinta-specific pool fencing requirements from elsewhere in LQMC. Co-locates City requirements with other private swimming pool requirements located in CBC. Minor language revisions to conform to historic City practices and other CBC pool barrier provisions.
7. Updates edition of adopted California Electrical Code (CEC) and removes redundant language within the adoption by reference clause.
8. Updates CEC for underground wiring requirements. Reformats text for improved readability. No changes to policy or enforcement.
9. Moves existing restrictions on aluminum wire usage to section 310.10.
10. Moves existing telephone and cable television cabling requirements to vacated section. Associates requirements with appropriate CEC sections. Reformats text for improved readability. No changes to policy or enforcement.

11. Updates edition of adopted California Plumbing Code (CPC) and removes redundant language within the adoption by reference clause. Minor punctuation change to improve readability.
12. Updates edition of adopted California Mechanical Code (CMC) and removes redundant language within the adoption by reference clause.
13. Updates edition of adopted California Residential Code (CRC) and removes redundant language within the adoption by reference clause.
14. Consolidates list of work exempted from permitting requirements to a single code location. Clarifies wall and fence language to conform to historic City practices. No changes to policy or enforcement.
15. Updates CRC edition reference regarding required roofing materials. Text reformatted to improve readability. No changes to policy or enforcement.
16. Updates edition of adopted California Green Building Standards Code and removes redundant language within the adoption by reference clause.
17. Updates edition of adopted California Fire Code (CFC), adopts appendices as recommended by Fire Marshal, and removes redundant language within the adoption by reference clause.
18. Removes section containing unnecessary deletion of CFC appeals board text. Creates new Section that incorporates local amendments, appendices and deletions into one section.
19. Thru 25. Removes sections due to redundant information.
26. Updates edition of adopted California Energy Code and removes redundant language within the adoption by reference clause.
27. Updates edition of adopted California Historical Building Code and removes redundant language within the adoption by reference clause.
28. Updates edition of adopted California Existing Building Code and removes redundant language within the adoption by reference clause.
29. Updates edition of adopted California Referenced Standards Code and removes redundant language within the adoption by reference clause.

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CITY COUNCIL
BOARDS, COMMISSION
AND OUTSIDE AGENCY MEETINGS
DECEMBER 2016 - FEBRUARY 2017



CITY OF LA QUINTA

CALENDAR

Date DECEMBER

Dec. 6	CITY COUNCIL MEETING - HOLIDAY OPEN HOUSE
Dec. 12	COMMUNITY SERVICES COMMISSION
Dec. 13	PLANNING COMMISSION
Dec. 20	CITY COUNCIL MEETING
Dec. 26	CHRISTMAS HOLIDAY - CITY HALL CLOSED
Dec. 27	PLANNING COMMISSION

Date JANUARY

Jan 2	NEW YEAR'S HOLIDAY - CITY HALL CLOSED
Jan 3	CITY COUNCIL MEETING
Jan 9	COMMUNITY SERVICES COMMISSION
Jan 10	PLANNING COMMISSION
Jan 16	MARTIN LUTHER KING DAY - CITY HALL CLOSED
Jan 17	CITY COUNCIL MEETING
Jan 23	PLANNING COMMISSION
Jan 25	SPECIAL - CITY COUNCIL WORKSHOP

Date FEBRUARY

Feb 7	CITY COUNCIL MEETING
Feb 8	INVESTMENT ADVISORY BOARD
Feb 13	COMMUNITY SERVICES COMMISSION
Feb 14	PLANNING COMMISSION
Feb 20	PRESIDENT'S DAY - CITY HALL CLOSED
Feb 21	CITY COUNCIL MEETING
Feb 28	PLANNING COMMISSION

OUTSIDE AGENCY UPCOMING MEETING DATES DECEMBER 2016

LINDA EVANS, MAYOR

Day	Time	
	No Meeting	CVAG COACHELLA VALLEY CONSERVATION COMMISSION
	No Meeting	CVAG ENERGY & ENVIRONMENTAL RESOURCES COMMITTEE
	No Meeting	GREATER PALM SPRINGS CONVENTION & VISITORS BUREAU
5	4:30 p.m.	CVAG EXECUTIVE COMMITTEE
	TBD	COACHELLA VALLEY WATER DISTRICT POLICY COMMITTEE

KRISTY FRANKLIN, COUNCILMEMBER

	No Meeting	COACHELLA VALLEY MOUNTAINS CONSERVANCY
	No Meeting	JACQUELINE COCHRAN REGIONAL AIRPORT AUTHORITY
7	11:00 a.m.	SUNLINE TRANSIT AGENCY
	TBD	COACHELLA VALLEY SCHOOL DISTRICT COMMITTEE
	No Meeting	DESERT SANDS UNIFIED DISTRICT COMMITTEE
	No Meeting	CHAMBER OF COMMERCE INFORMATION EXCHANGE

LEE OSBORNE, COUNCILMEMBER

5	6:00 p.m.	IID ENERGY CONSUMERS' ADVISORY COMMITTEE
	No Meeting	CVAG SAFETY COMMITTEE
	TBD	EAST VALLEY COALITION
	No Meeting	DESERT SANDS UNIFIED DISTRICT COMMITTEE
14	4:00 p.m.	ECONOMIC-DEVELOPMENT SUB COMMITTEE

JOHN PEÑA, , COUNCILMEMBER

	No Meeting	ANIMAL CAMPUS COMMISSION
	No Meeting	CVAG VALLEY-WIDE HOMELESSNESS COMMITTEE

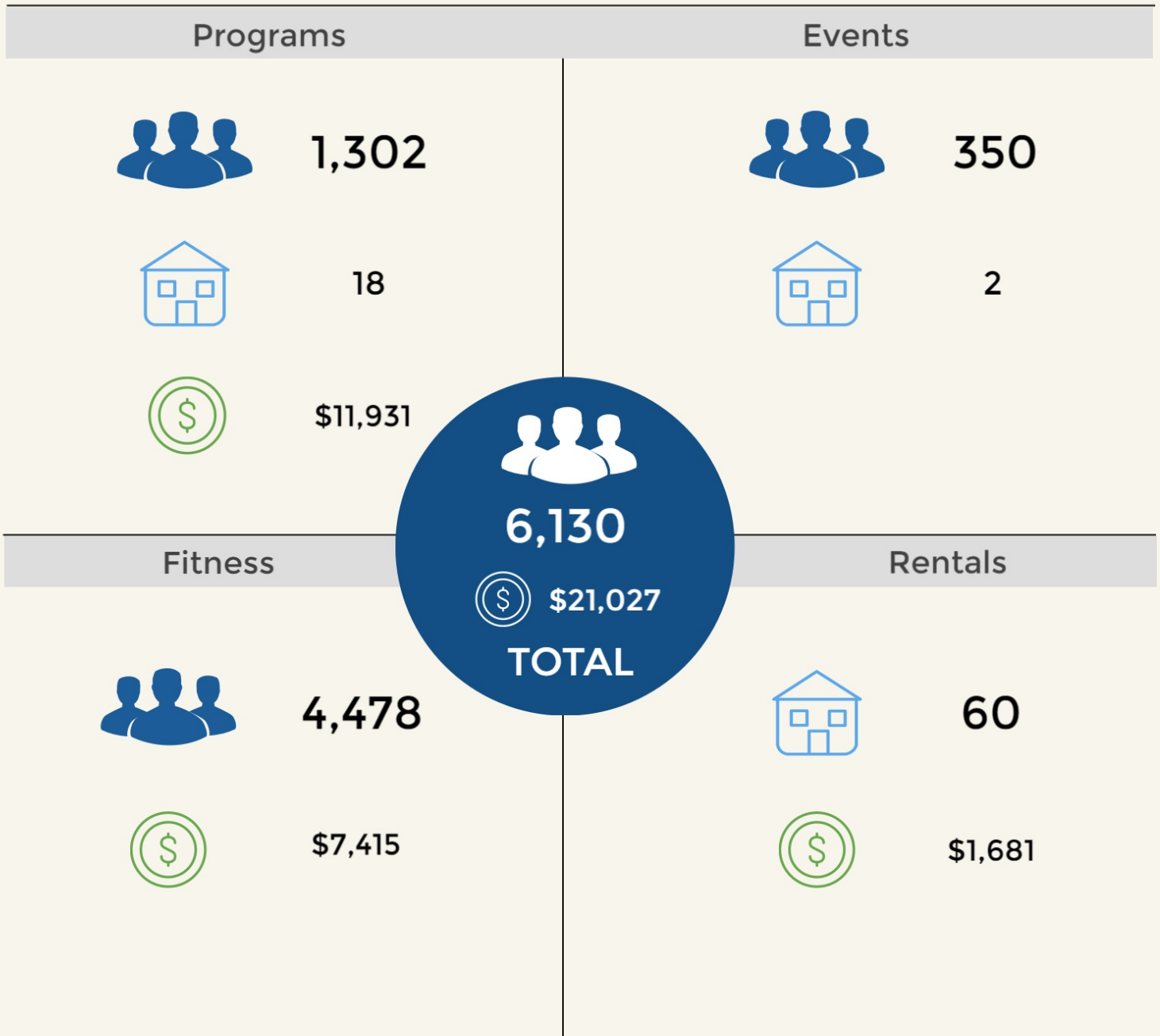
ROBERT RADI, COUNCILMEMBER

	No Meeting	CVAG TRANSPORTATION COMMITTEE
14	9:30 a.m.	RIVERSIDE COUNTY TRANSPORTATION COMMISSION (RCTC)
14	4:00 p.m.	ECONOMIC-DEVELOPMENT SUB COMMITTEE
	TBD	COACHELLA VALLEY SCHOOL DISTRICT COMMITTEE

