

PLANNING COMMISSION  
REGULAR MEETING

## Agenda

March 25, 2026, 7:00 PM



Chair  
Vice Chair

Gen Escobosa  
Diana Miranda-Dzib  
Roman Rodriguez  
Erik Peña  
Benny Arias

Commissioner  
Commissioner  
Commissioner

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### Welcome to your Planning Commission Meeting

We welcome your interest and involvement in the City's legislative process. This agenda includes information about topics coming before the Planning Commission and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city's website and in the Office of the City Clerk.

**Please Note: Electronic devices are to be turned off while meetings are in session.**

### How to watch

The City of Baldwin Park provides two ways to watch a Planning Commission meeting:

#### In Person



Baldwin Park City Council Chambers,  
14403 E. Pacific Ave.,  
Baldwin Park, CA 91706

#### Online



Audio streaming will be available at

[https://www.youtube.com/channel/UCFLZ0\\_dDFRjy59rhiDZ13Fg/featured?view\\_as=subscriber](https://www.youtube.com/channel/UCFLZ0_dDFRjy59rhiDZ13Fg/featured?view_as=subscriber)  
[http://baldwinpark.granicus.com/ViewPublisher.php?view\\_id=10](http://baldwinpark.granicus.com/ViewPublisher.php?view_id=10)

### Reasonable Accommodations

Individuals with disabilities may request an agenda packet in appropriate alternative formats as required by the Americans with Disability Act of 1990. Reasonable accommodations and auxiliary aids will be provided to effectively allow participation in the meeting. In compliance with the ADA, if you need special assistance for the meeting, please contact the City Clerk's Office at (626) 960-4011 ext. 466 or squinones@baldwinpark.com. within 24 hours prior to the meeting so the City can make reasonable arrangements to ensure accessibility.

### Public Comments

The public is encouraged to address the Planning Commission or any of its Agencies listed on this agenda on any matter posted on the agenda or on any other matter within its jurisdiction. In accordance with Chapter 39 of the Baldwin Park Municipal Code, Speakers must address the Commission as a whole and refrain from making impertinent, slanderous, or profane remarks or disrupt the peace of the meeting. Speaker cards are available at the podium and by request with the Planning Commission Secretary.

### Public Communication

There is a three-minute speaking time limit. This is the time set aside to address the Planning Commission. Please notify the Planning Commission Secretary if you require the services of an interpreter. No Action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The legislative body or its staff may: 1) Briefly respond to statements made or questions asked by persons; or 2) Direct staff to investigate and/or schedule matters for consideration at a future meeting [Government Code §54954.2]. If you wish to comment on agenda items and are unable to physically appear in person, please email your comments prior to 6:30 PM the date of the meeting to [pc-comments@baldwinparkca.gov](mailto:pc-comments@baldwinparkca.gov)

## **Notice Regarding California Environmental Quality Act (CEQA) Determinations**

Pursuant to CEQA, a "project" is defined as a "whole action" subject to a public agency's discretionary finding or approval that has the potential to either (1) cause a direct physical change in the environment or (2) cause a reasonably foreseeable indirect physical change in the environment. "Projects" include discretionary activity by a public agency, a private activity that receives any public funding, or activities that involve the public agency's issuance of a discretionary approval and is not statutorily or categorically exempt from CEQA. (Pub. Res. Code § 21065.) To the extent that matters listed in this Agenda are considered "projects" under CEQA, their appropriate CEQA determination will be listed below each recommendation. If no CEQA determination is listed, it has been determined that the action does not constitute a "project" under CEQA.

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

### **PUBLIC COMMUNICATIONS**

### **CONSENT CALENDAR**

All items listed are considered to be routine business by the Planning Commission and will be approved with one motion. There will be no separate discussion of these items unless a Planning Commissioner so requests, in which case, the item will be removed from the general order of business and considered in its normal sequence on the agenda.

- **Action Minutes from February 25, 2026**

### **SET MATTERS - PUBLIC HEARINGS**

- 1) The request for approval of a Conditional Use Permit to allow an Alcoholic Beverage Control (ABC) License Type 21 for the sale of alcoholic beverages (beer, wine, and distilled spirits) for off-site consumption in conjunction with an existing convenience store (Alta Dena Drive Thru) in the General Commercial zone (C-2), pursuant to Table 153.050.020 of the Baldwin Park Municipal Code. (Location: 4390 Maine Ave; Applicant: Maurice Inyang; Case Number: CUP 26-03).**
  - a. Conduct a public hearing.
  - b. Find the proposed project is exempt from environmental review under the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq.) ("CEQA") and the State CEQA Guidelines (Cal. Code Regs, tit. 14, §§ 15000 et seq.). Specifically, the project is categorically exempt from CEQA under Guidelines Section 15301 (Existing Facilities) as the project consists of adding an ABC Alcohol License Type 21 to an existing convenience store.
  - c. **Adopt Resolution PC 26-03 approving CUP 26-03 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BALDWIN PARK APPROVING ALCOHOL SALES FOR BEER, WINE, AND DISTILLED SPIRITS (TYPE 21) FOR OFF-SITE CONSUMPTION IN CONJUNCTION WITH AN CONVENIENCE STORE IN THE "C-2" GENERAL COMMERCIAL ZONING DISTRICT, PURSUANT TO TABLE 153.050.020 OF THE BALDWIN PARK MUNICIPAL CODE. (LOCATION: 4390 MAINE AVE.; APPLICANT: MAURICE INYANG; CASE NO. CUP 26-03)**
- 2) The request to the Planning Commission to Recommend Approval to the City Council for an Ordinance that Amends Chapter 153, Part 11 of the Baldwin Park Municipal Code Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units In Response to Changes in State Law, Amending in its Entirety Chapter 153, Section 153.135 Relating to Objective Design Standards and Finding the Action to be Statutorily Exempt from CEQA Under Section 21080.17**

**of the Public Resources Code (Location: Citywide; Applicant: City of Baldwin Park; Case Number: AZC 25-01).**

- a. Conduct a public hearing.
- b. Find the proposed ordinance is exempt from environmental review under the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (Cal. Code Regs, tit. 14, §§ 15000 et seq.). Specifically, the ordinance is categorically exempt from CEQA under Guidelines Section 21080.17, which exempts the adoption of an Accessory Dwelling Unit ordinance to implement the provisions of Section 66310, et. seq. of the Government Code, and that therefore no environmental review under CEQA is required.
- c. **Adopt Resolution PC 26-02 recommending approval for AZC 25-01: “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BALDWIN PARK RECOMMENDING THAT THE CITY COUNCIL AMEND CHAPTER 153, PART 11, OF THE BALDWIN PARK MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND AMENDING IN ITS ENTIRETY CHAPTER 153, SECTION 153.135 (OBJECTIVE DESIGN STANDARDS) IN RESPONSE TO CHANGES IN STATE LAW” and approve Zoning Code Text Amendment application AZC 25-01**

**REPORTS OF OFFICERS**

- None

**COMMISSION/ STAFF COMMUNICATIONS:**

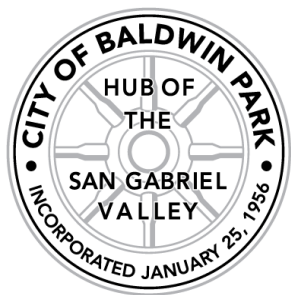
**ADJOURNMENT**

**CERTIFICATION**

I, Nick Baldwin, Planning Commission Secretary of the City of Baldwin Park hereby certify that, under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting. Dated this 19<sup>th</sup> day of March, 2026.

Planning Commission Secretary

For further information regarding agenda items, please contact the office of the City Planner at (626) 960-4011 ext. 475 or via e-mail at [nbaldwin@baldwinparkca.gov](mailto:nbaldwin@baldwinparkca.gov).



# ACTION MINUTES PLANNING COMMISSION OF THE CITY OF BALDWIN PARK

Baldwin Park City Hall  
14403 E. Pacific Avenue, Baldwin Park, California  
Council Chamber

Wednesday, February 25, 2026

7:03 P.M.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

|                         |   |
|-------------------------|---|
| <b>Members Present:</b> | Gen Escobosa, Chair<br>Diana Miranda-Dzib, Vice-Chair<br>Benny Arias, Commissioner<br>Erik Peña, Commissioner                                 |
| <b>Staff Present:</b>   | Nick Baldwin, City Planner<br>Jesus Astorga-Rios, Associate Planner<br>Francisco Rodriguez, Planning Intern<br>Kristi J. Smith, City Attorney |

**Note:** Chair Escobosa excused Commissioner Rodriguez from Planning Commission meeting.

**ACTION:** Approved 4-0. Moved by Chair Escobosa  
Seconded by Commissioner Peña.

| COMMISSIONER | VOTE |
|--------------|------|
| Escobosa     | Yes  |
| Miranda-Dzib | Yes  |
| Arias        | Yes  |
| Peña         | Yes  |

## **PUBLIC COMMUNICATIONS**

Public Communications opened by Chair Escobosa  
Ynetta Whitley spoke regarding a development not on the agenda.  
Yolanda Pompa spoke regarding a development not on the agenda.  
Public Communications closed by Chair Escobosa.

## **CONSENT CALENDAR**

Minutes from November 12, 2025.

