

§ 155.375 PURPOSE.

Due to the unique impacts imposed on the properties in close proximity to the freeway, a detailed analysis and an application of high standards of design and quality of improvements are warranted to ensure orderly and consistent development. The principal purpose of the Freeway Overlay Zone shall be:

- (A) To present a positive community identity reflected through the portion of the regional transportation system that traverses the city;
- (B) To establish and maintain a high quality aesthetic appearance, efficient access, and optimum functionality for specially designated properties located adjacent to, directly abutting the freeway, or directly abutting a street adjacent to the freeway through the implementation of design standards as established by this zoning overlay;
- (C) To stimulate continued investment and reinvestment in the properties and businesses within this exceptional location as well as attract uses that benefit from direct regional access and freeway visibility;
- (D) To encourage a creative approach in a development of land and improvements adjacent to the freeway and to allow variety of industrial and commercial uses while maintaining high standards of design and quality of improvements to preserve the quality of life and economic vitality for the city's businesses and residents;
- (E) To establish a basis for reviewing and evaluating projects on a case-by-case basis to ensure high levels of design and quality developments are maintained adjacent to the freeway and to ensure that they achieve the intent of the Freeway Overlay Zone and design standards; and
- (F) To provide a means for requiring review and action on development plans for properties that are within the proximity of a freeway (either directly abutting or separated by a frontage road) by Planning Commission or other necessary approval bodies. The Freeway Overlay Zone is intended to address the special circumstances and potential impacts created by the existence or expansion of a freeway that traverses the community.

(Ord. 931, passed 2-27-03)

§ 155.376 SUPERIMPOSED NATURE OF FREEWAY OVERLAY ZONE.

The Freeway Overlay Zone shall be in the nature of an overlay zone. Land classified in the Freeway Overlay Zone shall also be classified in one or more underlying zones. Property so classified shall be delineated on the zoning map by a combination of a symbol for the base district followed by a symbol for the Freeway Overlay Zone (such as M-2-FOZ). The regulations set forth in these sections of the Freeway Overlay Zone shall be in addition to those regulations set forth in the underlying zone district. In the event of a conflict between the provisions of the Freeway Overlay Zone and the provisions of the underlying zoning designation, the provisions of the Freeway Overlay Zone shall prevail. If the Freeway Overlay Zone is silent in relation to any development standards, the development standards identified in the underlying zone district shall prevail. (Ord. 931, passed 2-27-03)

§ 155.377 PERMITTED, ACCESSORY AND CONDITIONAL USES.

- (A) *Purpose.* The purpose of the Freeway Overlay Zone is to maintain the land uses permitted within the underlying zone districts, while providing parameters to improve the aesthetic and functional characteristics of properties located adjacent to the freeway.
- (B) *Restrictions and conditions.* The restrictions and conditions applied to the properties included in the overlay zone shall be those that enhance the vehicular effectiveness, economic vitality and aesthetic appearance of the city from the freeway.
- (C) *Principal permitted uses.*
 - (1) The principal permitted uses, accessory uses and conditional uses permitted in the Freeway Overlay Zone are outlined in the following divisions. Any uses that are not identified in the following divisions are prohibited within the Freeway Overlay Zone.
 - (2) The Planning Commission and/or other required approval bodies, after holding a public hearing, may approve a combination of land uses which may include uses other than those permitted in the underlying zone, provided that the approval body finds that the combination of uses will complement each other and will harmonize with existing and proposed land uses in the vicinity.
- (D) *Permitted uses.* The following list identifies uses that are permitted in the Freeway Overlay Zone:
 - (1) Manufacture, processing and assembly of aircraft, automotive, boat or recreational vehicle accessories and parts;
 - (2) Manufacture, processing, shaping and or assembly of metal or plastic products, including sheet, tubular, molded, or wire forms;
 - (3) Specialized manufacture, processing or assembly of aerospace, military or communications equipment or components;
 - (4) Manufacture, processing, or assembly of large and small household appliances, electrical and electronic equipment, tools, and industrial machinery
 - (5) Metal fabricating, heat treating, pickling, and stamping;
 - (6) Manufacturing process, including use of lathes, presses, stamping machines, and similar equipment;
 - (7) Manufacture of cans, containers, boxes, barrels, bottles, and bags;
 - (8) Manufacture, processing and packaging of pharmaceuticals, drugs, toiletries, and cosmetics, except soap;
 - (9) Manufacture of scientific, optical, medical, dental, and drafting instruments, orthopedic and medical appliances, watches and clocks, precision instruments, musical instruments, cameras and photographic equipment, except film;
 - (10) Manufacturing processes such as the following as long as they are included as part of a primary business activity (not permitted as freestanding operations):
 - (a) Blacksmiths;

- (b) Grinding;
 - (c) Electroplating;
 - (d) Polishing;
 - (e) Sheet metal;
 - (f) Cabinetry or carpentry;
 - (g) Welding;
 - (h) Tinsmiths;
 - (i) Anodizing;
 - (j) Metal engraving; and
 - (k) Die and pattern making.
- (11) Manufacturing, compounding, processing, canning or packaging of products such as:
- (a) Bakery goods;
 - (b) Candy and soft drinks;
 - (c) Dairy products; or
 - (d) Food products.
- (12) Production of precious or semi precious metals or stones (excluding the dressing, grinding or cutting of metals or stones);
- (13) Parking, storage, rental, leasing, and sale of boats, recreational trailers and vehicles, mobile homes, office trailers, and automobiles (see also § 155.658);
- (14) Truck sales, retail leasing, service, or repair (see also § 155.657) excluding trucking facilities;
- (15) Motorcycle sales, service, and repair;
- (16) Automobile agency, new or used, automobile accessory and parts store, automobile laundry or carwash, brake relining shops, muffler shops, upholstery and top shops (also subject to § 155.658);
- (17) Plumbing, heating or electrical shops;
- (18) Building material and hardware sales;
- (19) Furniture manufacturing and upholstery, including mattress manufacture, repair, rebuilding and recovering;
- (20) Forklift sales and leasing;
- (21) Machinery sales and service (excluding motor vehicles);
- (22) Art supply and stationary sales;
- (23) Office furniture sales and assembly;
- (24) Servicing of office equipment such as copiers and printers;