Community Programs & Wellness Report



September 2016 - Summary



Amount served



Amount of classes/events/rentals



Revenue generated

Programs - Detail

Physical Wellness

Chair Massage
 Personal Training
 Zumba Mornings
 Zumba Saturdays
 Taekwondo Beginning 4-8 yrs.
 Taekwondo Intermediate 4-8 yrs.
 Taekwondo Advanced 9 yrs. - up
 Tai Chi Balance & Strength
 Sunset Yoga

Intellectual Wellness

Hiking Safely in the Desert and
 Emergency Preparedness
 presentations*

Nutritional Wellness

Bread Distribution*

Creative Wellness

La Quinta Glee
 Ballroom Dancing Beginning
 Ballroom Dance Intermediate
 Friday Night Dance
 Ukulele Players Advanced

Social Wellness

Mah Jongg
 Social Bridge
 September Luncheon
 Movie Mondays*
 Wii Bowling*

Volunteers & Hours

13 Volunteers assisted at the
 Wellness Center for a total of 93
 hours for the month of
 September.

Social Services*

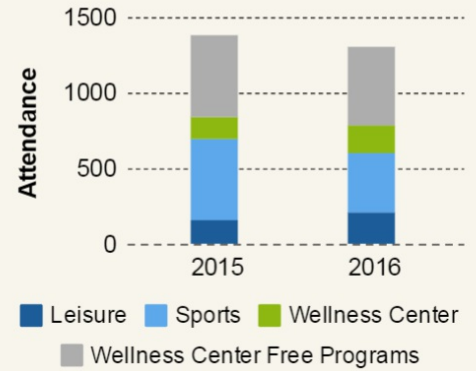
Bereavement Group
 Looks Who's in the Lobby:
 -Senior Care Solutions
 -Dementia Help Center
 -Jules Market
 -Reiki
 Sunline Bus Passes
 Financial Consultation
 Legal Consultation
 Low Income Heating &
 Energy Assistance Program
 Health Insurance Counseling
 Advocacy Program

Sports Programs

Open Gym Volleyball*
 Open Gym Basketball*

*Denotes Free Programs/ Services

Programs



Events - Detail

Pokemon 2.0

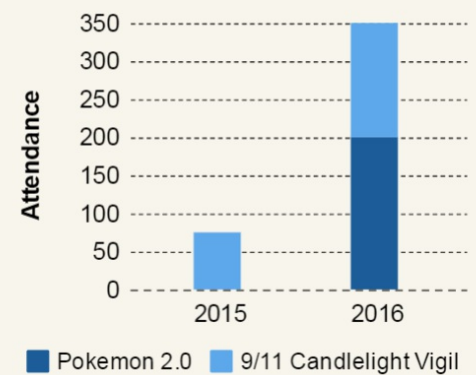
• September 8 at Civic Center Campus

9/11 Candlelight Vigil

• September 11 at 9/11 Monument on Civic Center Campus



Events



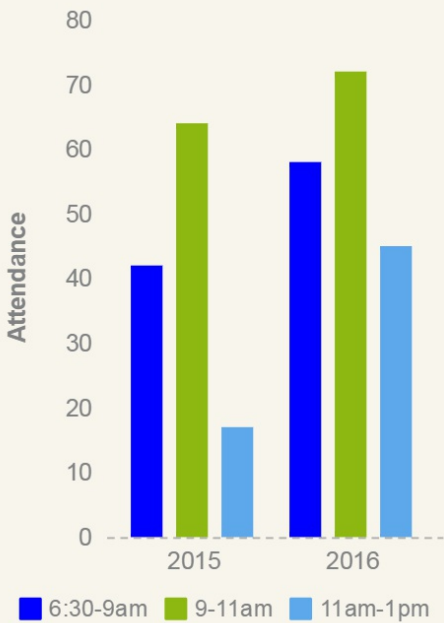
Fitness Center - Detail

- Member visits increased by 530 visits.
- Sold more daily fit passes compared to same time last year.

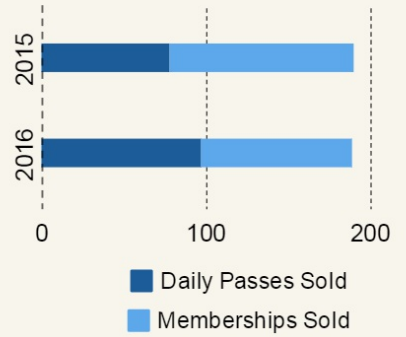
New Fitness Hours

- New weekday hours are Monday-Friday 5:30 a.m. - 8 p.m.
- New Saturday hours will be 6:30 a.m. - 1 p.m.
- Growth in attendance with the newly expanded Saturday hours.

October Saturday Visits



Fitness Center - Passes



Fitness Center - Visits



Rentals - Detail

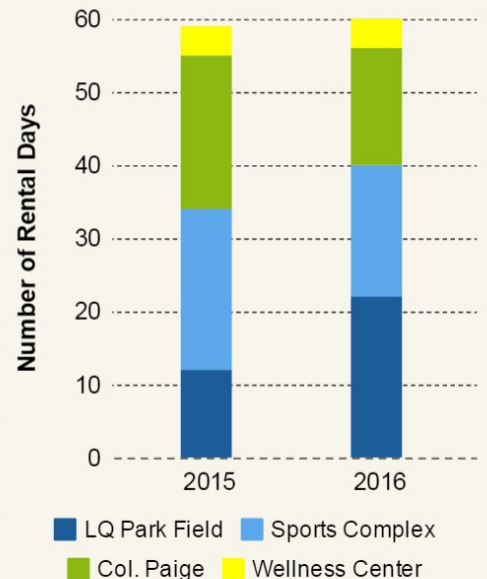
Parks & Fields - Sports

- La Quinta Park - La Quinta AYSO
- La Quinta Park - Desert Boot Camp
- Sports Complex - La Quinta Youth & Sports
- Colonel Mitchell Paige - Friday Night Lights
- Colonel Mitchell Paige - La Quinta AYSO