**ACTION:** Approved 4-0. Moved by Chair Escobosa  
Seconded by Vice-Chair Miranda-Dzib.

| COMMISSIONER | VOTE |
|--------------|------|
| Escobosa     | Yes  |
| Miranda-Dzib | Yes  |
| Arias        | Yes  |
| Peña         | Yes  |

## **PUBLIC HEARINGS**

- 1) **The request for approval of a Conditional Use Permit to allow an Alcoholic Beverage Control (ABC) License Type 41 for on-sale of beer and wine in conjunction with an existing full-service restaurant (Grab-A-Crab) in the General Commercial zone (C-2), pursuant to Table 153.050.020 of the Baldwin Park Municipal Code. (Location: 14635 Baldwin Park Towne Center.; Applicant: Grab Crab BP LLC; Case Number: CP 26-01).**
  - a. Conduct a public hearing.
  - b. Find the proposed project is exempt from environmental review under the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (Cal. Code Regs, tit. 14, §§ 15000 et seq.). Specifically, the project is categorically exempt from CEQA under Guidelines Section 15301 (Existing Facilities) as the project consists of adding an ABC Alcohol License Type 41 to an existing restaurant.
  - c. **Adopt Resolution PC 26-01 approving CP 26-01 “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BALDWIN PARK APPROVING ONSITE ALCOHOL SALES FOR BEER AND WINE (TYPE 41) IN CONJUNCTION WITH AN EXISTING FULL-SERVICE RESTAURANT (Grab Crab BP LLC) IN THE “C-2” GENERAL COMMERCIAL ZONING DISTRICT, PURSUANT TO TABLE 153.050.020 OF THE BALDWIN PARK MUNICIPAL CODE. (LOCATION: 14635 BALDWIN PARK TOWNE CENTER.; APPLICANT: GRAB CRAB BP LLC; CASE NO. CP 26-01)**

Public Hearing opened by Chair Escobosa  
Felix from the applicant team spoke regarding the proposed project  
Public Hearing closed by Chair Escobosa.

**ACTION:** Approved 4-0. Moved by Commissioner Peña. Seconded by Commissioner Arias.

| COMMISSIONER | VOTE |
|--------------|------|
| Escobosa     | Yes  |
| Miranda-Dzib | Yes  |
| Arias        | Yes  |
| Peña         | Yes  |

## **REPORTS OF OFFICERS**

- Planning Commissioner Academy Attendance
-

**COMMISSION/STAFF COMMUNICATIONS**

- None

**ADJOURNMENT**

The Planning Commission adjourned the meeting at 7:27 p.m.

**ACTION:** Approved 4-0. Moved by Vice-Chair Miranda-Dzib  
Seconded by Chair Escobosa.

| <b>COMMISSIONER</b> | <b>VOTE</b> |
|---------------------|-------------|
| Escobosa            | Yes         |
| Miranda-Dzib        | Yes         |
| Arias               | Yes         |
| Peña                | Yes         |

Approved as presented/amended by the Planning Commission at their meeting held on

\_\_\_\_\_ .

\_\_\_\_\_  
Nick Baldwin, Secretary  
Baldwin Park Planning Commission

\_\_\_\_\_

# STAFF REPORT



**TO:** Chair and Members of the Planning Commission

**FROM:** Nick Baldwin, City Planner

**PREPARED BY:** Francisco Rodriguez, Planning Intern

**DATE:** March 25, 2026

**SUBJECT:** A request for approval of a Conditional Use Permit to allow an Alcoholic Beverage Control (ABC) License Type 21 for the sale of alcoholic beverages (beer, wine, and distilled spirits) for off-site consumption in conjunction with an existing convenience store (Alta Dena Drive Thru) in the General Commercial zone (C-2), pursuant to Table 153.050.020 of the Baldwin Park Municipal Code. (Location: 4390 Maine Ave; Applicant: Maurice Inyang; Case Number: CUP 26-03)

**SUMMARY**

The applicant, Maurice Inyang, is requesting the approval of a Conditional Use Permit to allow for general alcohol sales in conjunction with an existing commercial retail building. The proposed use would be an intensification from the existing use which is retail sales including beer and wine. The project is located within the C-2, General Commercial Zone.

**RECOMMENDATION**

It is recommended that the Planning Commission:

- a. Conduct a public hearing.
- b. Find the proposed project is exempt from environmental review under the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (Cal. Code Regs, tit. 14, §§ 15000 et seq.). Specifically, the project is categorically exempt from CEQA under Guidelines Section 15301 (Existing Facilities) as the project consists of adding an ABC Alcohol License Type 21 to an existing convenience store.
- c. Adopt Resolution PC 26-03 approving CUP 26-03 “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BALDWIN PARK APPROVING ALCOHOL SALES FOR BEER, WINE, AND DISTILLED SPIRITS (TYPE 21) FOR OFF-SITE CONSUMPTION IN CONJUNCTION WITH AN CONVENIENCE STORE IN THE “C-2” GENERAL COMMERCIAL ZONING DISTRICT, PURSUANT TO TABLE 153.050.020 OF THE BALDWIN PARK

MUNICIPAL CODE. (LOCATION: 4390 MAINE AVE.; APPLICANT: MAURICE INYANG;  
CASE NO. CUP 26-03).

**BACKGROUND**

The subject property is located at 4390 Maine Ave. and is currently developed as an Alta Dena Drive Thru retail building. The General Plan land use designation of the subject property is General Commercial which is consistent with the property’s C-2, General Commercial Zoning designation.

The table below identifies the existing land uses that surround the subject property:

**TABLE #1: SURROUNDING LAND USES**

| Property Location | Zoning                          | Property Use              |
|-------------------|---------------------------------|---------------------------|
| North             | General Commercial (C-2)        | Retail                    |
| East              | Single-Family Residential (R-1) | Single-Family Residential |
| South             | General Commercial (C-2)        | Restaurant                |
| West              | Neighborhood Commercial (C-1)   | Restaurant                |

**DISCUSSION**

The applicant, Maurice Inyang, is requesting approval of a Conditional Use Permit for a convenience store with alcohol sales (Type 21 ABC License). Pursuant to Table 153.050.020 of the Baldwin Park Municipal Code, the sale of alcohol for off-site consumption in conjunction with convenience store use requires the approval of a Conditional Use Permit.

*Hours of Operation*

The convenience store currently operates from Sunday – Thursday from 10AM – 9PM, and Friday – Saturday from 10AM – 10PM.

*Conditional Use Permit*

As noted, Table 153.050.020 of the Baldwin Park Municipal Code, a convenience store is permitted in the General Commercial Zone. However, any establishment, business, or facility that does not currently sell alcoholic beverages or requests an increase in alcohol license type is required to obtain a Conditional Use Permit to allow for the sale of alcoholic beverages for off-site consumption. A Conditional Use Permit is required to mitigate the potential land use impacts commonly associated with establishments that sell alcohol for off-site consumption. A Type 21 license allows the operator to sell beer, wine, and distilled spirits beverages to customers of the convenience store. The current occupant operates with a Type 20 license but would like to upgrade their license to a type 21 license. The occupant will be surrendering their type 20 license with the approval for a type 21 license.

Staff has reviewed the application and determined that the request for the sale of beer, wine, and distilled spirits for off-site consumption is in accordance with the Baldwin Park Municipal Code and will not be a detriment to the community. The applicant, Maurice Inyang, is the current occupant and will continue to operate primarily as a convenience store, and available records show that there are no open or active Code Enforcement violations. Additionally, there have not been any calls for services from the Police Department associated with this business and location. As a part of their application, Maurice Inyang, is not proposing additional changes to their proposed operations or building. Additionally, the applicant has noted in their enclosed Justification Statement (Attachment #3) that they

will take measures to make sure that alcohol is sold safely. One of these measures is to install a scissor security gate in front of the shelves that store distilled spirits to prevent theft and unauthorized access.

*Census Tract Information*

The State Department of Alcoholic Beverages Control (ABC) authorizes on- and off- sale licenses by Census Tract. The subject restaurant is located within Census Tract 4051.02, which is authorized to have five (5) on-sale licenses and two (2) off-sale licenses. Table #2 below shows the number of active on- and off- sale licenses within Census Tract 4051.02:

**TABLE #2: EXISTING ALCOHOLIC BEVERAGE SALES (ON-SALE – OFF-SALE) IN CENSUS TRACT 4051.02**

| Address  | Business Name                    | Date of Expiration | License Type   | Status        |
|--|----------------------------------|--------------------|----------------|---------------|
| <b>4390 Maine Ave.<br/>Baldwin Park, CA<br/>91706</b>    | <b>Alta Dena Drive-<br/>Thru</b> | <b>7/31/2026</b>   | <b>Type 20</b> | <b>Active</b> |
| <b>14103 Ramona Blvd.<br/>Baldwin Park, CA<br/>91706</b> | <b>EI Super #041</b>             | <b>6/30/2026</b>   | <b>Type 21</b> | <b>Active</b> |

Staff has determined that there will not be an increase of off-sale ABC licenses within the Census Tract as the current occupant will surrender their current type 20 license to acquire the type 21 license. The incidental sale of alcohol in conjunction with a convenience store for off-site consumption will not have adverse impacts to the community. Per ABC’s standards, there will not be an overconcentration of alcohol uses in the area due to the number of active licenses remaining the same. The granting of a Type 21 license to the applicant, Maurice Inyang, will not create an additional impact to surrounding properties in the Census Tract, as measures will be put in place to safely sell alcohol to customers and prevent the sale of alcohol to minors. In addition, with the added conditions of approval and those conditions required by ABC, the Applicant’s request will not be detrimental to the public.

**GENERAL PLAN CONSISTENCY**

The project site has a land use designation of “General Commercial” in the City of Baldwin Park General Plan. The proposed project is consistent with the following General Plan goal.

Land Use Goal 1.0: Balanced development in Baldwin Park. Maintain a balanced mix and distribution of land uses throughout Baldwin Park.

Land Use Policy 1.4: Create opportunities for two different levels of commercial development: (1) commercial uses that meet the retail and service needs of the local residents and employee populations, and (2) regional-serving retail commercial businesses that capture revenues from a broader population base.