- (25) Blueprinting, photocopying, film processing, printing, engraving, and lithographing;
- (26) Warehouses (except those uses involved in the selling, serving, or storage of alcoholic beverages which shall be subject to the requirements of § 155.628);
- (27) Business and professional offices, administrative or executive offices of commercial, financial, or industrial establishments (except those uses involved in the selling, serving, or storage of alcoholic beverage which shall be subject to the requirements of § 155.628);
- (28) Banks;
- (29) Business, technical, trade or professional schools (less than 50 students);
- (30) Clinics, doctors, engineering, industrial design and other professional offices;
- (31) Scientific research and experimental development laboratories;
- (32) Television and radio broadcasting studios;
- (33) Highway patrol offices or other appurtenant facilities;
- (34) Sit-down restaurants, cafes, cafeterias, or drive-through restaurants; and
- (35) Other similar uses which the Commission, after study and deliberation, finds not to be inconsistent with the purpose of this section, and which would be similar to the uses listed as permitted uses and would be compatible with those uses.

(E) *Conditionally permitted uses.*

- (1) Transit stations and transportation facilities.
- (2) Hospitals and ambulance services.
- (3) Business, technical, trade or professional schools (50 students or more).
- (4) Drive in theatres and swap meets conducted in connection with a drive in theatre operation.
- (5) Hotels and motels.
- (6) Radio and television transmitter towers higher than 50 feet above ground level.
- (7) Service stations.
- (8) Public, private or quasi- public uses of an educational or recreational nature.
- (9) Towing services.
- (10) Regional commercial and retail uses five acres or more in size.
- (11) Billboards, including but not limited to electronic and digital billboards.

(F) *Accessory uses permitted.*

- (1) Employee recreational facilities and play areas.

- (2) Restaurants, cafes, coffee shops, or cafeterias operated in conjunction with permitted use for the convenience of persons employed upon the premises (except those uses involved in the selling, serving, or storage of alcoholic beverages which shall be subject to the requirements of § 155.628).
- (3) Commercial sales and service incidental to a principal permitted use.
- (4) Storage buildings incidental to a permitted use.
- (5) Other accessory uses and buildings customarily appurtenant to a permitted use.

(G) *Preferred uses.*

- (1) The intent of the Freeway Overlay Zone is to create a vibrant hub of commercial and industrial activity that serves as an attractive window into the city.
- (2) As such, regional commercial and industrial uses as well as freeway oriented uses are highly encouraged (preferred) for non-residential properties that are located adjacent to, or visible from the freeway.
- (3) Single-tenant uses are also preferred in commercially and industrially zoned properties that are visible from the freeway or accessible from the on and off ramps.

(Ord. 931, passed 2-27-03; Am. Ord. 1036, passed 11-20-12; Am. Ord. 1058, passed 8-28-14; Am. Ord. 1090, passed 9-28-17)

§ 155.378 REQUIREMENTS.

- (A) Development plan approval shall be required for the establishment of any building or structure, or an improvement or change to any building or structure within a Freeway Overlay Zone, unless the underlying zone district specifies a conditional use permit is required to establish a specific use.
- (B) At the discretion of the Director of Planning and Development, administrative approval may apply to any permitted use or change of use that would not significantly affect the nature or appearance of the premises involved. Such actions shall be excluded from the requirements of this section. All uses not identified as permitted uses are prohibited or require a conditional use permit. Fences, walls, signs, and similar types of improvements, or additions or alterations that will not significantly affect the appearance or function of existing uses will require administrative approval only.
- (C) The Planning Commission and/or other required approval bodies, shall have the authority to grant, conditionally grant, or deny a conditional use permit or request for development plan approval, based upon evaluation of the plans, supporting documentation, knowledge of existing circumstances, and the applicable provisions of this chapter.

(Ord. 931, passed 2-27-03)

§ 155.379 PLANNING COMMISSION CONSIDERATIONS/FINDINGS.

- (A) *Development plan approval.* Projects within the Freeway Overlay Zone requiring Development Plan Approval will be subject to the provisions outlined in §§ 155.735 through 155.747.
- (B) *Conditional use permit.* In considering an application for a conditional use permit in the Freeway Overlay Zone, the Commission, in addition to all other applicable provisions of this chapter pertaining to conditional use permits, shall evaluate probable future development of adjoining properties and surrounding areas and shall take into consideration the following criteria:
 - (1) The location, siting, and arrangement of uses, buildings, structures and facilities shall be coordinated in such a manner as to provide for efficiency, convenience, safety, and a high standard of design in the proposed development as well as to provide for compatibility with adjoining properties and surrounding areas.
 - (2) The location size and quality of design of landscaping, architectural walls, signs and other design features shall be compatible with other uses, buildings, structures, and facilities within the proposed development as well as with adjoining properties and surrounding areas.
 - (3) The proposed development shall be in conformance with the overall purposes and objectives of this chapter and is consistent with the goals, policies, and programs of the General Plan.
- (C) *Variances.* The retention of existing businesses in existing locations to the maximum extent possible may require the reduction, on a case-by-case basis, of specific development standards to preserve the overall image, character, and functionality of a property or business located within the Freeway Overlay Zone. In addition to the considerations set forth in § 155.675, the Planning Commission shall take into consideration the following criteria prior to the application of development standards less than those required in the underlying zone district and/or this section.
 - (1) Special circumstances are creating extraordinary impacts on an existing building, structure, or property thus preventing the site from complying with development standards outlined in the underlying zone district.
 - (2) There are particular physical circumstances including, but not limited to, loss of access, reduction of lot size, or a reduction of required setbacks that, under existing regulations, results in a hardship versus a mere inconvenience. As such, the subject property cannot be used or function appropriately under the strict application of the underlying development standards.
 - (3) That the circumstances/difficulties are not created by any person presently having an interest in the property, but instead were imposed upon them as a result of the actions of an outside party.
 - (4) That the circumstances will create a hardship for the existing use such as structural impacts that severely impede the functionality of business operations to the point where they are non-operational.