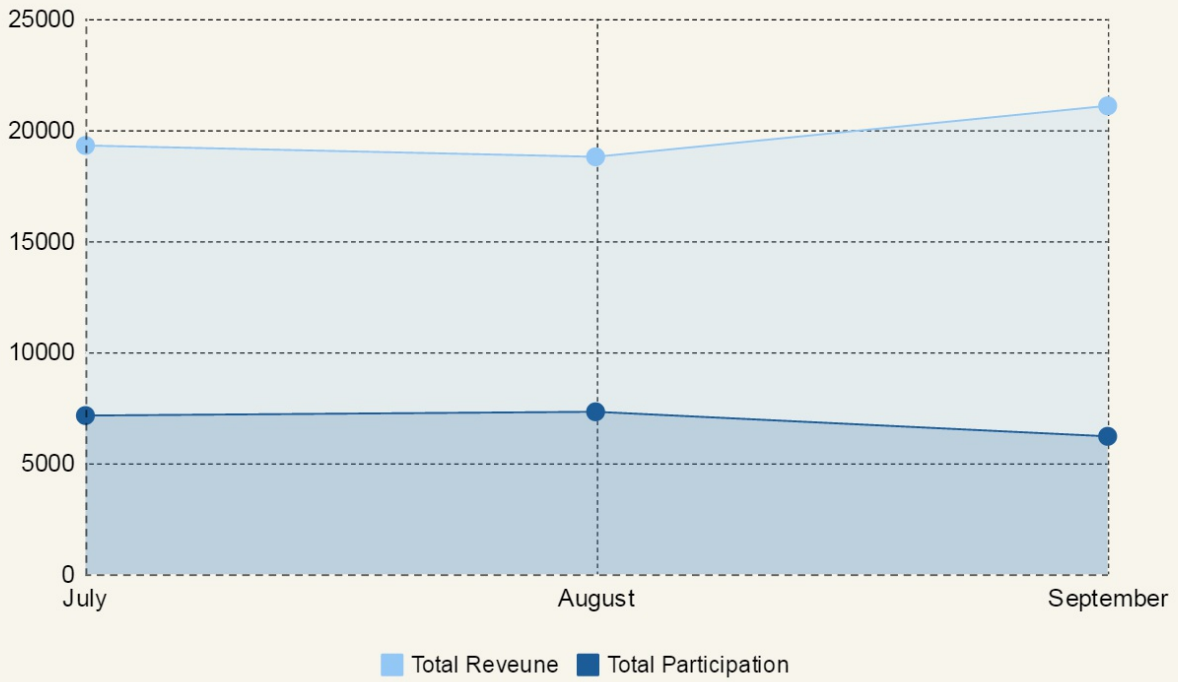
Buildings

- Wellness Center - Church Services

Rentals



Monthly Revenue & Participation

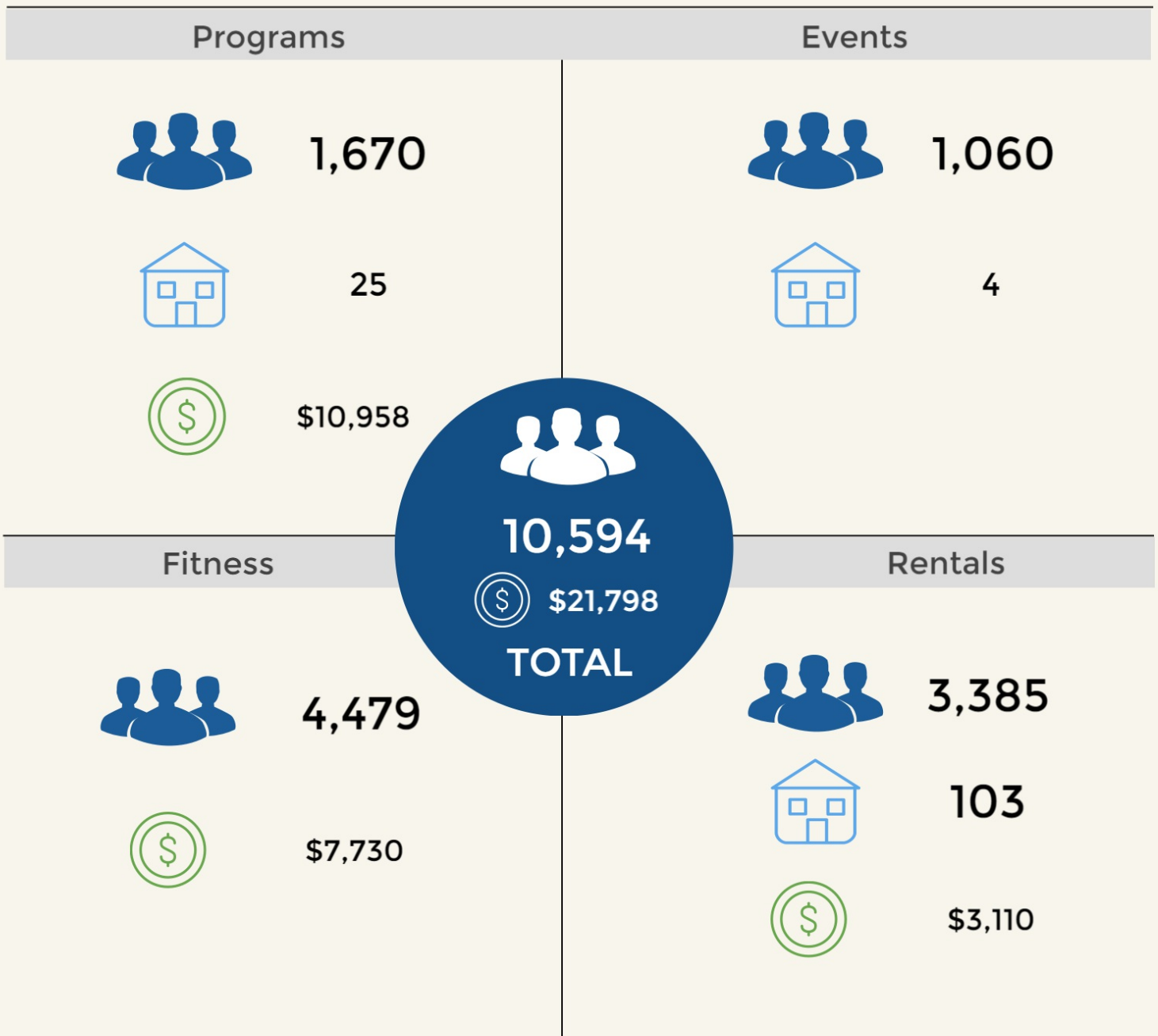


This chart will be updated with monthly data points to reflect the total revenue and participation for that month. As each month is added, the data will show the trend for the 2016/17 operating year.

Community Programs & Wellness Report



October 2016 - Summary



Amount served



Amount of classes/events/rentals



Revenue generated

Programs - Detail

Physical Wellness

Chair Massage
 Personal Training
 Zumba Mornings
 Zumba Saturdays
 Taekwondo Beginning 4-8 yrs.
 Taekwondo Intermediate 4-8 yrs.
 Taekwondo Advanced 9 yrs. - up
 Sunset Yoga
 Weight Loss Challenge

Intellectual Wellness

Alzheimer's/Dementia
 Caregivers*
 SCAN Health Insurance*
 Medicare Extra Help*
 Inside Outside Beauty*

Nutritional Wellness

Bread Distribution*
 Delicious Fall Vegetables*
 Annual Health Fair*

Creative Wellness

La Quinta Glee
 Ballroom Dancing Beginning
 Ballroom Dance Intermediate
 Friday Night Dance
 Ukulele Players Advanced

Social Wellness

Mah Jongg
 Social Bridge
 October Luncheon
 Movie Mondays*
 Wii Bowling*
 Meet Your Chief of Police*

Volunteers & Hours

16 Volunteers assisted at the Wellness Center for a total of 123 hours for the month of September.

Social Services*

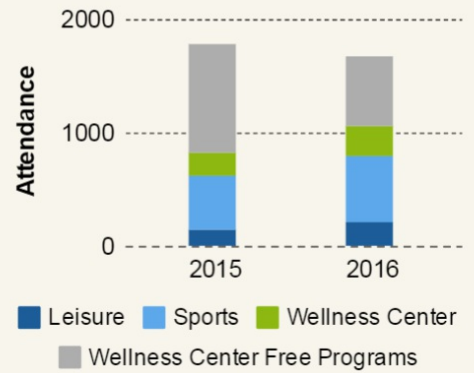
Bereavement Group
 Looks Who's in the Lobby:
 -Senior Care Solutions
 -Voter Registration
 Sunline Bus Passes
 Financial Consultation
 Legal Consultation
 Low Income Heating &
 Energy Assistance Program
 Health Insurance Counseling
 Advocacy Program

Sports Programs

Open Gym Volleyball*
 Open Gym Basketball*

*Denotes Free Programs/ Services

Programs



Events - Detail

Make A Difference Day

• October 8 at Wellness Center

Brew in LQ

• October 22 at Silverrock

Dog-o-ween

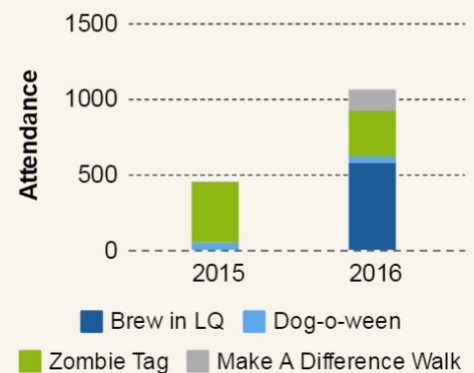
• October 29 at Pioneer Dog Park

Zombie Tag

• October 29 at La Quinta Park



Events



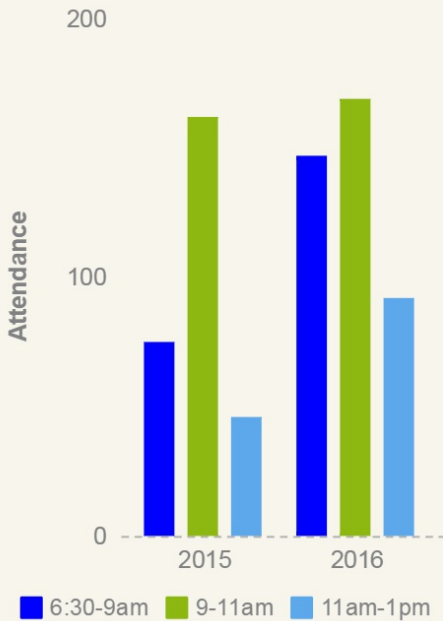
Fitness Center - Detail

- Member visits increased by 450 visits.
- Sold more daily fit passes compared to same time last year.

New Fitness Hours

- New weekday hours are Monday-Friday 5:30 a.m. - 8 p.m.
- New Saturday hours will be 6:30 a.m. - 1 p.m.
- Growth in attendance with the newly expanded Saturday hours.

October Saturday Visits



Fitness Challenge

- Rigo Reyes Jr. came in 1st place for the Fitness Challenge; he lost a total of 14 lbs.