**FINDINGS OF FACT**

- 1. The use is conditionally permitted within the subject zone and complies with the intent of all applicable provisions of this chapter.*

The use is conditionally permitted within the subject zone and complies with the intent of all applicable provisions in the City's Zoning Code, as table 153.050.020 conditionally permits the sale of alcohol in conjunction with a convenience store in the General Commercial zone with an approval of a Conditional Use Permit by the City's Planning Commission; and

- 2. The use will not impair the integrity and character of the zone in which it is to be located.*

The use will not impair the integrity and character of the zone in which it is to be located. The property is located within the General Commercial zone which allows for uses that "provide areas for development or a broad range of retail, service, and entertainment designed to meet the shopping needs of the local residential and business communities." Therefore, alcohol sales in conjunction with a convenience store at the subject site is consistent with the integrity and character of the zone. Furthermore, beer and wine is already sold by the subject business and adverse impacts were not observed; and

- 3. The subject site is physically suitable for the type of land use being proposed.*

The subject site is physically suitable for the type of land use being proposed. The subject site is fully developed, and existing retail commercial building, making the site suitable for the facility especially since no additions or alterations are proposed; and

- 4. The use is compatible with any land uses presently on the subject property.*

The use is compatible with the land uses presently on the subject property. The subject convenience store with alcohol sales provides a complimentary service to the surrounding community to have access to a desirable service. The use is also compatible with the commercial land uses adjacent and in proximity to the subject site; and

- 5. The use will be compatible with existing and future land uses within the zone and the general area in which the proposed use is to be located.*

The use will be compatible with existing and future land uses within the zone and the general area which the subject convenience store with alcohol sales is located, given that the parcel has a General Commercial land use designation and is situated upon a major commercial street; and

- 6. Adequate provisions for water, sewer and public utilities and services are available to ensure that the use will not be detrimental to public health and safety.*

Adequate provisions for water, sewer and public utilities and services are available to ensure that the use will not be detrimental to public health and safety. The existing tenant space has all utilities and services already connected and therefore the convenience store with alcohol sales for off-site consumption will not be detrimental to public health and safety; and

- 7. Adequate provisions for public access are available to serve the use.*

Adequate provisions for public access are available to serve the use. The site has direct vehicular and pedestrian access to Maine Avenue and secondary access from Los Angeles Street. Additionally, adequate sidewalks provide both pedestrians with safe and convenient access to the

site. The site's access to sidewalks, streets and highways are adequate in width and pavement type to carry the quantity of traffic generated by the existing restaurant; and

8. *The use is consistent with the General Plan.*

The use is consistent with the General Plan. Land Use Goal 1.0 Balanced Development in Baldwin Park. Maintain a balanced mix and distribution of land uses throughout Baldwin Park; and

9. *The use will not be detrimental to the public interest, health, safety, convenience, or welfare.*

The use will not be detrimental to the health, safety, convenience, or welfare in that the convenience store will ensure no on-site alcohol consumption will be permitted. Parking is adequate for the proposed use and is not expected to negatively impact the site. The proposed use is a continuation of the previous use and there is no proposed addition to the square footage that would affect the parking spaces needed. The facility will operate in substantial conformance to all conditions of approval as identified in the resolution of approval.

**CEQA REVIEW**

The Conditional Use Permit application CUP 26-03 is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 Class 1 (Existing Facilities in that it consists of allowing an existing convenience store to sell alcohol for off-site consumption). Therefore, no further environmental analysis is required. A Notice of Public Hearing was posted at City Hall on Thursday March 12, 2026. Public Hearing Notices were mailed on the same day to all property owners within a 300-foot radius of the subject site

**ATTACHMENTS**

- #1, Resolution PC 26-03
- #2, Floor Plan
- #3, Business Operations Plan and Justification Statement
- #4, Vicinity Map

**Attachment #1**  
**PC Resolution No. 26-03**

## RESOLUTION PC 26-03

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BALDWIN PARK APPROVING ALCOHOL SALES FOR BEER, WINE, AND DISTILLED SPIRITS (TYPE 21) FOR OFF-SITE CONSUMPTION IN CONJUNCTION WITH AN CONVENIENCE STORE IN THE “C-2” GENERAL COMMERCIAL ZONING DISTRICT, PURSUANT TO TABLE 153.050.020 OF THE BALDWIN PARK MUNICIPAL CODE (LOCATION: 4390 MAINE AVE.; APPLICANT: MAURICE INYANG; CASE NO. CUP 26-03).**

THE PLANNING COMMISSION OF THE CITY OF BALDWIN PARK DOES HEREBY RESOLVE AS FOLLOWS:

**SECTION 1.** The Planning Commission of the City of Baldwin Park does hereby find, determine, and declare as follows:

(a) An application (“Application”) for a Conditional Use Permit was submitted on behalf of the owner of certain real properties, located at 4390 Maine Avenue, in the City of Baldwin Park, described more particularly in the Application on file with the City Planner; and

(b) The Applicant sought approval of a Conditional Use Permit to allow the sale of alcohol for off-site consumption in conjunction with a convenience store according to Table 153.050.020 of the Baldwin Park Municipal Code; and

(c) A duly noticed public hearing was held on March 25, 2026, and said Application was considered by the Planning Commission, and based upon evidence presented including applicable staff reports and each member of the Commission being familiar with the property, it was determined that the facts as required by the Baldwin Park Municipal Code for the granting of such Application are present and that the Conditional Use Permit should be approved subject to the terms of this Resolution; and

(d) Each fact set forth in the staff report dated March 25, 2026, prepared by Francisco Rodriguez, Planning Intern to the Chair and Planning Commissioners (“Staff Report”) is true and correct.

**SECTION 2.** The Planning Commission does hereby adopt the following Findings of Fact applicable to all Conditional Use Permits:

(a) **Conditionally permitted.** The use is conditionally permitted within the subject zone and complies with the intent of all applicable provisions in the City’s Zoning Code, as table 153.050.020 conditionally permits the sale of alcohol for off-site consumption in conjunction with a convenience store in the General Commercial zone with an approval of a Conditional Use Permit by the City’s Planning Commission; and

**(b) Zone integrity and character.** The use will not impair the integrity and character of the zone in which it is to be located. The property is located within the General Commercial zone which allows for uses that “provide areas for development or a broad range of retail, service, and entertainment designed to meet the shopping needs of the local residential and business communities.” Therefore, alcohol sales in for off-site consumption in conjunction with a convenience store at the subject site is consistent with the integrity and character of the zone. Furthermore, beer and wine are already sold by the subject business and adverse impacts were not observed; and

**(c) Site suitability.** The subject site is physically suitable for the type of land use being proposed. The subject site is fully developed commercial retail building making the site suitable for the facility especially since no additions or alterations are proposed; and

**(d) Existing compatibility.** The use is compatible with the land uses presently on the subject property. The subject convenience store with alcohol sales for off-site consumption provides a complimentary service to the surrounding community to have access to a desirable service. The use is also compatible with the commercial land uses adjacent and in proximity to the subject site; and

**(e) Future compatibility.** The use will be compatible with existing and future land uses within the zone and the general area which the subject convenience store with alcohol sales for off-site consumption is located, given that the parcel has a General Commercial land use designation and is situated upon a major commercial street; and

**(f) Utilities and services.** Adequate provisions for water, sewer and public utilities and services are available to ensure that the use will not be detrimental to public health and safety. The existing tenant space has all utilities and services already connected and therefore the convenience store with alcohol sales for off-site consumption will not be detrimental to public health and safety; and

**(g) Public Access.** Adequate provisions for public access are available to serve the use. The site has direct vehicular and pedestrian access to Maine Avenue and secondary access from Los Angeles Street. Additionally, adequate sidewalks provide both pedestrians with safe and convenient access to the site. The site’s access to sidewalks, streets and highways are adequate in width and pavement type to carry the quantity of traffic generated by the existing restaurant; and

**(h) General Plan consistency.** The use is consistent with the General Plan. Land Use Goal 1.0 Balanced Development in Baldwin Park.

Maintain a balanced mix and distribution of land uses throughout Baldwin Park;  
and

(i) **Safety and welfare.** The use will not be detrimental to the health, safety, convenience, or welfare in that the convenience store will ensure no on-site alcohol consumption will be permitted. Parking is adequate for the proposed use and is not expected to negatively impact the site. The proposed use is a continuation of the previous use and there is no proposed addition to the square footage that would affect the parking spaces needed. The facility will operate in substantial conformance to all conditions of approval as identified in the resolution of approval.

**SECTION 3.** The Application, as herein above described below, and the same is hereby approved subject to the following conditions:

(a) That the property shall be developed and maintained in accordance with Attachments 1 - 4 to the staff report for CUP 26-03, dated March 25, 2026; and

(b) That the sale of alcoholic beverages shall comply with business operations plan referred to as Attachment #3 to the staff report for CUP 26-03, dated March 25, 2026; and

(c) That any permanent or temporary signage shall require a sign permit and shall be made in accordance with the City's sign regulations within thirty (30) days of Planning Commission approval of this conditional use permit; and

(d) That alcoholic beverages shall be sold solely for off-site consumption; and

(e) That not more than three percent (3%) of the overall floor area be devoted to the sales and display of alcoholic beverages. If at any time in the future this restriction becomes more restrictive than the Code requirements, then the less restrictive standard shall apply, subject to the sole discretion of the Community Development Director or designee; and

(f) That the owner shall not sell cans or bottles of beer individually. If at any time in the future this restriction becomes more restrictive than the Code requirements, then the less restrictive standard shall apply, subject to the sole discretion of the Community Development Director or designee; and

(g) That there shall be no outdoor storage. All storage of materials and/or merchandise shall be completely stored within the confines of the building.

(h) That the business owner and manager of the establishment shall

be strictly accountable for compliance with all conditions imposed as part of this Conditional Use Permit, whether or not the owner or manager are personally present at the location; and

(i) That a copy of this resolution shall be kept at the front counter at all times and available for review by public safety personnel and other authorized City staff; and

(j) That the business owner and manager of the establishment shall install a closed-circuit television system (CCTV) consisting of interior and exterior surveillance cameras and a digital video recorder (DVR) for recording surveillance camera footage. Cameras shall be installed to monitor the entrances, exits and customer area of the establishment. All DVR footage shall remain stored for a minimum of thirty (30) days and shall remain locked in the manager's office and accessible only to the business owner or management. The DVR footage shall also be made available for review upon reasonable request to City law enforcement or any City Community Enhancement Officer.; and

(k) That current emergency notification information shall be kept and maintained on file with the Police Department; and

(l) That the approved use shall not create a public nuisance as defined in the Municipal Code; and

(m) That the site shall comply with the requirements of the California Department of Alcoholic Beverage Control (ABC). Failure to comply will be grounds for an immediate revocation hearing for CUP 26-03; and

(n) That the permitted occupancy or total number of patrons to enter the convenience store shall be restricted per applicable Building and Fire Codes whichever is less; and

(o) That the use shall be operated, and the subject property be maintained in a neat and orderly manner; and the site shall be kept free of litter and that all graffiti (throughout the property) shall be removed within twenty-four (24) hours at the expense of the applicant and/or owner; and

(p) The existing planters for the property shall be regularly maintained so that they are free of debris and weeds, occupied by living plants, and served by functioning irrigation; and

(q) Temporary signs shall be allowed by permit only. Any existing temporary signs or product marketing signs that have been installed without City approval shall be removed; and

(r) No temporary uses shall be permitted on the property without City

approval; and

(s) That the applicant shall obtain any all-applicable State and Federal Licenses prior to obtaining a business license from the City of Baldwin Park; and

(t) That except for all ongoing conditions of approval, the Applicant shall comply with all conditions of approval within one (1) year of the effective date of this Resolution PC 26-03 or CUP 26-03 shall become null and void; and

(u) The applicant/ business owner shall comply with the conditions of approval within this resolution. If repeated nuisance complaints pertaining to the alcohol service at this restaurant are received, the Community Development Department Director reserves the right to call this approval before the Planning Commission for amendment or revocation.