(Ord. 931, passed 2-27-03)

§ 155.380 PROPERTY DEVELOPMENT STANDARDS.

These property development standards are to be applied in addition to those identified in the underlying zone district. In the event that the Freeway Overlay Zone is silent on a particular issue or topic, the direction provided in the underlying zone district shall prevail.

(A) *Lot size.*

- (1) The minimum lot size shall be 43,560 square feet (one acre) for all industrially zoned properties within the Freeway Overlay Zone, as well as commercial uses permitted within those industrial zones.
- (2) Freeway-oriented uses such as gas and service stations, mini-marts, and fast food restaurants shall be subject to the minimum lot sizes required by the underlying zone district.
- (3) Industrially zoned properties shall comply with the minimum lot width and depth requirements of the underlying zone district.

(B) *Setbacks.*

- (1) Industrial uses or commercial uses permitted in an industrial zone that abut freeway frontage roads or any on or off ramp shall have a minimum building setback of 30 feet. The minimum 30-foot wide required setback area shall be fully landscaped as set forth in § 155.248. Notwithstanding this provision, on any lot containing a building with a height greater than the minimum front yard setback distance of the lot, the front setback shall be 1 foot for each building height or portion thereof.
- (2) Building structures that are impacted by any roadway expansion (freeway or local streets) may be considered for application of setback requirements that are less than the minimum standards set forth in this chapter when it is determined by the Planning Commission, or other approval body, that the resulting development will be in compliance with the purposes and intent of this zone district.

(C) *Required landscaping for industrial and commercial uses adjacent to the freeway.* Because the properties located within the Freeway Overlay Zone have a high level of visual exposure from the freeway, substantial, high quality landscaping is required to maintain the quality image of the city. As such, the landscape requirements for the underlying zone district shall apply in the Freeway Overlay Zones with the following exceptions:

- (1) Industrial and commercial projects built on vacant properties that are visible from the freeway, bridges or overpasses shall comply with the landscape requirements of the underlying zone district and shall utilize a preferred specimen tree as identified by the Planning Director or his designee;
- (2) Where possible, monument structures such as fountains or signs shall be used to aesthetically enhance on and off ramp areas;
- (3) Landscaping located in areas adjacent to on and off ramps shall be intensified to demarcate the area as a "window" into the city. Intensification of landscaping includes the planting of mature "landmark" trees that shall be used to identify important entryways into the city;

(4) Where there are view corridors from the freeway right-of-way to permitted industrial or commercial uses within the Freeway Overlay Zone, no landscaping shall be used along the freeway to block visibility of these uses. In these areas, landscaping shall be focused within freeway medians, on and off ramps, bridges, and overpasses;

(5) All projects located within the Freeway Overlay Zone shall comply with the existing landscape requirements outlined in the City's Landscape Guidelines; or

(6) In the event that a freeway project impacts an existing property in a way that the property no longer complies with the required development standards, the Planning Commission may approve, on a case-by-case basis, reduced building setbacks subject to the approval of a variance. However, the greater the reduction in building setback, the more substantial the landscaping must be to compensate for the loss in setback.

(D) *Parking requirements for auto sales and display.* Landscaping for auto sales and display shall make use of low shrubbery and ground cover in planters adjacent to auto display areas. Palm trees and other species with narrow trunks shall be used to maximize the visibility of the display area. Landscape planters are also required adjacent to the building to soften edges and break up long expanses of building walls.

(E) *Planting list for the freeway overlay zone botanical name common name.*

BOTANICAL NAME	COMMON NAME
Arbutus unedo	Strawberri Tree
Archontophoenix cunninghamiana	King Palm
Chamaerops humilis	Mediterranean Fan Palm
Citrus sp.	Lemon, Orange
Cupaniopsis anacardiopsis	Carrotwood
Erythrina coralloides	Coral Tree
Eucalyptus citriodora	Lemon Scented Gum
Eucalyptus nicholii	Nichols Willow - Leafed Peppermint
Agonia iexuosa	Australian Willow
Jacaranda mimosifolia	Jacaranda
Lagerstroemia indica	Crape Myrtle
Liquidambarstyraciflua	American Sweet Gum
Liriodendron tulipifera	Tulip Tree
Clea europaea	Olive
Phoenix canarlensis	Canary Island Palm
Phoenix dactylifera	Date Palm
Pious canariensis	Canary Island Pine
Pious eldarica	Calabrian Pine
Pistada chinensis	Chinese Pistache

BOTANICAL NAME	COMMON NAME
Platanus acerifolia	London Plane Tree
Platanus racemosa	California Sycamore
Prunus cerasifera	Purple Leaf Plum
Pyrus kawakamii	Evergreen Pear
Quercus agrifolia	Coast Live Oak
Sequoia sempervirens	Coast Redwood
Syagrus romanzofanum	Queen Palm
Tabebuia ipe	Tabebuia
Tpuana tipu	Tipu Tree
Tristania conferta	Brisbane Box
Washingtonia robusta	Mexican Fan Palm

- (F) *Parkway requirements.* The city has instituted an "urban forest" requirement on all new developments to enhance the overall character of the city and to provide additional open space. The urban forest provides raised, meandering, and undulating sidewalks around the perimeters of properties in areas facing city streets.
- (1) Appropriate street trees, shrubs, ground covers and raised lawns shall be planted along the rights-of-way.
 - (2) To further encourage the use of the areas as a form of open space, benches and trash receptacles should be placed intermittently near the walkways.
 - (3) The maximum height of the undulations should be approximately three feet above street grade, with the minimum height being at least one foot above street grade.
 - (4) Sidewalks should be built in a serpentine manner, with the extents moving in 5-foot horizontal arcs over 125-foot lengths, using 6-foot wide sidewalks.
 - (5) Street trees shall be planted on both sides of the sidewalks.
 - (6) Sidewalks should be sloped at a 2% grade toward the street to promote drainage away from concrete surfaces and buildings.
 - (7) Specific landscaping and irrigation plans for the urban forest must be provided to the Planning Department prior to development in order to ensure that the proposed development will meet the desired look and feel.
 - (8) Copies of an existing urban forest project, known as the Telegraph Corridor Beautification Project, should be reviewed for an illustration of the type of installation the city expects.