Fitness Center - Passes



Fitness Center - Visits



Rentals - Detail

Parks & Fields - Sports

- La Quinta Park - La Quinta AYSO
- La Quinta Park - Desert Boot Camp
- Sports Complex - La Quinta Youth & Sports
- Sports Complex - PDLQ Football
- Colonel Mitchell Paige - Friday Night Lights
- Colonel Mitchell Paige - La Quinta AYSO

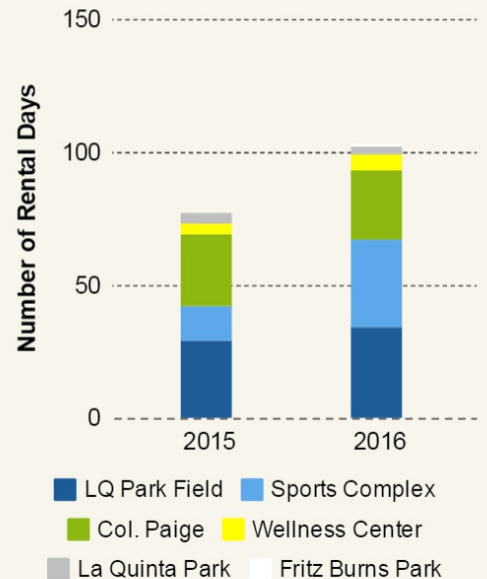
Buildings

- Wellness Center - Church Services
- Wellness Center - Private Rental

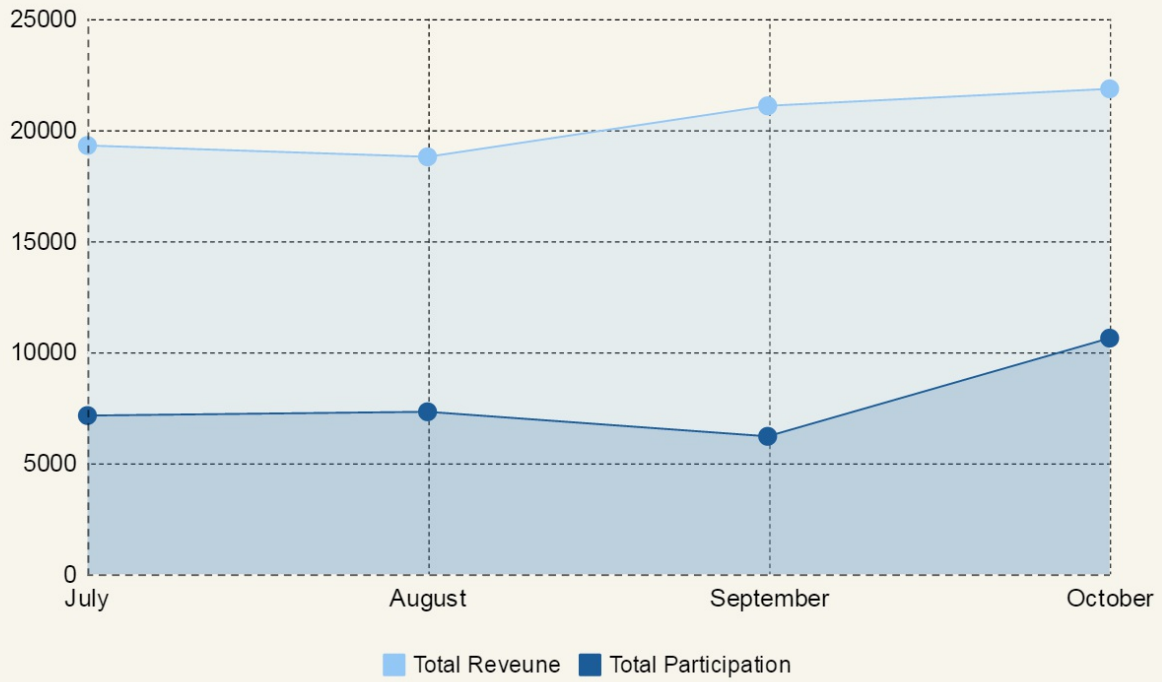
Parks

- La Quinta Park - 3 Park Party Rentals
- Fritz Burns Park - 1 Tennis Court Rental

Rentals



Monthly Revenue & Participation



This chart will be updated with monthly data points to reflect the total revenue and participation for that month. As each month is added, the data will show the trend for the 2016/17 operating year.

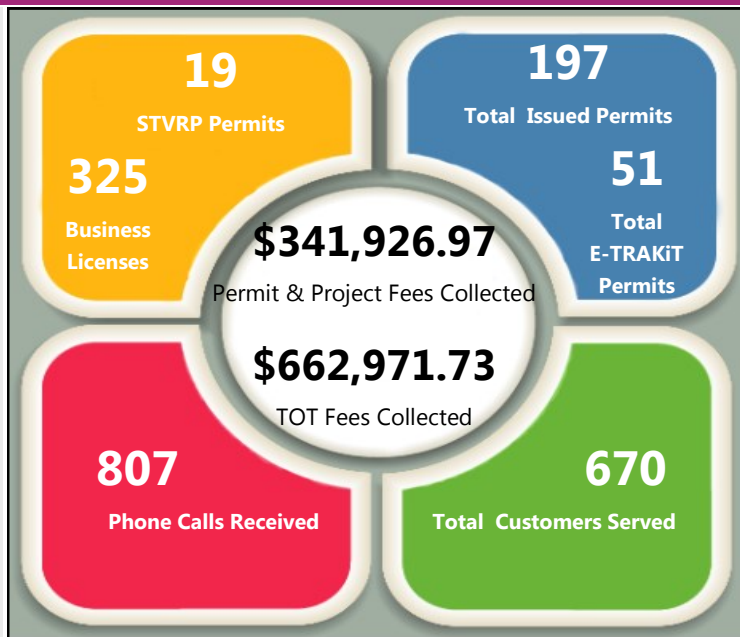
DESIGN AND DEVELOPMENT OCTOBER 2016 REPORT



The Design and Development Department represents one of six City departments, and consists of six divisions: The Hub, Planning, Building, Public Works Development, Engineering Services, and Administration.

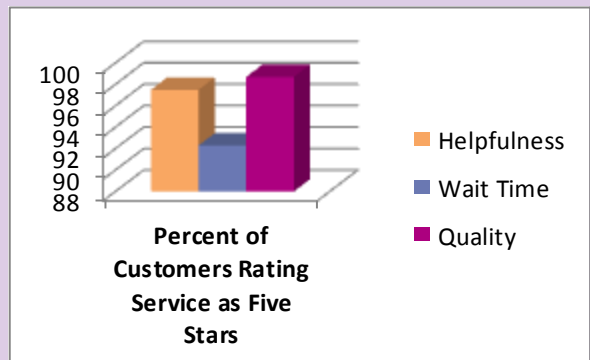
THE HUB

The Hub serves as a one-stop shop for La Quinta patrons. It is the central location for obtaining permits for planning, building, engineering, garage sales, and special events. The Hub assists customers through the permitting process from initial questions and pre-application meetings through inspections and final certificate of occupancy. Below are some October 2016 metrics:



Customer Satisfaction Survey

In June 2016, The Hub launched a survey to measure the satisfaction of its customers. The survey used a one to five star rating system, with "Five Stars" being excellent. The Hub Customer Satisfaction survey results for the month of October were stellar with all categories receiving over 92% of "Five Star" ratings!



Planning Activity

The Planning Division works with residential and commercial property/business owners and developers to ensure development in the City is constructed consistent with the City's goals and policies.

Administrative Permits

Includes sign applications, temporary use permits, minor use permits, final landscaping plans, etc.

Entitlement Permits

Includes site development permits, conditional use permits, subdivision maps, etc.

Submitted Applications

Year	2016	2015
October	2	3
Year To Date	70	76

Submitted Applications

Year	2016	2015
October	3	3
Year To Date	30	45

Building Activity

The Building Division administers all building permit applications and plans for compliance with requirements established in the entitlement process, La Quinta Municipal Code, and all

Building Permits Submitted

Year	2016	2015
October	129	182
October eTRAKiT	14	16
Year To Date	1,782	2,055

Building Permits Issued

Year	2016	2015
October	111	209
October eTRAKiT	14	17
Year To Date	1,570	1,931

Building Inspections

Year	2016	2015
October	777	1,034
Year To Date	7,476	8,844

PLANNING

BUILDING

Public Works Development

The Development Division provides engineering assistance with a variety of permits. During the month of October 2016, the following number of permits were issued:

Excavation		
Year	2016	2015
October	0	2
Year To Date	1	7

Transportation		
Year	2016	2015
October	1	2
Year To Date	15	47

Driveway		
Year	2016	2015
October	0	3
Year To Date	9	10

Rough Grading		
Year	2016	2015
October	0	0
Year To Date	2	1

Traffic		
Year	2016	2015
October	6	14
Year To Date	64	65

Cut and Bore		
Year	2016	2015
October	0	1
Year To Date	3	4

Engineering Services

The Engineering Services Division provides engineering design and construction oversight on a variety of infrastructure projects that help keep La Quinta safe and beautiful. Highlighted below are some activities for October 2016:

CIP Projects in Progress - Highlights

- La Quinta Park Restroom – The project consisted of installing a prefabricated restroom and restoring the adjacent turf.
- PMP Fiscal Year 2016/17 Phase 1 Eisenhower Dr and Ave Bermudas Slurry Seal and Striping Improvements – Work underway consisting of pavement repairs, the application of asphalt slurry, and the reconfiguration of the existing striping on Avenida Bermudas and Eisenhower Drive.
- YMCA Building Turf Conversion – Work underway including the disposal or relocation of existing landscape features; and installation of new irrigation and landscaping features. Work is anticipated to be completed in mid-January.
- Cove Oasis Trailhead Improvements – Work underway which will create a community meeting place at the westerly end of Calle Tecate. Work is anticipated to be completed in mid-December.