(v) That the application shall sign a notarized affidavit within ten (10) days after the date of this resolution stating that the applicant has read and accepts all of the conditions of approval.

**SECTION 4.** The Secretary shall certify to the adoption of this Resolution and forward a copy hereof to the City Clerk and the Applicant.

PASSED AND APPROVED this 25<sup>th</sup> day of March 2026.

\_\_\_\_\_  
GEN ESCOBOSA, CHAIR  
BALDWIN PARK PLANNING COMMISSION

ATTEST:

STATE OF CALIFORNIA }  
COUNTY OF LOS ANGELES } ss.  
CITY OF BALDWIN PARK }

I, NICK BALDWIN, Secretary of the Baldwin Park Planning Commission, do hereby certify that the foregoing Resolution No. PC 26-03 was duly and regularly approved and adopted by the Planning Commission at a regular meeting thereof, held on the 25<sup>th</sup> day of March, 2026 by the following vote:

AYES: COMMISSIONERS: \_\_\_\_\_

NOES: COMMISSIONERS: \_\_\_\_\_

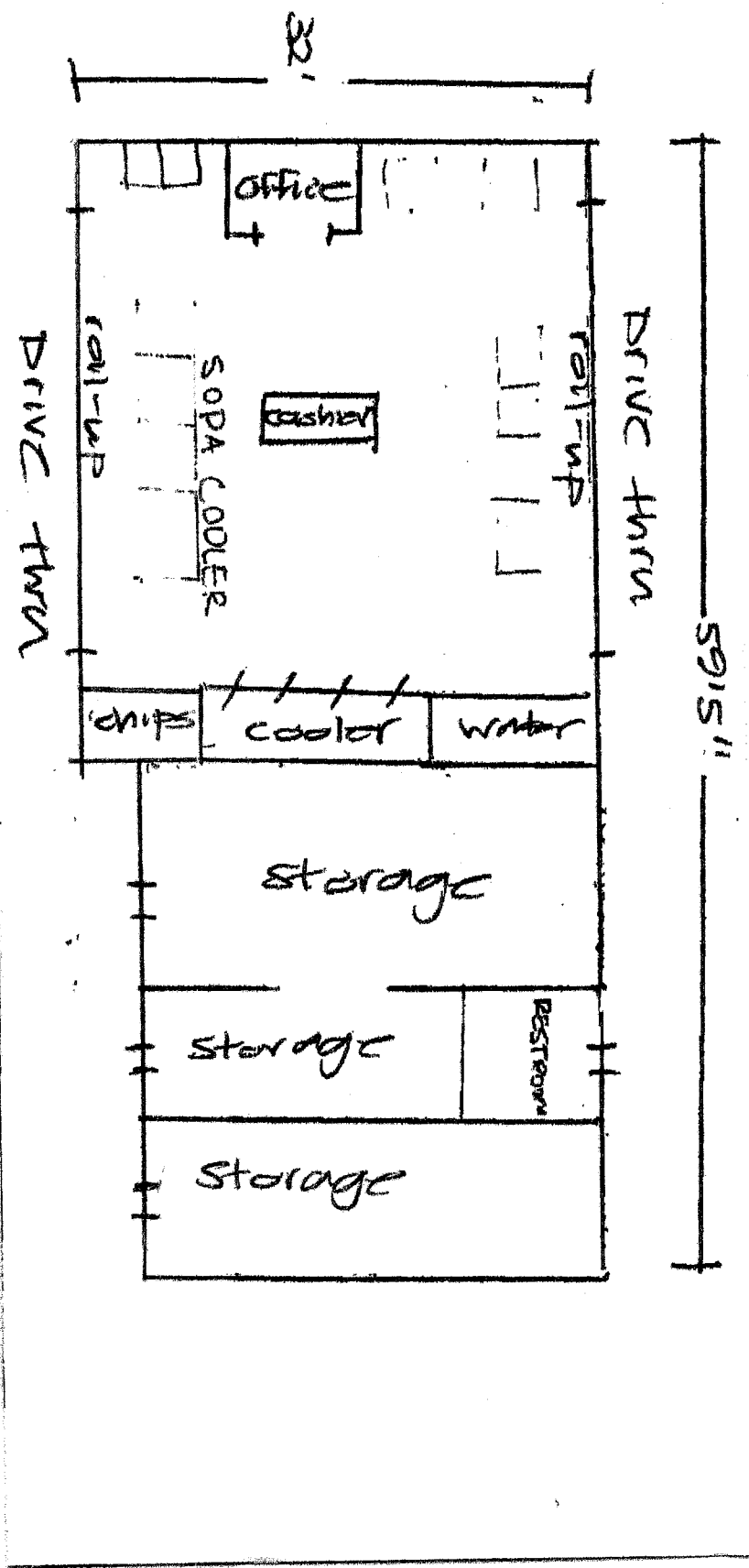
ABSTAIN: COMMISSIONERS: \_\_\_\_\_

ABSENT: COMMISSIONERS: \_\_\_\_\_

---

NICK BALDWIN  
BALDWIN PARK PLANNING COMMISSION

**Attachment #2**  
**Floor Plans**



**Attachment #3**

**Business Operations Plan and Justification Statement**

MJ & MR Corporation  
4390 Maine Avenue  
Baldwin Park, CA 91706

March 2, 2026

To Whom It May Concern:

This correspondence is submitted on behalf of MJ & MR Corporation to formally affirm our commitment to operating in a manner that is responsible, orderly, and respectful of the surrounding community, and to request approval to surrender our current Type 20 (Off-Sale Beer and Wine) license in exchange for a Type 21 (Off-Sale General) license.

MJ & MR Corporation acknowledges and agrees that it shall not interfere, directly or indirectly, with any residential properties located within one hundred (100) feet of its business premises. The business maintains a private parking facility designated exclusively for customers and employees. As such, neither customers nor staff will utilize adjacent residential streets for parking.

All exterior lighting has been professionally installed and appropriately shielded to prevent illumination or impact upon neighboring residential properties.

The Corporation maintains strict standards regarding cleanliness and order. All trash and refuse are collected daily and properly disposed of no later than 7:00 PM. Loitering on or around the premises is strictly prohibited and is actively monitored and enforced by management to ensure compliance and to preserve community standards.

Since acquiring ownership of the business, there have been no incidents necessitating the employment of a security officer. Accordingly, the business does not currently retain security personnel. However, a professionally installed alarm system is activated immediately upon closing each day and has been consistently utilized to safeguard the premises.

The business currently operates Sunday through Thursday from 10:00 AM to 9:00 PM, and Friday and Saturday from 10:00 AM to 10:00 PM. During the summer season, operating hours will be extended to Monday through Sunday from 8:00 AM to 10:00 PM.

MJ & MR Corporation operates as a neighborhood dairy and convenience market offering a variety of snacks, soft drinks, ice cream, dairy products, and beer and wine. Cigarettes are sold and securely maintained within a locked display case. The business also offers California State Lottery products in full compliance with applicable regulations.

Other than the requested license upgrade, no substantial operational modifications are anticipated. To further enhance security and compliance, We will install a scissor security gate or similar, where we will securely store the spirits behind the cash register to ensure responsible sales practices and regulatory compliance.

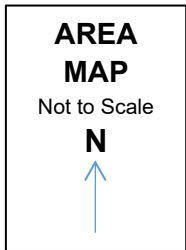
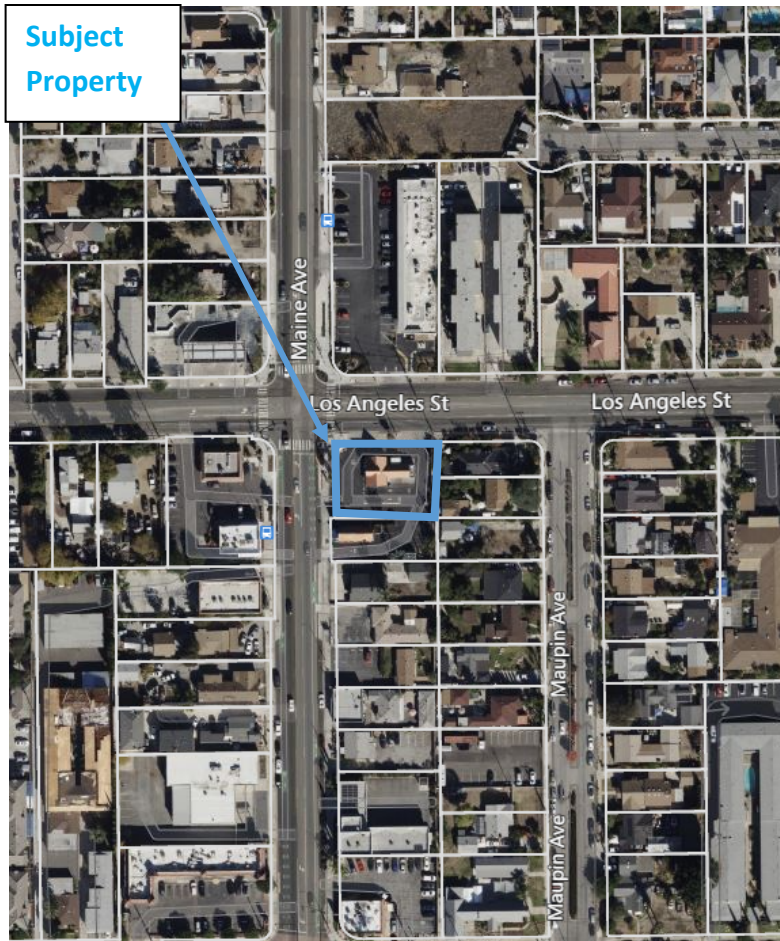
This letter is provided to formally document our ongoing commitment to responsible business operations and to respectfully request approval of the proposed license upgrade. Should any additional information, documentation, or clarification be required, please do not hesitate to contact us.