- (9) A maximum 25% slope shall be provided from the front of the sidewalk to the top of curb.
- (10) To comply with ADA regulations, the sidewalk grade shall not exceed 4.99% and the cross slope shall not exceed 2.00%.

(G) *Business identification signage.*

- (1) All sign requirements identified in the underlying zone district shall apply within the Freeway Overlay Zone, and shall be located as outlined in §§ 155.455 and 155.515 through 155.536 (sign guidelines).
- (2) Freestanding signs are only permitted for the following uses: Automobile, truck and RV sales and leasing.
- (3) Street addresses a minimum of 12 inches in height shall be located on building facades so that they are easily visible from the street.
- (4) Single-user businesses located within the Freeway Overlay zone shall use signage lettering that does not exceed a maximum of 24 inches in height. Letters taller than 24 inches in height may be approved on a case-by-case basis.
- (5) Multi-tenant buildings within the Freeway Overlay Zone shall use signage lettering that does not exceed a maximum of 24 inches in height.
- (6) Roof signs are prohibited in the Freeway Overlay Zone.
- (7) One construction sign per street frontage is permitted within the Freeway Overlay Zone with a maximum sign area of 32 square feet located on a construction site during the course of construction. Removal is required prior to issuance of a certificate of occupancy or final inspection, whichever comes first.
- (8) Pennants or banners corresponding to a city sponsored event or theme shall be mounted on light standards located on private property, a maximum of 30 square feet per pennant, with a minimum eight-foot clearance from the ground. Written text shall be limited to the name and date of the event. Pennants and banners shall be removed within five working days upon the completion of the event.

(H) *Balloons, pennants and inflatables.*

- (1) Businesses located within the Freeway Overlay Zone that utilize vehicle sales and display areas shall obtain a banner permit for the use of large displays and inflatables larger than 18 inches in diameter. The displays and inflatables shall be affixed directly to the ground or other stationary object and shall not exceed the height of the tallest building located on the site. No inflatables shall be located on the roof of any structure within the Freeway Overlay Zone.
- (2) Balloon arches shall be permitted so long as they are properly fastened to a stationary object, do not project over the public right of way, are constructed of non-metallic helium balloons, and the height of the arch does not exceed the height of the building structures located on the site.

- (3) Single, non-metallic helium balloons not exceeding 18 inches in diameter may be affixed individually to vehicles.
- (4) All balloons and inflatables shall be fully inflated and affixed to stationary objects at all times. Deflated balloon or inflatable displays shall be promptly removed or replaced. All inflatables and balloons shall comply with the Sign Code, § 155.533 - Maintenance.
- (5) Displays and inflatables shall be limited to a maximum of 12 weekends per calendar year.

(I) *Freeway signage.*

- (1) All freestanding freeway signs (those typically installed by Caltrans) shall be located within the freeway right-of-way and landscape buffer/berming areas.
- (2) All pole mounted directional and informational freeway signs shall be placed on the "freeway side" of soundwalls so that the foundation and pole are screened from residential properties as much as possible.

(J) *Remnant parcels.* If remnant parcels are created within the Freeway Overlay Zone, the following should occur:

- (1) Remnant parcels should be consolidated adjacent parcels to eliminate unbuildable and neglected lots;
- (2) Remnant parcels should be offered to the city for purchase to facilitate their consolidation or reuse; and
- (3) Remnant parcels that cannot be developed or consolidated should be landscaped and maintained by the agency that created the remnant parcels.

(K) *Parking and loading.*

- (1) Parking requirements within the Freeway Overlay zone shall be consistent with those identified in §§ 155.492 and 155.501.
- (2) Loading doors for commercial and industrial uses shall not front directly on a public street unless screened per § 155.492 and shall be a minimum of 75 feet from any property line adjoining a public street.
- (3) Provision for handling all freight, either by railroad or truck, shall be on those sides of any buildings that do not front on any street or proposed street.

(L) *Non-conforming properties.* Properties that do not conform to the development standards set forth in the Freeway Overlay Zone or the underlying zone district are considered non-conforming properties (subject to the amortization schedule as set forth in §155.398), unless the Planning Commission approves reduced development standards as set forth in this chapter.

(M) *Performance standards.* Performance standards in excess of the standards set forth in this chapter may be imposed as conditions of approval where it is determined that more restrictive standards are necessary to protect the public health, safety, and welfare and to produce an overall development that will comply with the purposes and intent of this overlay zone.

- (N) *Traffic considerations.* Limitation on the intensity and type of land use and location of access points may be imposed in the conditions of approval where required to insure that a proposed development will not generate traffic volumes which would cause traffic congestion or traffic hazards. A traffic study outlining, the anticipated or projected traffic volumes resulting from the implementation of a specific use may be required by The Director of Public Works or his or her designee at the time of entitlement submittal to facilitate proper consideration of the case.
 - (O) *Permitted noise levels.* All uses located within the Freeway Overlay Zone must comply with §§ 155.423 and 155.424 related to permitted noise.
 - (P) *Vibrations.* All properties within the Freeway Overlay Zone shall comply with the requirements addressing vibrations as set forth in § 155.428.
- (Ord. 931, passed 2-27-03; Am. Ord. 1036, passed 11-20-12)
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§ 155.381 DESIGN STANDARDS.