Traffic Division

- ◆ **34 requests for service were recorded in City's GORquest system in October 2016, including:**
 - ◇ Operational checks of crosswalks, warning beacons, and flashing stop signs
 - ◇ Repair of safety and street sign lighting
 - ◇ Installation of CycleGrip bike detection symbols

DEVELOPMENT

TRAFFIC / CIP

[Click here to return to Agenda](#)

FACILITIES DEPARTMENT OCTOBER 2016

Facilities is responsible for maintenance throughout the City, and is comprised of three divisions: Parks, Public Works Maintenance and Buildings.

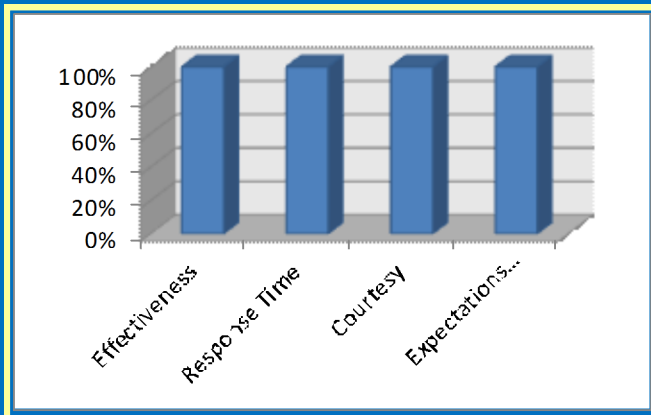
For the month of October, **577** requests were received. Maintenance expenditures and task hours are recorded in GoRequest.

MAINTENANCE EXPENDITURES

- Parks \$20,680
- Public Works \$77,671
- Buildings \$13,434
- **Total Expenditures: \$111,785**
- **Total Task Hours: 1790**

CUSTOMER SATISFACTION SURVEY RESULTS

Fourteen surveys received



Customer satisfaction surveys are submitted by residents through GoRequest. Respondents rate employees on effectiveness, response time, courtesy and expectations met.

POSITIVE SURVEY FEEDBACK FROM RESIDENTS:

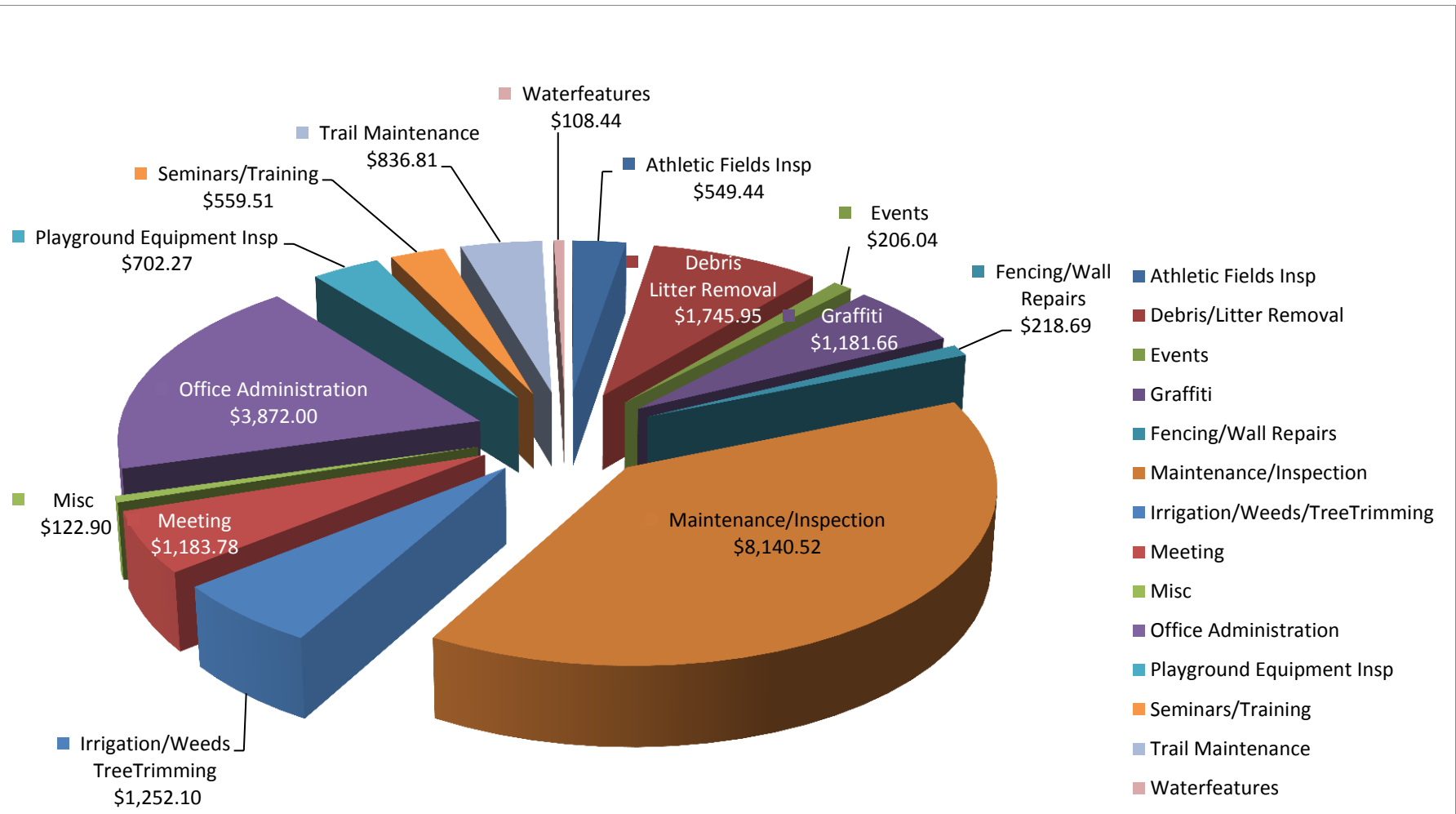
- “Quick response and great solution to the problem. Thank you! ”
- “I liked the quick and efficient response! Thank you so much”.
- “Easy to report and got a confirmation of problem resolution quickly”.
- “The service was outstanding totally completed by on line service however the staff kept me updated on the call. The call was completed within two hours. As this call was not an emergency, I was pleasantly surprised it was handled so quickly. Job Well Done”.

ATTACHMENTS:

1. Parks Maintenance Expenditures by Task for October.
2. Public Works Maintenance Expenditures by Task for October.
3. Building Maintenance Expenditures by Task for October.
4. Customer Satisfaction Survey Details for October.

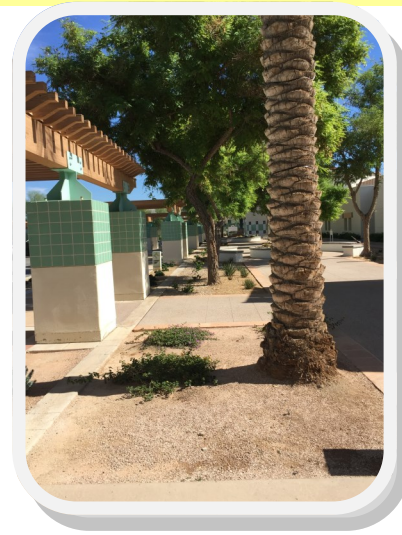
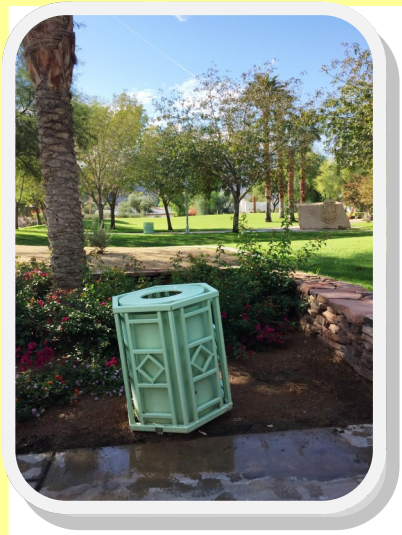
[Click here to return to Agenda](#)