Respectfully submitted,



Maurice Inyang  
Owner  
MJ & MR Corporation

**Attachment #4**  
**Vicinity Map**

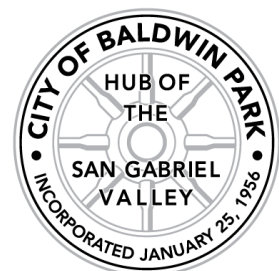


## Vicinity Map

**LOCATION:** 4390 Maine Ave

**CASE NUMBER:** CP 26-03

**DATE:** March 25, 2026



# STAFF REPORT



**TO:** Chair and Members of the Planning Commission

**FROM:** Nick Baldwin, City Planner

**PREPARED BY:** Jesus Astorga-Rios, Associate Planner

**DATE:** March 25, 2026

**SUBJECT:** A request to the Planning Commission to Recommend Approval to the City Council for an Ordinance that Amends Chapter 153, Part 11 of the Baldwin Park Municipal Code Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units In Response to Changes in State Law, Amending in its Entirety Chapter 153, Section 153.135 Relating to Objective Design Standards and Finding the Action to be Statutorily Exempt from CEQA Under Section 21080.17 of the Public Resources Code (Location: Citywide; Applicant: City of Baldwin Park; Case Number: AZC 25-01)

## SUMMARY

Chapter 153 of the Baldwin Park Municipal Code (commonly referred to as the “Zoning Code”) is proposed to be amended in response to recently adopted changes in state law that took effect of January 1, 2026. The request is for the Planning Commission to recommend to the City Council the adoption of the Proposed Ordinance. An Urgency Ordinance was brought before the City Council at the regular November 20, 2024 meeting and it was adopted at that time. Urgency Ordinances are intended to be temporary in nature and the Proposed Ordinance constitutes the permanent amendment of the Municipal Code that follows the urgency ordinance. Additionally, this report requests the Planning Commission recommend to the City Council to make a determination that the adoption of this Ordinance would be exempt from the provisions of the California Environmental Quality Act (“CEQA”).

## RECOMMENDATION

It is recommended that the Planning Commission:

- A. Conduct a public hearing.
- B. Find the proposed ordinance is exempt from environmental review under the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (Cal. Code Regs, tit. 14, §§ 15000 et seq.). Specifically, the ordinance is categorically exempt from CEQA under Guidelines Section 21080.17, which exempts the

adoption of an Accessory Dwelling Unit ordinance to implement the provisions of Section 66310, et. seq. of the Government Code, and that therefore no environmental review under CEQA is required.

- C. Adopt Resolution PC 26-02 recommending approval for AZC 25-01: “RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BALDWIN PARK RECOMMENDING THAT THE CITY COUNCIL AMEND IN ITS ENTIRETY, THE BALDWIN PARK MUNICIPAL CODE, TITLE XV, LAND USAGE, CHAPTER 153, PART 11 (ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS) TO BE IN COMPLIANCE WITH STATE LAW REGARDING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS, AMEND IN ITS ENTIRETY CHAPTER 153, SECTION 153.135 (OBJECTIVE DESIGN STANDARDS), AND FIND THE ACTION TO BE STATUTORILY EXEMPT FROM CEQA UNDER PUBLIC RESOURCES CODE SECTION 21080.17” and approve Zoning Code Text Amendment application AZC 25-01.

## **BACKGROUND**

On November 17, 2021, The City of Baldwin Park adopted updates to its zoning ordinance regarding ADUs in response to landmark bills passed by the State Legislature in 2019 (AB 68, AB 881 and SB 13) and subsequently in 2020 (AB 3182). These bills aimed at creating a streamlined local approval process for ADUs and, subsequently, JADUs, as well as prohibiting the implementation of regulations that would severely restrict the development of ADUs (such as ADU size, location and setbacks).

Since the adoption of the City’s ADU ordinance, the State Legislature further amended state law to aid in the creation of more ADUs and JADUs, while curtailing the ability of local municipalities to regulate ADUs. These ADU bills included Assembly Bill 897 (AB 897), Assembly Bill 1033 (AB 1033), Assembly Bill 2221 (AB 2221), Senate Bill 477 (SB 477), Senate Bill 1211 (SB 1211) and Assembly Bill 2533 (AB 2533) which collectively amended State ADU and JADU law (Government (Gov’t) Code Sections 66310 through 66342, previously Sections 65852.2, 65852.22 and 65852.26). The overall intent of these bills is to increase ADU development potential on residential lots by further reducing local barriers and streamlining the ministerial review process. These new State laws required the City’s local ordinance regarding ADUs to be updated by January 1, 2025 and the City Council approved an urgency ordinance (Ordinance 1512) on this matter on November 20, 2024 to meet this deadline.

On February 26, 2025, as a required follow-up action with the passage of the urgency ordinance, the Planning Commission reviewed and recommended for approval the adoption of Ordinance 1513, which was intended to codify the changes documented in Ordinance 1512. However, prior to City Counsel’s consideration of reviewing Ordinance 1513 on April 2, 2025, the item was pulled for continued discussion upon Staff receiving public comments regarding the draft ordinance. Since said date, City Staff have been working closely with legal counsel and the State’s Housing and Community Development Department (HCD) team to ensure legal compliance as well as monitoring new changes to State law which, as of January 1, 2026, are currently in place (AB 130, AB 462, AB 1154, SB 543).

## **DISCUSSION**

All urgency ordinances are intended to provide direction to City Staff and members of the public on new changes to State laws, with the understanding that a permanent amendment to the Municipal Code would be adopted shortly thereafter. In lieu of having a compliant ADU ordinance, a local jurisdiction is required to apply only the standards noted in State ADU law and the most recent iteration of HCD’s

ADU Handbook. Therefore, a compliant ADU ordinance is critical in order to ensure that all new ADUs and JADUs continue to maintain the character and quality of Baldwin Park’s residential neighborhoods.

The following overview highlights some of the most significant changes to the City’s ADU ordinance and affected Zoning Code sections:

*Ministerial Review: Compliance with California Government Code 66323*

In accordance with Gov’t Code Section 66317, the City of Baldwin Park currently provides a ministerial review process for ADU and JADU proposals that only requires the review of a building permit application in a two-pronged review process, a “Building Permit Only” process and “Planning Division Review” process. Under the existing “Building Permit Only” process, proposals only need to meet the minimum State-imposed development standards to obtain approval for a building permit. These minimum standards include, but are not limited to, four-foot side and rear yard setbacks, a maximum height of 18 feet, and a size limit of 800 square feet (with deviations to these minimum standards changing as new ADU laws come into effect). All proposals that deviate from those minimum standards are processed through the “Planning Division Review” procedure. This review category typically applies to larger ADUs that are greater than 800 square feet but not exceeding 1,200 square feet in size. The current “Planning Division Review” process requires compliance with the City of Baldwin Park’s local development requirements, which include design standards and regulations that promote architectural consistency and retain neighborhood compatibility.

Ordinance No. \_\_\_\_ (herein referred to as the “ADU Ordinance”) includes updated provisions to comply with State law regarding when an ADU proposal meets the minimum State-mandated Streamlined Permit Standards, as required by Gov’t Code Section 66323 (referred to in the ADU Ordinance as “66323 Units”). The ADU Ordinance distinguishes between projects that must comply only with the State minimum development standards (referred to in the ADU Ordinance at Type 1 – 66323 ADUs/JADUs) or projects that must comply with the City of Baldwin Park’s objective development standards (referred to in the ADU Ordinance as Type 2 – Standard ADUs/JADUs). These new ADU and JADU classification types are intended to provide clear direction to the general public and City Staff as to what review procedures and development standards apply based on ADU or JADU category, as well as to protect the character of Baldwin Park’s neighborhoods as much as is legally possible under the new State legislation.

*Updated Unit Allowances Consistent with State Law*

In the proposed ordinance, a single-family developed lot means a parcel of real property that has one or more detached single-family dwelling structures. Some of the key changes in the proposed ordinance for ADUs/JADUs in conjunction with a single-family dwelling structure are as follows:

- Pursuant to Gov’t Code Section 66323, a total of three (3) ADU types (in any combination) are allowed on a lot: one (1) attached ADU created from existing space; one (1) newly constructed detached ADU, and one (1) JADU. Previously, only one (1) ADU (converted or newly constructed) and one (1) JADU were permitted.

Likewise, in the proposed ADU Ordinance, a multi-family developed lot means a parcel of real property that has one or more multi-family dwelling structure(s) with two or more attached dwelling units. All

ADUs developed on a multifamily lot must follow the Streamlined Permit Standards. Some of the key changes in the proposed ordinance are as follows:

- The maximum number of detached ADUs allowed depends on whether the lot is currently developed with a multi-family dwelling structure, or whether it is undeveloped and a new multi-family dwelling structure is proposed in conjunction with newly constructed ADUs:
  - Developed lots with an existing multi-family dwelling structure(s) shall be allowed up to eight (8) detached ADUs. However, the number of detached ADUs shall not exceed the number of existing units on the lot. This is an increase from the previously allowed two (2) detached ADUs.
  - Undeveloped lots proposed to be developed with a multi-family dwelling structure(s) shall be allowed up to two (2) detached ADUs.
- Each multi-family developed lot shall be allowed to convert non-livable space within existing multi-family dwelling structures into at least one (1) ADU, but in no case shall the number of ADUs exceed 25% of the total number of existing units on the multi-family developed lot.