- (A) *Application.* The following design standards shall apply to all properties located within the Freeway Overlay Zone. The standards will be used during the project review process to ensure the highest level of quality and architecture is applied within the Freeway Overlay Zone. These design standards shall apply to new construction, exterior building or landscaping alterations, and to any modification to an approved landscaping plan.
- (B) *Exemptions.* When in compliance with all other city ordinances, the following projects are exempt from the provisions of this section:
 - (1) Underground construction that will not leave any significant, permanent marks on the surface after completion. Utility boxes, piping and appurtenances are not exempted from these provisions;
 - (2) Interior remodeling; and
 - (3) Maintenance work on buildings, landscaping, or grounds (including parking lots) that does not significantly alter the appearance or function of the building, landscaping, or site.
- (C) *Metal buildings.*
 - (1) Metal buildings are prohibited within the Freeway Overlay Zone, with the exception of those that are permitted in accordance with § 155.461.
 - (2) All metal buildings within the Freeway Overlay Zone shall comply with the provisions identified in Ord. 822.
 - (3) Existing buildings or structures having exterior walls and roofs comprised substantially of metal frames or sheet metal shall be refaced and constructed with walls comprised of a non-metallic material. The material used to reface the structure shall be properly integrated into the existing architecture to provide a pleasing, attractive appearance and contemporary architectural design.

- (D) *Roofscapes.* Due to the high level of visibility of buildings adjacent to the freeway, special emphasis shall be given to the visual appearance of the roof as viewed from the freeway and frontage roads. Roofscapes shall be carefully evaluated during the entitlement review process. Roof materials and design shall be integrated into building design to meet the requirements and characteristics of the Freeway Overlay Zone.
- (1) No equipment or ductwork shall be allowed on the roof of any structure within view from any freeway, bridge or frontage street.
 - (2) All mechanical equipment and ductwork shall be constructed within a building structure or completely screened from view.
 - (3) The following roof materials may not be used on commercial and industrial buildings visible from the freeway: corrugated metal, highly reflective surfaces and illuminated roofing.
 - (4) The roofline at the top of the structure shall not run in a continuous plane for more than one 100 feet without offsetting or jogging the roof plane.
- (E) *Architectural treatments.*
- (1) Architectural treatments of commercial and industrial buildings located in the Freeway Overlay Zone must be of superior quality and design because of their visibility from the freeway.
 - (2) Building design shall be subject to the following requirements:
 - (a) All buildings must be constructed of durable, maintenance-free materials;
 - (b) Various building materials and colors shall be used to create visual interest. Color bands shall also be used to break up monochromatic walls;
 - (c) Architectural treatments shall include variations of mass, height, materials, colors, and textures to maintain a visually appealing appearance along the freeway corridor;
 - (d) Reflective windows shall be used at building entryways and "false" reflective windows shall be used to break up monotonous building walls;
 - (e) Various types of building cladding shall be used to produce different texture, shade, and shadow effects;
 - (f) All buildings should feature a dominant (main) color on all elevations. Light colors in the white, cream and tan ranges are preferred;
 - (g) Buildings may use up to three contrasting colors that complement the building's dominant color. Use of more than three contrasting colors is subject to approval by the Planning Director. Contrasting materials, textures, and colors shall be used to add emphasis to building entrances and to articulate long expanses of building walls;

- (h) Facades fronting or clearly visible from the key streets shall be especially attractive. Long, unarticulated facades are prohibited and wall shall not run for more than 50 feet in one continuous plane without significant enhancements. Enhancement features include: entry augmentations, horizontal offsets, change in roofline, unique corner treatment, reveal lines, building offsets, facade pop-outs, off-set bricks, window frames, glass treatments and changes in materials (tile or masonry materials), colors, texture and finishing. Public art, murals (does not include signage and advertisements), and rich landscaping are also an acceptable option to enhance building facades. Windows and doors are key elements of any structure's form and shall relate to the scale of the elevation on which they appear. Recessed openings help to provide depth and contrast on elevation planes. Approximately one-third of the building frontage shall incorporate window treatments for any structure located within the Freeway Overlay Zone;
- (i) Blank front and side wall elevations shall be prohibited on street frontages;
- (j) Buildings and main business entrances shall be oriented toward key streets. Other entryways may be used on other sides of properties to allow passage from parking areas;
- (k) The Director of Planning and Development may grant exceptions or modifications to the aforementioned design standards for building facades or elevations that are not visible from the freeway, freeway on or off ramps, bridges, or local roads as determined by the Department of Planning and Development; and
- (l) Projects within the Freeway Overlay Zone are subject to the Art in Public Places Ordinance (Title III, Chapter 38).

(F) *Soundwalls.*

- (1) Soundwalls shall be used to minimize the visual, acoustic, and physical impacts generated by vehicles traveling along the freeways.
- (2) Soundwalls shall be designed with a unifying theme to increase the visual continuity of the corridors and establish visual links with other aesthetic components in the corridors.
- (3) Long expanses of blank walls shall be prohibited. Such walls are more susceptible to graffiti, leading to higher maintenance costs and unnecessary visual blight.
- (4) Use of undecorated block walls is prohibited within freeway corridors.
- (5) Soundwall base colors shall consist of natural earth tones such as tan, rust, brown, or gray. Additional accent colors and patterns may be used to enhance the appearance of the soundwalls subject to approval by the Planning Director or his or her designee.
- (6) The following design features shall be incorporated into all soundwalls:
 - (a) An architecturally appealing relief or scoring combined with climbing vines;
 - (b) Variations in texture and color;

- (c) Use of multiple building materials or their likeness; and
- (d) A tiered or "step-down" treatment to transition the wall back to landscape areas.

(G) *Bridge and overpass treatment.*

- (1) Bridges and overpasses shall be heavily landscaped, integrate interesting architectural features, and/or incorporate public art.
- (2) Landscaping treatments shall use creeping vines, trees, or other plants suitable to the local environment.
- (3) Landscaping shall be used so that at least 50% of the blank portions of a bridge or overpass wall shall be screened. Screening options shall include public art, attractive architectural features, or unique building materials.
- (4) Sufficient lighting shall be included on, underneath, and around bridges and overpasses to enhance safety for pedestrians and vehicles.
- (5) Architectural features shall be incorporated into all overpasses and bridges to enhance the appearance of the functional elements.
- (6) Public art used on bridges and overpasses shall portray images unique to the city and shall be commissioned by local artists when possible.