Parks Maintenance Expenditures by Task for October 2016

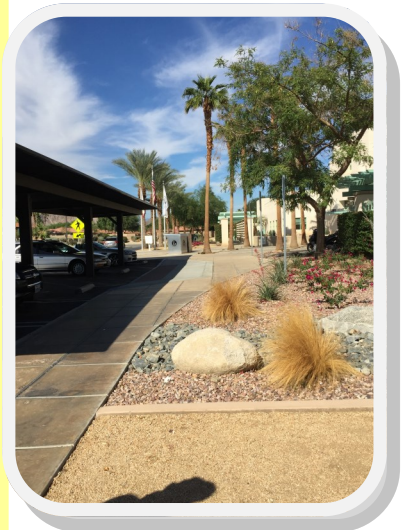


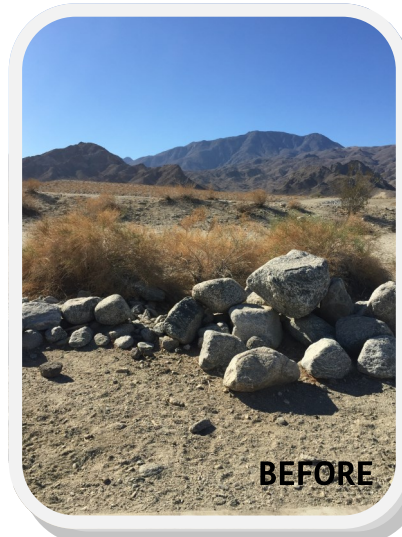
Total Maintenance Expenditures: \$20,680