### *Objective Design Standards*

Design standards for ADUs may be added to a local ordinance, provided they are objective standards. The objective standards that are included in the ADU Ordinance require design consistency between a new ADU and the existing or proposed primary dwelling. As part of the new Objective Design Standard requirements, the ADU Ordinance requires all "Type 2 - " ADUs to comply with the City's existing single-family objective design standards noted in BPMC Section 153.135, which is a new code section that incorporates the current objective design standards present in SB 9 developments to now apply to all single-family residential developments for consistency across all development types pursuant to State housing law. This Section has also been revised to account for the existing multi-family residential and mixed-use Objective Design Standards and have been amended as a separate subsection.

### *New Standards and Requirements Applicable to all ADU/JADU Proposals*

The following identifies new and updated standards that will be applicable to all types of ADUs/JADUs proposals in the ADU Ordinance.

- **Nonconforming Conditions:** State law now prohibits the City from denying an ADU or JADU application based on existing nonconforming zoning conditions, building code violations, and/or unpermitted structures, provided that they do not threaten public health and safety.
- **Covenant Requirements:** Currently, the City requires a covenant that restricts an owner of an ADU from selling the unit and renting it as a short-term rental (less than 30 days). Pursuant to State law, the City can no longer require covenants for ADUs that prohibit the ADU from being sold or otherwise conveyed separately from the primary residence, but the City can still prohibit the separate sale and short-term rental. The City may still require a covenant for JADU proposals to ensure that the property owner resides in either the primary dwelling or the JADU. However, a covenant for a JADU cannot be required if the JADU does not share sanitation facilities with the primary dwelling.
- **Sale or Separate Conveyance:** ADUs are now allowed to be sold separately if built or developed by a qualified nonprofit corporation and the property is held pursuant to a recorded tenancy in common agreement in accordance with Government Code Section 66340 through 66342.

## *Proposed Development Standards that are More Permissive than State Law*

The primary goal of preparing this ordinance is to update the City's ordinance for ADUs and JADUs to be consistent with State law, but in limited instances, it makes sense to have local regulations that are more permissive than State law. To be clear, State law does not permit local jurisdictions to propose standards on this topic that are more restrictive than State law, but it does allow cities to adopt regulations which are more permissive than current State law. All instances where the proposed ordinance is more permissive than State law are identified and discussed below.

- **Building Height Allowance:** Government Code 66321.b.4.D permits local jurisdictions to limit attached accessory dwelling units to be 25 in height or as high as the primary residence, whichever is lower. It is sensible for the City to be more permissive on this matter by allowing attached accessory dwelling units to match the primary dwelling in both story and height. By phrasing the regulation in this manner, the City can be assured that the attached ADU can match the height of the primary dwelling, regardless of the primary dwelling height. For example, a primary dwelling with a steeply pitched roof and a height of 30' can have an ADU that seamlessly attaches to the rear or side of the home. Also added to the phrasing was the mention of *story*. Recent State laws did not discuss story and the City's current ordinance only allows single-story ADUs and JADUs. By adding the proposed phrasing regarding story, the City would allow two-story ADUs and JADUs that are attached to the house provided that the existing house is also two-stories. The first reason to allow this more permissive language is because it makes regulation of ADUs and JADUs consistent with how the City regulates additions to primary dwellings because two story additions are permitted by-right in all residential zones. The second reason to allow this language is due to the language in existing ADU law that allows conversion of existing livable space of the primary home into an ADU or JADU regardless of height or story. In other words, a property owner can under existing ADU law build a two-story addition to the home and then propose to convert it to an ADU or JADU as soon as it is built. Detached ADUs, however, would still remain limited to one story in any instance, whether they are conversions or new construction.
- **Off-Street Parking Requirements:** The City's ADU ordinance that predated the passage of the urgency ordinance had a section regarding the new parking required for ADUs, but states that that properties within ½ mile of public transit were exempt from compliance. All residentially zoned properties within the City are within ½ mile of at least one public bus or rail line, which functionally makes the whole City exempt from this requirement. The proposal is to streamline the language by stating that no new parking is required for ADUs. This proposal will make no practical difference in the way that ADU law is administered by City Staff but will make the regulations easier for prospective ADU builders to understand.

## **SUMMARY**

As a result of the State's continued legislative actions, portions of the City's existing ADU ordinance are inconsistent with current state law. However, City Staff has continued to process ADU applications and permits consistent with all applicable State laws while the regulations are being updated. The proposed ordinance confirms amendments to the City's ADU ordinance for compliance with the amended provisions of California Government Code Sections 65852.2 and 65852.22, which are the sections that were last updated prior to the urgency ordinance in the latest suite of ADU bills mentioned in this report.

Failure to comply with Government Code Sections 65852.2 and 65852.22 (as amended) renders the City's current ADU ordinance null and void, which limits the City of Baldwin Park in only applying the development standards provided in Government Code Sections 65852.2 and 65852.22 when reviewing any ADU or JADU development project. The approval of ADUs and JADUs based solely on the default statutory development standards, without local regulations governing height, setbacks, landscaping and architectural standards (to name a few standards) has the potential to threaten the character of the City's existing residential neighborhoods and negatively impact property values, personal privacy and fire safety.

### **CEQA REVIEW**

CITY COUNCIL APPROVAL OF ZONING CODE AMENDMENT CASE NUMBER AZC 25-01 AND ADOPTION OF ORDINANCE NO. \_\_\_\_\_ ARE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO THE CALIFORNIA PUBLIC RESOURCES CODE SECTION 21080.17. THE PROPOSED ORDINANCE IS STATUTORILY EXEMPT FROM THE PROVISIONS OF CEQA IN THAT THE PROPOSED ORDINANCE IMPLEMENTS SECTION 66310 ET. SEQ. OF THE OF THE GOVERNMENT CODE, COMMONLY REFERRED AS CALIFORNIA'S ADU AND JADU LAW.

### **LEGAL REVIEW**

This report has been reviewed and approved by the City Attorney as to legal form and content.

### **ATTACHMENTS**

1. Planning Commission Resolution 26-02
2. Draft City Council Ordinance

**Attachment #1**  
**PC Resolution No. 26-02**

RESOLUTION PC 26-02

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BALDWIN PARK RECOMMENDING THAT THE CITY COUNCIL AMEND IN ITS ENTIRETY, THE BALDWIN PARK MUNICIPAL CODE, TITLE XV, LAND USAGE, CHAPTER 153, PART 11 (ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS) TO BE IN COMPLIANCE WITH STATE LAW REGARDING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS, AMEND IN ITS ENTIRETY CHAPTER 153, SECTION 153.135 (OBJECTIVE DESIGN STANDARDS), AND FIND THE ACTION TO BE STATUTORILY EXEMPT FROM CEQA UNDER PUBLIC RESOURCES CODE SECTION 21080.17 (LOCATION: CITYWIDE; APPLICANT: CITY OF BALDWIN PARK; CASE NUMBER: AZC 25-01)**

THE PLANNING COMMISSION OF THE CITY OF BALDWIN PARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Baldwin Park does hereby find, determine, and declare as follows:

(a) This Application is initiated by City Staff as a City-wide code amendment; and

(b) The proposal is to amend the Baldwin Park Municipal Code (BPMC) to comply with recent changes in state law and proposes amendment to multiple sections of the BPMC which are referenced in the Draft Council Ordinance attached as Item No. 2 in the staff report dated March 25, 2026 from Jesus Astorga-Rios, Associate Planner to the Chair and Planning Commissioners ("Staff Report"); and

(c) A duly noticed public hearing was held on March 25, 2026, and said Application by the Planning Commission, and based upon evidence presented including applicable staff reports and each member of the Commission being familiar with the property, it was determined that the facts as required by the Baldwin Park Municipal Code for the granting of such Application are present and that the conditional use permit should be granted, subject to the terms of this Resolution; and

(d) Each fact set forth in the Staff Report dated March 25, 2026 is true and correct.

SECTION 2. The Planning Commission does hereby adopt the following Findings of Fact applicable to all Amendments to the Zoning Code:

(a) Consistent with the goals, policies, and objectives of the General Plan. The proposal to amend the Baldwin Park Municipal Code to have Accessory Dwelling Unit (ADU) regulations that are consistent with State law is consistent with the goals, policies, and objectives of the General Plan. Specifically, Land Use Policy 1.1 to provide opportunities for housing development at a range of densities and housing types and Land Use Goal 2.0 to accommodate new development that is compatible with and complements existing land uses; and

(b) No adverse effect on surrounding properties. The proposed ordinance applies citywide and will not result in impacts to a specific property. Moreover, the majority of ordinance must be approved to be consistent with State law and the few instances proposed in the ordinance that go beyond the minimum requirements of State law are minimal in nature and are not anticipated to create impacts to adjacent properties; and

(c) Promotion of public health, safety, and general welfare. The proposed changes to the ADU ordinance facilitate the development of ADUs in various ways from reducing the amount of parking spaces required to increasing the number of ADUs that can be built on multi-family lots. These actions aim to increase the number of housing units available to residents while maintaining minimum standards to protect the welfare and character of the existing neighborhoods; and

(d) Serves the goals and purposes of the zoning code. The goal of the zoning code is to implement the goals and policies of the General Plan and the proposed ordinance provides quantifiable standards to achieve this purpose.

SECTION 3. The Secretary shall certify to the adoption of this Resolution and forward a copy hereof to the City Clerk and the Applicant.

PASSED AND APPROVED this 25<sup>th</sup> day of March, 2026.