(H) *On and off ramp treatment.*

- (1) On and off ramps represent the area of transition for motorists between the local street network and the freeway.
- (2) Ramps shall be heavily landscaped and contain attractive, high quality fencing or soundwall materials.
- (3) Non-plant materials shall be arranged in an attractive manner and be consistent with design themes present throughout the corridors.

(Ord. 931, passed 2-27-03; Am. Ord. 1090, passed 9-28-17)

§ 155.382 RESIDENTIAL PROPERTIES ADJACENT TO THE FREEWAY.

It is anticipated that, in the future, the freeway right-of-way may have the potential to impact residential properties. While not identified in detail at this time, the city will be establishing appropriate zoning provisions to regulate:

- (A) Appropriate landscape buffers between residential properties and the freeway right-of-way;
 - (B) Required fencing and fencing materials for properties adjacent to the freeway;
 - (C) Replacement/relocation requirements for potentially impacted "pocket parks" located within residential neighborhoods;
 - (D) Site development standards for residential properties directly impacted by expanded freeway right-of-way;
 - (E) Residential street standards involving related or impacted local streets; and
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- (F) Sound-reducing construction techniques that minimize the level of ambient noise generated by freeway traffic.

(Ord. 931, passed 2-27-03)

§ 155.383 DEFINITIONS.

The following definitions shall apply unless the context clearly indicates or requires a different meaning. General definitions are contained in § 155.003.

ACCESSORY USES. A use that is appropriate, subordinate, and customarily incidental to the main use of the site and which is located on the same site as the main use.

ADJACENT. When used to refer to a billboard adjacent to a freeway, shall mean located within, either in whole or in part, in an area formed by measuring 660 feet laterally from the edge of the right-of-way of a landscaped freeway section along a line perpendicular to the center line of the freeway (as defined in California Code of Regulations, Title 4, Chapter 1, § 2242).

BALLOONS and INFLATABLES. Any inflated object including, but not limited to, blimps, nylon tubes inflated by fans, advertising balloons, large-scale character replicas, balloon arches, used to attract attention to a site.

BILLBOARD. A sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located. This includes, but is not limited to, electronic billboards, building graphics, supergraphics, building wraps, and wall drop signs containing off-site messages, and billboards painted or applied to building walls. The terms **BILLBOARD** and **OFF-PREMISES SIGN** may be used interchangeably to mean the same thing.

BILLBOARD, ELECTRONIC. A billboard, utilizing digital message technology, capable of changing the static message or copy on the sign electronically, such that, the alphabetic, pictographic, or symbolic informational content of which can be changed or altered on a fixed display surface composed of electronically illuminated or electronically actuated or motivated elements and can be changed or altered electronically. This includes billboards with displays that have to be preprogrammed to display only certain types of information (i.e., time, date, temperature) and billboards whose informational content can be changed or altered by means of computer-driven electronic impulses. This includes, without limitation, billboards also known as digital billboards or LED billboards.

BILLBOARD, STATIC. A billboard that does not utilize digital message technology and instead uses "static" print/or pictures, for the advertisement of a business, commodity, service, thing, message, or entertainment conducted, sold, or offered elsewhere than upon the lot on which that sign is located.

DUCTWORK. Pipes, methane gas safety valves, vents and similar appurtenances that may be visible from the exterior of a building.

FACADES. The front elevation of a building or structure. Includes architectural treatment to the elevation, materials used and fenestration.

FREEWAY. A highway in which the owners of adjoining lands have no right or easement of access to or from their adjoining lands, or in respect to which such owners have only limited or restricted right of easement of access and that is declared to be such in compliance with the California Streets and Highways Code, including principal roadways, interchange roadways connecting one freeway with another, and ingress and egress ramps connecting the freeway with other streets or highways, but not including frontage roadways.

FREEWAY LANDSCAPE BUFFER. Required landscape area that separates a freeway from a residential use. These buffers include soundwalls and berming at a 2:1 slope.

FREEWAY-ORIENTED. With respect to billboards, shall mean any billboard that is adjacent to a freeway, as set forth above, and designed to be viewed primarily by persons traveling on the main-traveled way of the freeway.

FREEWAY ORIENTED USES. Uses such as drive through restaurants, service stations and other miscellaneous uses that traditionally serve freeway users. These businesses generally are geared toward and depend upon the drive by traffic from the freeway to draw in business.

FREEWAY SIGN. A freestanding sign with the sole purpose of providing direction, information, and posted speed limits for vehicular traffic within the freeway right of way.

LANDSCAPED FREEWAY. A freeway or section thereof which is improved on at least one side of the right-of-way with the planting of trees, shrubs, vines, ground cover, lawns, flowers or other ornamental vegetation for the purpose of beautification.

OVERPASS. Bridge or other structure that allows traffic from city streets to cross over a freeway without impeding the freeway's traffic flow.

REMNANT PARCELS. Parcels that are left over as a result of a public improvement project, which are typically not large enough to accommodate development that complies with required development standards such as minimum lot width, depth, or setbacks.

ROOF SIGN. An attached sign constructed upon or over a roof, or placed so as to extend above the visible roofline; or a freestanding sign that is greater in height than the building it identifies.

SOUNDWALL. Wall that is constructed to protect sensitive uses from the impacts of a freeway. Generally, soundwalls are constructed to help minimize the noise levels generated by the traffic traveling the freeway.

SUPERGRAPHIC. A sign, containing either on-site or off-site advertising, consisting of an image that is applied to and made integral with a wall, or projected onto a wall, or printed on vinyl, mesh, or any other material, or other light pliable material not enclosed in a rigid frame. The term ***SUPERGRAPHIC*** also shall include signs known as "building wraps."