ATTACHMENT 1



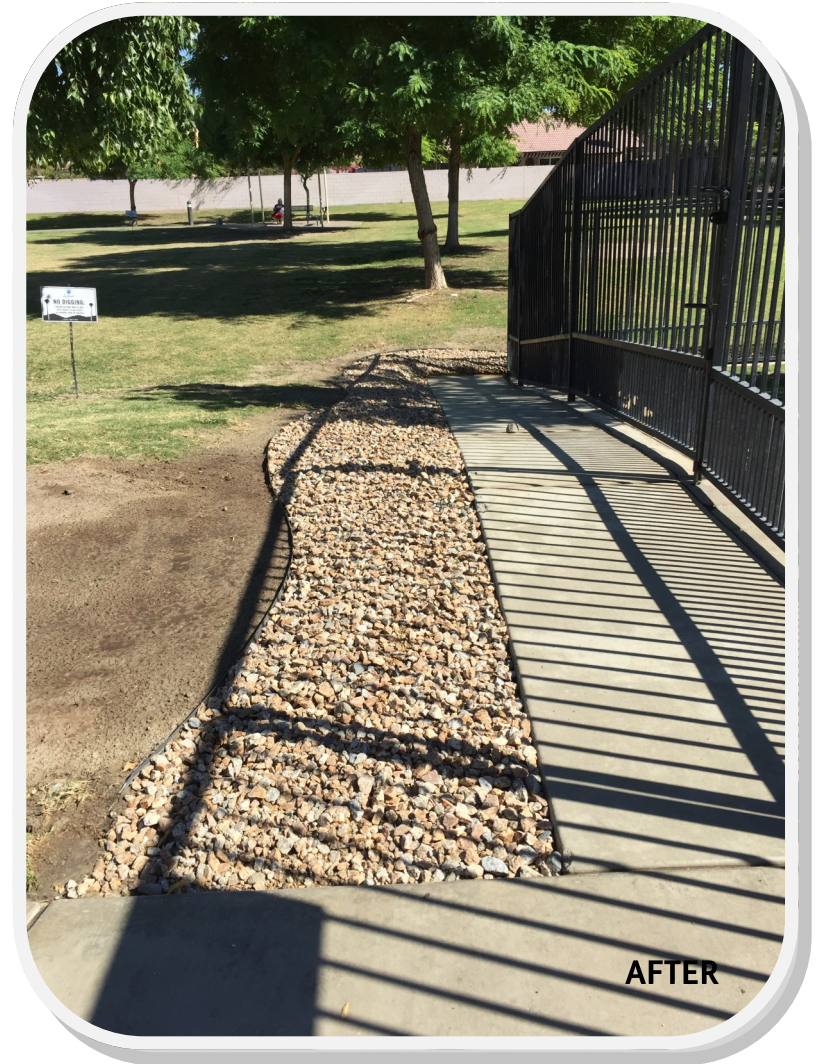
CIVIC CENTER CAMPUS RECYCLABLE CAN INSTALLATION



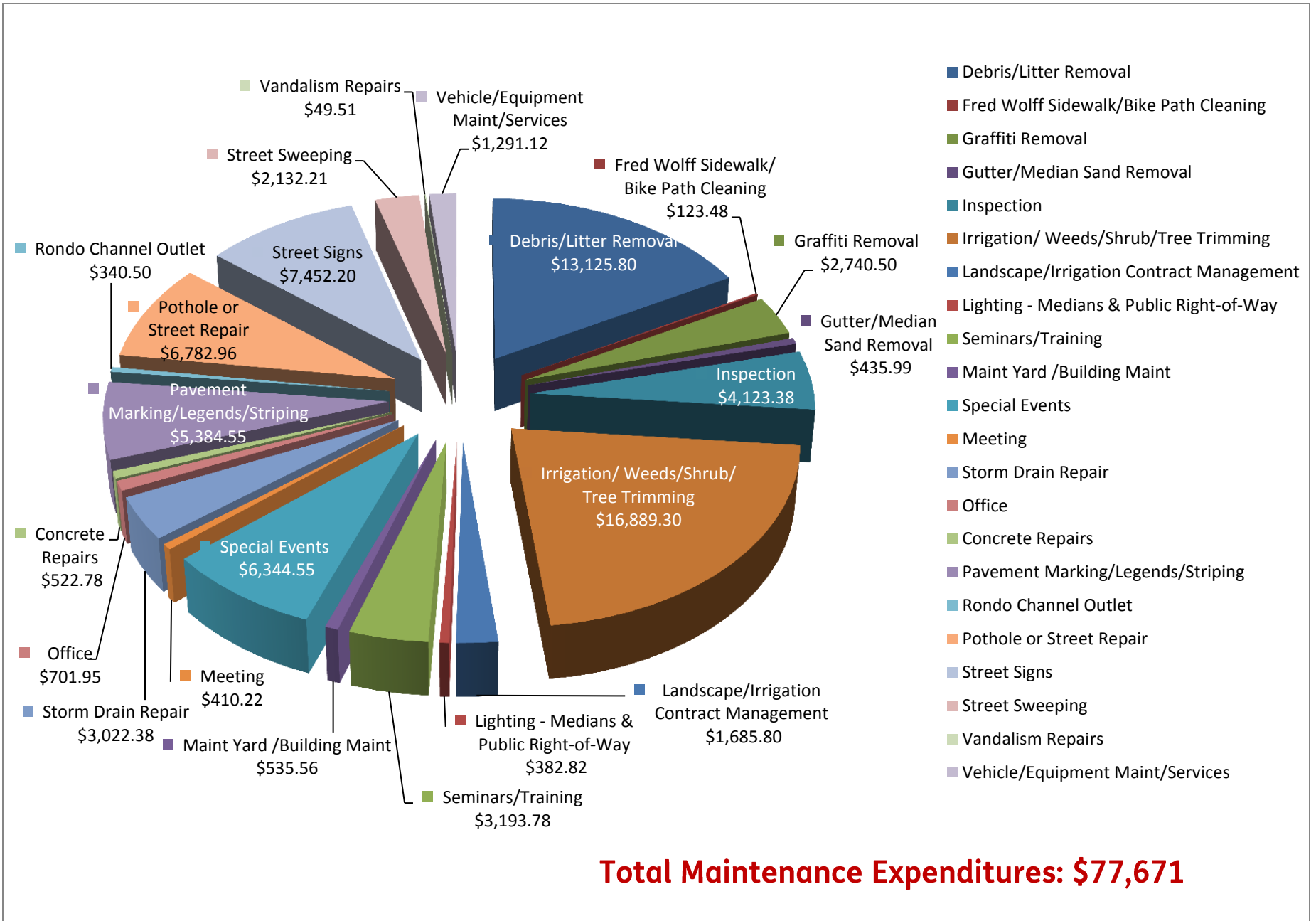


Cove Oasis Recyclable Can Installation

PIONEER DOG PARK ROCK INSTALLATION

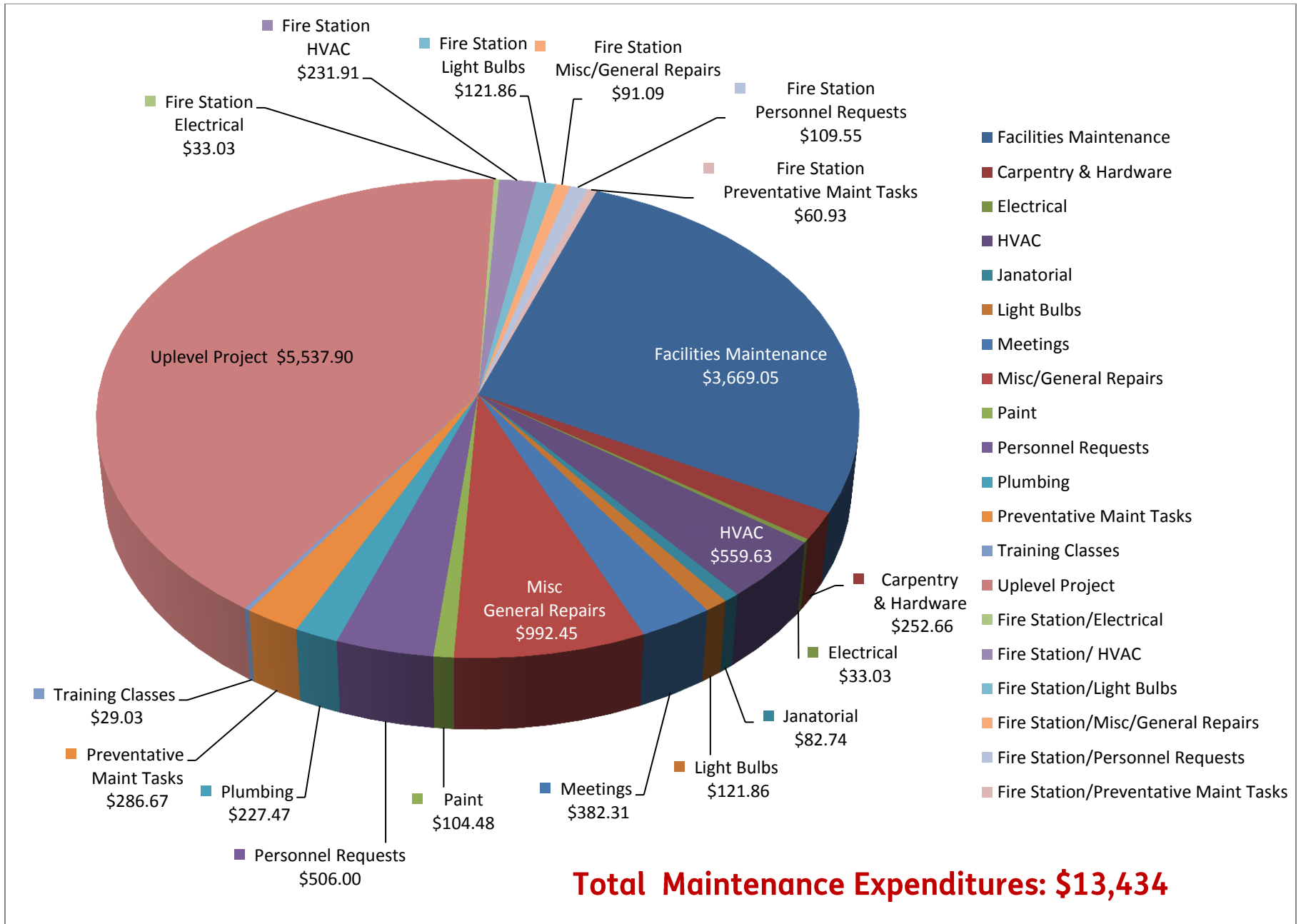


Public Works Maintenance Expenditures by Task for October 2016



ATTACHMENT 2

Buildings Maintenance Expenditures by Task for October 2016



ATTACHMENT 3

173 Air Conditioning Filters Replaced



ATTACHMENT 4

**Customer Satisfaction Survey Details
10/01/2016 to 10/31/2016**

Request: 23275	Survey Entered: 10-12-2016 Request Entered: 09/27/2016 Closed: 10/05/2016 Days Open: 8 Topic: FS/Misc/General Repairs
Employee: Bob Mignogna	Customer: Robin Stewart
Description:	String on blind is ready to break. Museum Gift Shop.
Reason Closed:	work done
Employee Effectiveness:	Superior
Response Times:	Superior
Employee Courtesy:	Superior
Expectations Met:	Exceeded
Comments:	Quick response and great solution to the problem. Thank you!
Request: 23340	Survey Entered: 10-07-2016 Request Entered: 09/29/2016 Closed: 09/30/2016 Days Open: 1 Topic: Debris/Litter Removal/Right of Way Maint - 1011
Employee: James Lindsey	Customer: Marc Berger
Description:	Trash off truck along Calle Tecate
Reason Closed:	Picked up box
Employee Effectiveness:	Superior
Response Times:	Superior
Employee Courtesy:	N/A
Expectations Met:	Exceeded
Request: 23365	Survey Entered: 10-11-2016 Request Entered: 09/30/2016 Closed: 10/04/2016 Days Open: 4 Topic: Irrigation/ Weeds/Shrub/Tree Trimming - 1040
Employee: James Lindsey	Customer: Sonia Millan
Description:	Overgrown landscape along median island on Avenue 52 it is a safety/traffic hazard; when you exit the Member's gate on Ave. 52 from Hideaway and make a right turn onto Ave. 52 then an immediate left on the turn lane faces west; please trim back all overgrown plant material. Thank you, Sonia Millan Assistant Community Manager The Hideaway HOA smillan@drmineternet.com / P: 760-393-5210
Reason Closed:	Over plants to be trim on Tuesday October 4, work done by Conserve landscaping.
Employee Effectiveness:	Superior
Response Times:	Superior
Employee Courtesy:	Superior
Expectations Met:	Exceeded
Comments:	I liked the quick and efficient response! Thank you so much.

ATTACHMENT 4

Request: 23366	Survey Entered: 10-13-2016 Request Entered: 09/30/2016 Closed: 10/06/2016 Days Open: 6 Topic: Landscape/Irrigation
Employee: James Lindsey	Customer: Sonia Millan
Description:	Homeowner inquiring about when this vacant bare area will be landscaped across from Codorniz homes a you drive on Avenue 52 towards the round-about; it needs much attention and with all the upcoming events it is an eyesore. Please advise so I may follow up with our homeowner. Thank you! Regards, Sonia Millan Assistant Community Manager P: 760-393-5210 E: smillan@drmineternet.com
Reason Closed:	There are no plans or proposed development planned for this site in the near future.
Employee Effectiveness:	Superior
Response Times:	Superior
Employee Courtesy:	Superior
Expectations Met:	Exceeded

Request: 23396	Survey Entered: 10-11-2016 Request Entered: 10/01/2016 Closed: 10/04/2016 Days Open: 3 Topic: Irrigation/ Weeds/Shrub/Tree Trimming - 1040
Employee: James Lindsey	Customer: Sally Shelton
Description:	Water has been running for days at this address 52231 Avenida Juarez Owner absent.
Reason Closed:	The irrigation valve was stuck on and the house is vacant. Inspected irrigation and Shut off irrigation valve.
Employee Effectiveness:	N/A
Response Times:	Good
Employee Courtesy:	N/A
Expectations Met:	Met
Comments:	My Request was sent over a weekend and I didn't expect anything until Monday. As it wasn't at my home, a neighbors down the street I was not contacted by the City Employees. It was only by chance on Monday midday that I saw they had arrived and were dealing with my request, they may have come earlier I wouldn't know. As expected my request was taken seriously and resolved. GoRequest is really an amazing App...

Request: 23398	Survey Entered: 10-10-2016 Request Entered: 10/02/2016 Closed: 10/03/2016 Days Open: 1 Topic: Graffiti Removal (Right-of-Way) - 1071
Employee: James Lindsey	Customer: Sherry Carnevale
Description:	Graffiti on wall of fleeces de Montana. And sidewalk there. Am sending from my home. No graffiti here.
Reason Closed:	Painted over graffiti
Employee Effectiveness:	Superior
Response Times:	Superior
Employee Courtesy:	Superior
Expectations Met:	Exceeded
Comments:	Not a thing.

Request: 23408	Survey Entered: 10-11-2016 Request Entered: 10/03/2016 Closed: 10/04/2016 Days Open: 1 Topic: Irrigation/ Weeds/Shrub/Tree Trimming - 1040
Employee: James Lindsey	Customer: Michael Michael
Description:	Looks like this has been going a long time. I cannot find a shit of valve Water is running down the street at least two blocks to a drain.
Reason Closed:	The irrigation valve was stuck on and the house is vacant. Inspected irrigation and Shut off irrigation valve.
Employee Effectiveness:	Superior
Response Times:	Superior
Employee Courtesy:	Superior
Expectations Met:	Exceeded
Comments:	Easy to report and got a confirmation of problem resolution quickly 🙌📧
Request: 23531	Survey Entered: 10-11-2016 Request Entered: 10/09/2016 Closed: 10/11/2016 Days Open: 2 Topic: Graffiti Removal (Right-of-Way) - 1071
Employee: James Lindsey	Customer: Bill Aitken
Description:	All over the gate and signs
Reason Closed:	Removed graffiti
Employee Effectiveness:	N/A
Response Times:	Superior
Employee Courtesy:	N/A
Expectations Met:	Exceeded
Comments:	As usual a very quick responses
Request: 23536	Survey Entered: 10-20-2016 Request Entered: 10/10/2016 Closed: 10/13/2016 Days Open: 3 Topic: Landscape/Irrigation Contract Management - 1050
Employee: James Lindsey	Customer: Sonia Millan
Description:	The median island across from the Codorniz homes between the lanes; when will that strip of bare dirt be landscaped? It is looking neglected and needs some tlc. Please advise. Thank you, Sonia Millan The Hideaway
Reason Closed:	Ms. Sonia Millan, I have coordinated The City's Engineering Department and the Planning Department regarding the landscape median. It was determined that Codorniz is not conditioned to do the landscape improvements in the median. The vacant property across the street will be conditioned to do the landscape improvement when it is developed. At this time there is no proposed development project or a Capital Improvement Project (CIP) scheduled.
Employee Effectiveness:	Superior
Response Times:	Superior
Employee Courtesy:	Superior
Expectations Met:	Exceeded