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GEN ESCOBOSA, CHAIR  
BALDWIN PARK PLANNING COMMISSION

ATTEST:

STATE OF CALIFORNIA }  
COUNTY OF LOS ANGELES } ss.  
CITY OF BALDWIN PARK }

I, NICK BALDWIN, Secretary of the Baldwin Park Planning Commission, do hereby certify that the foregoing Resolution No. PC 26-02 was duly and regularly approved and adopted by the Planning Commission at a regular meeting thereof, held on the 25<sup>th</sup> day of March 2026 by the following vote:

AYES: COMMISSIONERS: \_\_\_\_\_

NOES: COMMISSIONERS: \_\_\_\_\_

ABSTAIN: COMMISSIONERS: \_\_\_\_\_

ABSENT: COMMISSIONERS: \_\_\_\_\_

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NICK BALDWIN  
PLANNING COMMISSION SECRETARY

**Attachment #2**  
**Draft City Council Ordinance**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BALDWIN PARK, CALIFORNIA AMENDING IN ITS ENTIRETY, THE BALDWIN PARK MUNICIPAL CODE, TITLE XV, LAND USAGE, CHAPTER 153, PART 11 (ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS) TO BE IN COMPLIANCE WITH STATE LAW REGARDING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS, AMENDING IN ITS ENTIRETY CHAPTER 153, SECTION 153.135 (OBJECTIVE DESIGN STANDARDS), AND FINDING THE ACTION TO BE STATUTORILY EXEMPT FROM CEQA UNDER PUBLIC RESOURCES CODE § 21080.17**

**WHEREAS**, in Government Code section 66310, the California Legislature found and declared that, among other things, allowing Accessory Dwelling Units (“ADUs”) in zones that permit single-family and multifamily uses provides additional rental housing and is an essential component in addressing California’s housing needs; and

**WHEREAS**, Baldwin Park Municipal Code Title VI, Land Usage, Chapter 153, Zoning Code, implements the City’s General Plan, establishing land use and development regulations in the City, which includes regulations governing the establishment of Accessory Dwelling Units in the R-1, R-G, R-3, MU-1, and MU-2 zoning districts in accordance with Government Code Section 66310; and

**WHEREAS**, on November 11, 2021, the City Council adopted Ordinance No. 1464 adding ADUs and Junior Accessory Units (“JADUs”) to Chapter 153 and providing for the regulation of the same; and

**WHEREAS**, since the adoption of Ordinance No. 1464, the legislature has made several revisions to State law governing local regulation of the development of ADUs and JADUs applicable to all jurisdictions; and

**WHEREAS**, the City of Baldwin Park (“City”) desires to update its local regulations governing the development of ADUs and JADUs to comply with current State law and reflect the recodification of State ADU laws; and

**WHEREAS**, State law requires local jurisdictions to allow ADUs on any property approved for residential use (including within single-family, multifamily, and mixed-use zones); and

**WHEREAS**, although State law requires all jurisdictions to ministerially approve ADUs that meet certain criteria on all zones approved for residential use (including within single-family, multifamily, and mixed-use zones), California Government Code Section 66314 authorizes the City to limit other ADUs based upon the adequacy of water and

sewer services and the impact of accessory dwelling units on traffic flow and public safety; and

**WHEREAS** it is expected that property owners will seek to maximize the use and occupancy of their properties by taking advantage of the benefits provided by establishing ADUs and/or JADUs; and

**WHEREAS**, 100% of the residential properties within the City are located within ½ mile of public transit – thereby negating the City’s ability to require additional parking spaces for the ADUs at those properties; and

**WHEREAS**, under State law, the City cannot require replacement parking for ADUs resulting from the conversion of an attached or detached garage, carport, or covered or uncovered off-street parking space; and

**WHEREAS**, Baldwin Park Municipal Code Title XV, Land Usage, Chapter 153, Zoning Code, implements the City’s General Plan, establishing land use and development regulations in the City of Baldwin Park (“City”), which includes regulations governing residential development in accordance with the Government Code; and

**WHEREAS**, there is a continued effort by the State of California to require jurisdictions to use a ministerial and streamlined process for specified housing projects, and this ministerial and streamlined process requires objective design standards to be applied consistently across all development types; and

**WHEREAS**, the City desires to amend its local regulations to allow for certain residential housing developments to be approved ministerially and in consideration; and

**WHEREAS**, any portion of this Ordinance that is in conflict with California Government Code Sections 66310 through 66342, referred to as “State ADU Law”, State ADU Law shall prevail.

**NOW, THEREFORE**, the City Council of the City of Baldwin Park does hereby ordain as follows:

SECTION 1. The foregoing recitations are hereby adopted by the City Council as findings. Based on those findings, and the evidence and records presented, the City Council determines the public health, safety and general welfare of the City, its residents, and property owners can benefit by amending the Baldwin Park Municipal Code (BPMC) to incorporate regulations for the ministerial approval and application of objective design standards for residential developments, and it is in the best interest of the community to amend the BPMC accordingly.

The City Council further finds and determines that:

- A. The proposed amendments are consistent with the goals and policies of all elements of the General Plan, and any applicable specific plan, as they implement goals and policies of the General Plan to provide

increased housing opportunities in the City through the implementation of state housing bills.

- B. The proposed amendments would not be detrimental to the public interest, health, safety, convenience or welfare of the City in that they would amend the Municipal Code to require certain residential developments to be approved ministerially and in consideration of objective design standards and other recently adopted regulations, thereby meeting the requirements of state law.
- C. The proposed amendments are exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15358 of the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3) because it will not result in a direct or reasonably foreseeable indirect physical change in the environment. Moreover, the City Council finds that this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines as there is no possibility that this activity will have a significant adverse effect on the environment. The proposed amendments create regulations that would ensure that standards are applied fairly to all residential development types and properties, consistent with changes to state housing law. Finally, the Ordinance is statutorily exempt from CEQA pursuant to California Government Code sections 65852.21(j) and 66411.7(n), which provide that the adoption of an ordinance by a city or county implementing the provisions of Government Code sections 66411.7 and 65852.21 (i.e., SB 9) is statutorily exempt from CEQA.
- D. Under California Public Resources Code section 21080.17, the California Environmental Quality Act (“CEQA”) does not apply to the adoption of an ordinance by a city or county implementing the provisions of Article 2 of Chapter 13 of Division 1 of Title 7 of the California Government Code (Sections 66313 et seq. and 66333 et seq.) , which are California statutes regarding ADU’s and JADUs.. Therefore, adoption of the Ordinance is statutorily exempt from CEQA in that it implements state ADU law.

SECTION 2. Based on the foregoing findings and determinations, Baldwin Park Municipal Code Title XV (“Land Usage”), Chapter 153 (“Zoning Code”), Subchapter 153.120 (“Standards for Specific Land Uses and Activities”), Part 11 (“Accessory Dwelling Units and Junior Accessory Dwelling Units”) is hereby amended in its entirety and replaced with the following:

## **PART 11 - Accessory Dwelling Units and Junior Accessory Dwelling Units**

### **Section 153.120.350 – Findings; Purpose and Intent; Definitions**

A. **Findings.** The City Council hereby finds and declares as follows:

1. Although California Government Code Sections 66314 and 66333 authorize the construction and use of **Accessory Dwelling Units** and **Junior Accessory Dwelling Units** within areas zoned for residential use (including single-family, multifamily, and mixed use), the Government Code explicitly provides that local agencies may exclude areas based upon the adequacy of water and sewer services, as well as the impact of accessory dwelling units on traffic flow and public safety; and

2. California Government Code provides that local agencies may impose standards upon **Accessory Dwelling Units** and **Junior Accessory Dwelling Units** that include, but are not limited to, parking, height, setback, landscaping, architectural review, maximum size of a unit, and standards that prevent adverse impacts upon any real property that is listed in the California Register of Historic Resources, consistent with the provisions of Government Code Sections 66314 through 66322; and

B. **Purpose and Intent.** These regulations are provided pursuant to Government Code §§66314 and 66333 to regulate the establishment, use, and occupancy of **Accessory Dwelling Units** and **Junior Accessory Dwelling Units**, and to establish standards to regulate the placement and design of **Accessory Dwelling Units** and **Junior Accessory Dwelling Units** in compliance with the Government Code. In addition to compliance with all other applicable statutes, ordinances and regulations, the regulations of Section 153.120.360 (“**Accessory Dwelling Units - Use Regulations and Development Standards**”) shall apply to all **Accessory Dwelling Units** and the regulations of Section 153.120.370 (“**Junior Accessory Dwelling Units – Use Regulations and Development Standards**”) shall apply to all **Junior Accessory Dwelling Units**.

C. **Definitions.** Terms and phrases used in this Part shall have the same meaning as set forth in Section 153.220 of this Chapter, unless otherwise defined herein. Where there is a conflict between any term or phrase defined in Section 153.220 of this Chapter and Section 153.120.350.C, the definition set forth in Section 153.120.350.C shall control.

1. “**66323 Units**” shall mean one of the four delineated types of ADUs (and JADUs) that must be permitted pursuant to California Government Code 66323.

2. “**Accessory Dwelling Unit**” or “ADU” shall mean an attached or detached residential dwelling unit that provides complete independent living facilities for one (1) or more persons and is located on a lot with a proposed or existing primary residential building. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel that the primary residential building is situated. It shall have the same meaning as that stated in California Government Code Section 66313(a), as that Section may be amended from time to time.

3. “**Accessory Dwelling Unit, Attached**” shall mean an ADU that is newly constructed and attached to the Primary Dwelling Unit. An Attached ADU may be located, in part, within the floor area of the Primary Dwelling Unit.

4. **“Accessory Dwelling Unit, Detached”** shall mean an ADU that is existing or newly constructed and not attached to the Primary Dwelling Unit. A Detached ADU may be attached to an Accessory Structure (i.e. garage, workshop, etc).

5. **“Accessory Dwelling Unit, Conversion”** shall mean an ADU that is converted from and located entirely within the existing space of a Primary Dwelling Unit or Accessory Structure

6. **“Accessory Structure”** shall mean a structure that is subordinate and incidental to the main building or structure that is located on the same lot, including garages, storage areas, or similar uses.

7. **“Junior Accessory Dwelling Unit”** or “JADU” shall mean a unit that is no more than five hundred (500) square feet of interior livable space in size, and contained entirely within the living area of a single-family residences, provides a cooking facility with appliances, food preparation counter and storage cabinets that are of reasonable size in relation to the unit, and has an independent exterior access. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure when an interior connection to the primary unit where the sanitation facilities are located is provided. It shall have the same meaning as stated in California Government Code Section 66313(d), as that Section may be amended from time to time.

8. **“Livable Space”** shall mean a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

9. **“Living area”** shall mean the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

10. **“Major Transit Stop”** shall mean a site containing any of the following:

- a. An existing rail or bus rapid transit station
- b. A ferry terminal served by either a bus or rail transit service
- c. The intersection of two or more major bus routes with a frequency of service interval of 20 minutes or less during the morning and afternoon peak commute periods

These categories shall refer to the definitions noted in California Public Resources Code Section 21064.3.