VIEW CORRIDORS. An unobstructed view from the freeway to a place of business, taking into account the likely ultimate development of surrounding properties based on current general plan and zoning regulations.

(Ord. 931, passed 2-27-03; Am. Ord. 1036, passed 11-20-12; Am. Ord. 1092, passed 5-24-17)

§ 155.384 BILLBOARDS.

Purpose. Billboards are recognized as a legitimate form of commercial use in the city. However, the size, number, location and illumination of billboards can have significant influence on the city's visual environment, and can, without adequate control, create or contribute to blighted conditions. The purpose of this section is to provide reasonable billboard control, recognizing that community appearance is an important factor in ensuring the general community welfare. This section contains the entirety of the city's zoning regulations with respect to billboards in the Freeway Overlay Zone ("FOZ"). In the event of any conflict between any provision contained in this section and any other provisions contained elsewhere in this code, the provision contained in this section shall prevail.

- (A) *Use regulations.* Billboards shall be allowed in the FOZ not more than 200 feet from the centerline of the freeway and only after a valid conditional use permit has first been obtained and a development agreement has been approved. A conditional use permit shall be obtained and a development agreement shall be entered into prior to the issuance of a building permit for any project involving construction of a new billboard, expansion or modification of a billboard, or addition of additional face(s) to a billboard. A development agreement shall include the amount of money to be paid to the city as a result of the installation and operation of the billboard.
- (B) *Separate applications.* Each individual proposal for construction of a new billboard, or modification of a billboard, shall be considered a separate application, and each application shall be separately and individually subject to the provisions in this code relating to conditional use permits, and the provisions and requirements of this section. Multiple sites shall not be combined into one application.
- (C) *Required findings.* In addition to the required findings for a conditional use permit (§ 155.716), the Planning Commission or City Council, as applicable, shall not approve a conditional use permit for any billboard project unless it can make a finding that the billboard will not constitute a hazard to the safe and efficient operation of vehicles upon a street or freeway.
- (D) *Locations allowed.* Billboards shall be allowed only in the FOZ.
- (E) *Locations prohibited.*
 - (1) On the roof of a building or projecting over the roof of a building, whether the building is in use or not.
 - (2) On the wall of a building or otherwise attached or integrated to, or suspended from a building.
 - (3) On or encroaching over the public right-of-way.
 - (4) Within a classified "Landscaped Freeway" pursuant to the State Outdoor Advertising Regulations, § 2500 through 2513.
 - (5) Within any landscaped freeway area under the jurisdiction of the California Department of Transportation, unless there is a relocation agreement between the outdoor advertising structure owner and the California Department of Transportation.

- (6) Within 300 feet of an intersection of highways or of highway and railroad right-of-way, but a sign may be located at the point of interception, as long as a clear view is allowed for 300 feet, and no sign shall be installed that would prevent a traveler from obtaining a clear view of approaching vehicles for a distance of 500 feet along the highway.
- (7) In no event shall any billboard be permitted in any location which would result in a violation of any applicable federal or state law.
- (8) More than 200 feet from the centerline of a freeway.
- (F) *Landscape segment relocation credits.* No new billboard shall be constructed or installed within the city through utilization of credits given by the California Department of Transportation or state for relocation of billboards located in landscaped freeway segments, unless mandated by state law. This shall include credits for billboards located either within the city or in other jurisdictions.
- (G) *Types of billboards prohibited.* The following types of prohibited billboards are specified for clarity. However, this shall not limit the types of prohibited billboards to those described below:
 - (1) *Mobile billboards.* To the extent not in conflict with any provision of the Vehicle Code, any 'mobile billboard advertising display,' as that term is defined in the Cal. Vehicle Code § 395.5, including any billboard installed upon, mounted, attached, or applied to any vehicle, non-motorized vehicle, bicycle, scooter, or trailer whose primary purpose is conveyance, transportation, or support of the billboard message surface shall be prohibited from any display or placement on public or private property or the public right-of-way in a manner making it visible from any other public or private property or the public right-of-way.
 - (2) *Supergraphics.* Any off-site advertisement meeting the definition of "supergraphic" as defined in § 155.383 shall be prohibited.
 - (3) *Static billboards.* Any off-site advertisement meeting the definition of "Billboard, Static" as defined in § 155.383 shall be prohibited.
- (H) *General requirements.*
 - (1) *Maximum advertising copy area.* The maximum advertising copy area of each billboards face shall be 672 square feet per face (e.g., 14 feet x 48 feet). Measurement of the maximum advertising copy area includes only the measurement of the billboard face, exclusive of architectural elements which may extend up to two feet on either side and/or below the advertising copy.
 - (2) *Maximum height.* The maximum height of billboards shall be 50 feet, measured from the finished grade at the base of the sign to the top edge of the billboard face. This excludes architectural elements which may extend up to six feet above the 50 feet limit.
 - (3) *Maximum number of signs.* No property (defined as a single parcel or two or more contiguous parcels under common ownership) shall have more than two billboards.