Request: 23590	Survey Entered: 10-21-2016 Request Entered: 10/11/2016 Closed: 10/14/2016 Days Open: 3 Topic: Parks/Fencing/Wall Repairs
Employee: Robert Ambriz Jr.	Customer: Alicia
Description:	The gate at Seasons dog park that connects the small dog to the large dog areas is broken. Latch is bent allowing large dogs into small dog area & vise versa.
Reason Closed:	Fixed bent gate latch. Work done.
Employee Effectiveness:	Superior
Response Times:	Superior
Employee Courtesy:	Superior
Expectations Met:	Exceeded

Request: 23646	Survey Entered: 10-24-2016 Request Entered: 10/14/2016 Closed: 10/17/2016 Days Open: 3 Topic: Lighting - Medians & Public Right-of-Way - 1083
Employee: James Lindsey	Customer: Jim Mannix
Description:	Street light not working on Airport blvd east of Madison. Number on the pole is 1206748. Thank you
Reason Closed:	Two pictures taken (The Palms Development) This concern has been reported to Imperial Irrigation District (IID), customer service, 1-800-303-7756. This is not a City maintained street light.
Employee Effectiveness:	Superior
Response Times:	Superior
Employee Courtesy:	Superior
Expectations Met:	Exceeded

Request: 23648	Survey Entered: 10-21-2016 Request Entered: 10/14/2016 Closed: 10/14/2016 Days Open: 0 Topic: Irrigation/ Weeds/Shrub/Tree Trimming - 1040
Employee: James Lindsey	Customer: Richard Schwemmer
Description:	A sprinkler has been broken and the water pours onto the sidewalk, covering the sidewalk with sand. This occurs only during the watering cycle.
Reason Closed:	Gilberto from conserve repaired the broken sprinkler
Employee Effectiveness:	Superior
Response Times:	Superior
Employee Courtesy:	N/A
Expectations Met:	Met
Comments:	The service was outstanding totally completed by on line service however the staff kept me updated on the call. The call was completed within two hours. As this call was not an emergency, I was pleasantly surprised it was handled so quickly. Job Well Done.

Request: 23690	Survey Entered: 10-24-2016 Request Entered: 10/17/2016 Closed: 10/17/2016 Days Open: 0 Topic: Street Sign Repair/Maint - 1010
Employee: James Lindsey	Customer: Dianne Hansen
Description:	Steve Toms called to report a pole that is leaning and a safety hazard at 53225 Avenida Herrera. He said there are no wires attached to this pole. He would like a call back at 425-221-6856. Thank you,
Reason Closed:	I contacted Frontier's customer Service at 1-800-921-8101 and reported the pole that is leaning and a safety hazard at 53225 Avenida Herrera. They are scheduling to check on it ASAP. Work Order # 002880700. I left Mr. Steve Toms a phone message regarding the Work order.
Employee Effectiveness: Response Times: Employee Courtesy: Expectations Met: Comments:	Superior Superior Superior Exceeded Thank you for responding in a timely manner.

Request: 23749	Survey Entered: 10-27-2016 Request Entered: 10/19/2016 Closed: 10/20/2016 Days Open: 1 Topic: Debris/Litter Removal/Right of Way Maint - 1011
Employee: James Lindsey	Customer: Kay Wolff
Description:	Someone is dumping garden waste time on this vacant lot.
Reason Closed:	Removed garden waste
Employee Effectiveness: Response Times: Employee Courtesy: Expectations Met: Comments:	N/A Good N/A Met Thanks for cleaning up the debris...

City of La Quinta

CITY COUNCIL MEETING

DEPARTMENT REPORT

TO: Madam Mayor and Members of the City Council
FROM: Karla Campos, Finance Director
DATE: November 15, 2016
SUBJECT: SALES TAX MEASURE G IMPLEMENTATION UPDATE

Riverside County voter registrar's office has preliminary indicated that on November 8, 2016 La Quinta residents approved Measure G by a yes vote of 53.66%. The following is an implementation update for the 1% Transaction and Use Tax (sales tax) increase.

November 2016 - The Board of Equalization (BOE) will be contacting Cities with approved sales tax measures to issue a list of official procedures which need to be completed.

December 8, 2016 - Official ballot results are solidified by the County Registrar.

February 2017 - Correspondence as requested from the City is due to the BOE for preparation of notification to business owners.

By March 1, 2017 - BOE notifies businesses of the additional 1% increase with an effective date of April 1, 2017

April 1, 2017 - Effective date of 1% sales tax increase

June 2017 - First advance payment of new sales tax rate will be remitted to the City. BOE expects 85% compliance in the first quarter, with a slight increase each following quarter until reaching 100% within a year. Full payments for first quarter sales taxes are received until September 2017.

Notable Points of Interest

- Sales tax rate increase cannot take effect sooner. There were 88 measures across the State to increase or extend Transaction and Use Tax (sales tax) rates. All approved changes will take effect on April 1, 2017.
- BOE verifies quarterly sales tax returns to ensure businesses are collecting the accurate amount of sales tax. If businesses are under collecting the business is liable for the difference owed and if over collecting the additional revenue is remitted to the State (not the City).

- BOE expects full implementation within a year with a steady increase each quarter. (Quarters based on implementation of new sales tax rate.)
 - First quarter (April – June 2017) – 85% compliance, full remittance to City in September 2017
 - Second quarter (July – September 2017) – 90% compliance, full remittance to City in December 2017
 - Third quarter (October – December 2017) – 95% compliance, full remittance to City in March 2018
 - Fourth quarter (January – March 2018) – 100% compliance, full remittance to City in June 2018

- Effective January 1, 2017 the sales and use tax rate will decrease by 0.25 percent statewide from 7.50% to 7.25%. A notification from BOE regarding this decrease was sent to businesses in October 2016 (Attachment 1).

- Attachment two is the most recent notification sent to businesses regarding sales tax rate changes approved in June 2016 with an effective date of October 1, 2016. A similar notice will be sent by March 2017 for measure approved in November 2016.

- Attachments: 1. Sales and Use Tax Rate Decrease by 0.25 percent effective January 1, 2017
2. Sales and Use Tax Rate Changes Operative October 1, 2016

Sales and Use Tax Rate Decreases by 0.25 Percent Effective January 1, 2017

The statewide sales and use tax rate will decrease one quarter of one percent (0.25%) from 7.50 percent to 7.25 percent on January 1, 2017. The decrease in the statewide rate is effective for all cities and counties in California; however, the actual sales and use tax rate may still be higher than the statewide rate in many jurisdictions in California due to the addition of district taxes.

Why is the sales and use tax rate decreasing?

Proposition 30, *The Schools and Local Public Safety Protection Act of 2012*, was approved by California voters in November 2012 to temporarily increase the sales and use tax by 0.25 percent. The sales and use tax imposed by Proposition 30 expires December 31, 2016.

Where can I find more information?

Guidance on how the tax rate decrease affects partial exemptions, fixed-price contracts, returned merchandise, fuel rates, and return filing can be found on the Board of Equalization (BOE) webpage *Sales and Use Tax Rate Decreases January 1, 2017* at www.boe.ca.gov/sutax/prop30.htm. You may also call the BOE's Customer Service Center at 1-800-400-7115 (TTY:711) where customer service representatives are available to assist you weekdays from 8:00 a.m. to 5:00 p.m. (Pacific time), except holidays.

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Sales and Use Tax Rate Changes Operative October 1, 2016

The tax rate changes listed below apply only within the indicated city limits. To find the correct tax rate for your area or business location, visit www.boe.ca.gov and click the light blue [Find a SALES TAX RATE by Address](#) button. (Please note: The new rates will not be available on this website until October 1, 2016.)

NEW DISTRICT TAXES				
City	New Code	Acronym	Prior Rate	New Rate
City of Compton (located in Los Angeles County)	449	COMG	9.00%	10.00%
City of Corning (located in Tehama County)	446	CORG	7.50%	8.00%
City of Isleton (located in Sacramento County)	443	ISLS	8.00%	8.50%
City of Marysville (located in Yuba County)	447	MARG	7.50%	8.50%
City of San Jose (located in Santa Clara County)	445	SJGT	8.75%	9.00%

CURRENT DISTRICT TAXES EXTENDED				
City	Code	Acronym	Tax Rate	Expiration Date
City of Pittsburg (located in Contra Costa County) ¹	288	PPTG	9.00%	6-30-35

For more information on city and county tax rates, go to our website at www.boe.ca.gov, look under the category *Popular Topics*, and select the link [All Sales and Use Tax Rates](#). You can also call our Customer Service Center at 1-800-400-7115 (TTY:711). Representatives are available to assist you weekdays from 8:00 a.m. to 5:00 p.m. (Pacific time), except state holidays.

¹The 0.50% rate was scheduled to decrease to 0.25% on 10-1-17 and expire 9-30-22. The rate will now remain at 0.50% until 6-30-2035.