- (4) *Minimum distance from another billboard or freestanding sign on the same parcel.* The minimum distance from another billboard or freestanding sign on the same property shall be 500 feet as measured from the vertical centerline of each billboard or freestanding sign.
- (5) *Minimum distance from another billboard on the same side of the freeway.* The minimum distance from another billboard not on the same property but on the same side of the freeway shall be 1,000 feet, as measured from the vertical centerline of each billboard.
- (6) *Minimum setback.* The minimum setback distance of the billboard column support post shall be at least 25 feet from any property line and at least 25 feet from any building. Notwithstanding, no portion of a billboard shall project over the width of any street, highway or other public right-of-way.
- (7) *Maximum number of faces.* No billboard shall have more than two faces. A face shall be considered the display surface upon which an advertising message is displayed (no V-shape billboards shall be allowed except as provided in division (H)(14) of this section).
 - (a) The two faces of two-sided billboards shall be identical in size.
 - (b) The two faces shall be attached directly and be parallel to each other.
 - (c) The top, bottom and sides of the two faces shall be in alignment, and no portion of either face shall project beyond the corresponding portion of the other face. Architectural elements shall also be aligned on both sides of the billboard.
- (8) *Face orientation.* No billboard shall have more than one face (display surface) oriented in the same vertical plane.
- (9) *Name of owner.* No billboard shall be maintained in the city unless the name of the person or company owning or maintaining it and the identifying number of the billboard are plainly displayed thereon.
- (10) *Driveways.* Billboards projecting over a driveway or driving aisle shall have a minimum clearance of 16 feet between the lowest point of the face, including architectural elements, and the driveway grade.
- (11) *Pedestrian walkway.* Billboards projecting over a pedestrian walkway shall have a minimum clearance of eight feet between the lowest point of the face, including architectural elements, and the walkway grade.
- (12) *All others.* All other billboards shall have a minimum clearance of eight feet between the lowest point of the face, including architectural elements, and ground level so as not to provide an attractive nuisance for graffiti and vandalism.
- (13) *Screening.* back or rear portions of single-faced or double-faced billboards visible from a public right-of-way or other public or private property shall be screened. The screening shall cover all structural members of the billboard, not including the pole supports.

- (14) *V-Shape billboards.* V-Shape billboards shall not be located immediately adjacent to another V-Shape billboard on the same side of the freeway. In addition to the standard requirements for double-sided billboards, a V-Shape billboard shall comply with the following:
- (a) The maximum angle of the opening shall be 30 degrees.
 - (b) All exposed backs, sides and under area shall be suitably screened by a material acceptable to the Director of Planning or designee.
- (15) *Additional requirements.* Prior to issuance of a building permit for any billboard project subject to the requirements of this chapter, the applicant shall provide the following:
- (a) The telephone number of a maintenance service, to be available 24 hours a day, to be contacted in the event that a billboard becomes dilapidated or damaged.
 - (b) Proof of lease demonstrating a right to install the billboard on the subject property.
 - (c) A list of locations of all billboards in the city owned or managed by the entity that will own or manage the subject billboard, and all billboards within 1,000 feet of the proposed billboard. This information also shall be provided on a map. The intent of this requirement is to facilitate analysis of the proposed billboard's compliance with the spacing and location requirements.

(I) *Standards of design.*

- (1) All new billboards shall be designed to have a single (steel) cylindrical column support post.
- (2) All new billboard structures shall be free of any bracing, angle iron, guy wires, cables, and/or similar supporting elements. All exposed portions of billboards, including backs, sides, support members and support poles, shall be screened to the satisfaction of the Director of Planning or designee.
- (3) The installation of any new billboard shall not require the removal of trees or other on-site landscaping or the reduction of any required on-site parking spaces.
- (4) The backs of all new billboard structures shall be screened, encased, or otherwise suitably covered.
- (5) The torsion bar of all billboards shall be screened by a material acceptable to the Director of Planning or designee or contained between the sign faces of the billboard whereby it is not visible.
- (6) The single (steel) cylindrical column support post of all billboards shall be provided with a façade acceptable to the Director of Planning or designee.

(J) *Design and operational restrictions.*

- (1) Each digital billboard shall be constructed to withstand a wind pressure of 20 pounds per square foot of exposed surface.

- (2) No billboard shall display any statement or words of an obscene, indecent or immoral character.
- (3) No billboard shall display any advertising of: products, goods, or services related to tobacco, marijuana, or illegal substances; or sexually explicit material or adult-type land uses, including but not limited to nude or topless bars or nightclubs, or establishments that feature nude or topless dancing or mud wrestling, or businesses featuring the sales of adult novelty items, books, magazines, videos, DVDs or tapes.
- (4) No digital billboard shall display flashing, shimmering, glittering, intermittent or moving light or lights. Exceptions to this restriction include time, temperature and smog index units, provided the frequency of change does not exceed four-second intervals.
- (5) No digital billboard shall include any illumination or message change that is in motion or that change or expose a message for less than four seconds. Continuous motion, including full motion video, shall not be permitted.
- (6) The utilities of each digital billboard shall be underground.
- (7) Each digital billboard shall be tied into the National Emergency Network and provide emergency information, including child abduction alerts (i.e., "Amber Alerts").
- (8) Each digital billboard shall comply with all applicable federal, state, and local laws and regulations, including but not limited to the Highway Beautification Act of 1965 (23 U.S.C. 131), the California Outdoor Advertising Act (Cal. Bus. and Prof. Code §§ 5200 et seq.), and the California Vehicle Code.
- (9) Each digital billboard shall be provided with an ambient light sensor that automatically adjusts the brightness level of the electronic sign based on ambient light conditions. So on overcast or poor weather days, the sign would automatically adjust to the ambient light level.
- (10) Each digital billboard shall be designed to either freeze the display in one static position, display a full black screen or turn off in the event of a malfunction.
- (11) No digital billboard shall utilize technology that would allow interaction with drivers, vehicles or any device located in vehicles, including, but not limited to a radio frequency identification device, geographic positions system, or other device.
- (12) Walls or screens at the base of the digital billboard shall not create a hazard to public safety or provide an attractive nuisance.
- (13) No digital billboard shall emit audible sound, odor or particulate matter.
- (14) No digital billboard shall simulate or imitate any directional, warning, danger or information sign, or any display likely to be mistaken for any permitted sign intended or likely to be construed as giving warning to traffic, by, for example, the use of the words "stop" or "slow down."

- (15) No digital billboard shall involve any red or blinking or intermittent light likely to be mistaken for warning or danger signals nor shall its illumination impair the vision of travelers on the adjacent freeway and/or roadways. Illuminations shall be considered vision impairing when its brilliance exceeds the values set forth in Cal. Vehicle Code § 21466.5.
 - (K) Outdoor Advertising Permit. Outdoor advertising displays require a permit from Caltrans if they are located within 660 feet from the edge of the right-of-way and viewed primarily by persons traveling on a freeway.
- (Ord. 1036, passed 11-20-12; Am. Ord. 1092, passed 5-24-17)