11. **“Mixed-use”** shall mean a development comprised of residential land use with one or more additional land uses where uses are physically integrated horizontally or vertically.

12. **“Multifamily Dwelling”** shall mean two or more residential dwellings that are attached to one another and are not a hotel or motel. “Multifamily Dwelling” shall not include multiple dwellings on a single lot that are not attached to one another.

13. **“Newly constructed”** shall mean the construction of new walls and roofs, either attached or detached to an existing Primary Dwelling Unit or to an existing accessory structure on the lot or parcel.

14. **“Nonconforming Zoning Condition”** shall mean a physical improvement on a property that does not conform with the current zoning standards as defined in California Government Code Section 66313(h).

15. **“Objective Standards”** shall mean any standards that involve no personal or subjective judgement by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the applicant or proponent and the public official prior to submittal as defined in California Government Code Section 66313(i).

16. **“Owner”** shall mean the property owner as set forth on the latest equalized County assessment roll, and shall include the following natural persons:

- a. Sole proprietor
- b. Partner of a partnership
- c. Member of a limited liability company
- d. Executive Officer of a corporation
- e. Trustor, trustee, or beneficiary of a trust

For purposes of Section 153.120.370.F.1 (“Junior Accessory Dwelling Unit: Owner-Occupancy”), the Owner-Occupant must have authority to bind the owner in all matters related to the property upon which a Junior Accessory Dwelling Unit exists and shall not pay rent or other compensation to reside at the property.

17. **“Passageway”** shall mean a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU as defined in California Government Code Section 66313(j).

18. **“Primary Dwelling Unit”** shall mean any existing or proposed single-family or multi-family dwelling that has been or will be legally established and is located on the same lot as an existing or proposed Accessory Dwelling Unit or Junior Accessory Dwelling Unit.

19. **“Proposed Dwelling”** shall mean a dwelling that is the subject of a permit application and that meets the requirements for permitting as defined in California Government Code Section 66313(l).

20. **“Public Transit”** shall mean a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public as defined in California Government Code Section 66313(m).

21. **“Substandard Building”** shall mean any building or portion thereof, or premises on which the building is located, in which there exists any of a long list of conditions that endanger the life, limb, health, property, safety or welfare of the public or occupants thereof as defined in California Health and Safety Code Section 17920.3

22. **“Tandem parking”** shall refer to two or more automobiles parked on a driveway or in any other location on a lot, lined up behind one another as defined in California Government Code Section 66313(n).

### **Section 153.120.360 – Accessory Dwelling Units and Junior Accessory Dwelling Units - Use Regulations and Development Standards**

A. **Intent.** In accordance with the regulations and standards set forth in this Section, Accessory Dwelling Units and Junior Accessory Dwelling Units shall be permitted as a matter of right, without any required discretionary review or discretionary permit, on any parcel of property with an existing or proposed residential dwelling in any Residential Zone as indicated in Table 153.040.020, in any Mixed-Use Zone as indicated in Table 153.070.020 of this Chapter, and in any Zoning District which allows for Residential or Mixed Use Developments as noted in Table 4.3 of the Downtown Baldwin Park Specific Plan.

B. **Ministerial Permit(s) Required.** No person shall cause, allow, or suffer the erection, conversion, establishment, maintenance, use, or occupancy of any Accessory Dwelling Unit or Junior Accessory Dwelling Unit without having first obtained the required permit(s) as set forth in this Section.

1. **Type 1 – 66323 Units Only.** If an ADU or JADU complies with each of the general requirements noted in Section 153.120.360(E) - General ADU and JADU requirements, below, it is allowed with only a building permit in the following scenarios:

i. **ADUs and JADUs on a Single-Unit Lot.** One ADU and one JADU on a lot with a proposed or existing single-family dwelling on the property, where the ADU and/or JADU

- a. Is either within the space of a proposed primary dwelling or within the existing space of a primary dwelling.
- b. Has exterior access that is independent from that of the primary dwelling.
- c. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

- d. In the case of an ADU/JADU conversion, any proposed expansions are limited to no more than the 150 square feet to accommodate required ingress and egress only.
  - e. In the case of a JADU, it must comply with the requirements set in California Government Code Sections 66310-66342, as applicable.
- ii. **Limited Detached ADU on a Single-Family Lot.** One detached, new construction ADU on a lot with a proposed or existing primary dwelling (in addition to any ADU and/or JADU that might otherwise be established on a lot pursuant to Section 153.120.360(B)(i)), if the Detached ADU complies with the following requirements:
- a. The side and rear setbacks are at least 4 feet.
  - b. The total floor area is 800 square feet or smaller of livable space.
  - c. The peak height above grade does not exceed the applicable height limit noted in Section 153.120.360(E)(5)
- iii. **Interior ADU on a Multi-Family Lot.** One or more ADUs within the portions of an existing Multifamily Dwelling structure that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each Interior ADU complies with State building standards for dwellings. At least one Interior ADU is allowed within an existing Multifamily Dwelling, up to a quantity equal to 25 percent of the existing Multifamily Dwelling units.
- iv. **Limited Detached ADU on Multi-Family Lot.**
- a. No more than eight Detached ADUs or a quantity equal to the number of existing Multi-Family Dwelling units in the structure, whichever is less, on a lot that has an existing Multifamily Dwelling.
  - b. No more than two Detached ADUs with a proposed Multi-Family Dwelling.
  - c. Each Detached ADU under this paragraph must comply with the following requirements:
    - 1. The side and rear yard setbacks are at least 4 feet. If the existing Multi-Family Dwelling has a rear or side yard setback of less than 4 feet, the City will not require

any modification to the Multifamily Dwelling as a condition of approving the ADU.

2. The peak height above grade does not exceed the applicable height limited noted in Section 153.120.360(E)(5).

2. **Type 2 – Standard Accessory Dwelling Units and Junior Accessory Dwelling Units.** Except as allowed in Section 153.120.360(B)(1) Type 1 – 66323 Units, above, ADUs and JADUs must comply with the standards set forth in Section 153.120.360(E) - General ADU and JADU Requirements, Section 153.120.360(G) - Specific ADU Requirements and Section 153.120.370 - Specific JADU Requirements

### **C. Process and Timing**

1. An application to create an ADU or JADU under this section shall be considered and approved ministerially, without discretionary review or a public hearing.
2. For all Type 1 – 66323 ADU or JADU units, all formal applications for Building permits must be submitted directly to the City’s Building and Safety Division.
3. For all Type 2 – Standard ADU or JADU units, an ADU/JADU application must be filed and approved by the City’s Planning Division prior to submittal of a Building Permit application to the City’s Building and Safety Division.
4. The City must determine whether an application to create an ADU or a JADU is complete and must provide written notice of the determination to the applicant within 15 business days after the City receives a formal application submittal:
  - i. If the City determines that an application is incomplete pursuant to the timelines noted above, the City’s notice must include a list of all incomplete items and provide instructions on how the application can be revised for completeness.
  - ii. After receiving notice that an application is incomplete, the applicant may cure and address the items that were deemed by the City to be incomplete. Should the applicant submit additional information to address the incomplete items, the City shall have 15 days upon receipt of revised materials to determine in writing whether the additional information remedies all the incomplete items that were identified in the original notice. The City may not require the application to include an item that was not included or disclosed in the original incomplete notice.

- iii. If the City does not make a timely determination as established in Section 153.120.360(C) Processing and Timing, the application or resubmitted application is deemed complete for the purposes of subsection 153.120.360(C)(5) below.
    - iv. An applicant may appeal the City's determination that the application is incomplete by submitting a written appeal to the office of the City Clerk. Pursuant to Government Code Section 66317, the Planning Commission of the City of Baldwin Park will review the written appeal and affirm or reverse the completeness determination and provide a final written determination to the applicant within 60 business days after receipt of the appeal.
5. Upon determination of a complete application, the City must approve or deny the application within 60 days of the receipt of the complete application. If the City does not provide any notification of approval or denial within 60 days, the application is deemed approved unless either:
  - i. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay; or
  - ii. When the application to create an ADU or JADU is submitted with a permit application to create a new single-family or multi-family dwelling on a lot, the City may delay acting on the permit application for the ADU or JADU until the City approved or denies the permit application to create the new single-family or multifamily dwelling, but the application to create the ADU or JADU will still be considered ministerially without any discretionary review or public hearing.
6. If the City denies an application for an ADU or JADU, the City must provide the applicant with a full set of written comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of denial and corresponding comments must be provided to the applicant within the 60-day time period established in Section 153.120.360(C) Process and Timing.
7. An applicant may appeal the City's denial of an application by submitting a written appeal to the office of the City Clerk. Pursuant to Government Code Section 66317, the Planning Commission of the City of Baldwin Park will review the written appeal and affirm or reverse the denial and provide a final written determination to the applicant within 60 business days after receipt of the appeal.

**D. Density.** Accessory Dwelling Units and Junior Accessory Dwelling Units established, maintained, and occupied in compliance with this Section 153.120.360 shall not be calculated as part of the allowable density for the lot upon which it is located.

E. **General ADU and JADU Requirements.** Unless stated in this Section or California Government Code section 66310 et seq. (as may be amended from time to time), the following requirements apply to all ADUs and JADUs that are approved under Type 1 – 66323 Units or Type 2 – Standard ADUs/JADUs, including, but not limited to, setbacks, building height, and minimum distance between structures.

1. **Building Standards.** All Accessory Dwelling Units, and all electrical, plumbing, and mechanical systems, fixtures, and equipment in connection therewith, shall comply with all applicable Building Standards – including minimum room sizes as set forth in the California Residential Code.

2. **Fire Sprinklers.** Fire sprinklers shall be required in any Accessory Dwelling Unit or Junior Accessory Dwelling Unit if fire sprinklers are required in the Primary Dwelling Unit. The construction of an ADU or JADU shall not trigger a requirement for fire sprinklers to be installed in the existing Primary Dwelling.

3. **Habitability.** All Accessory Dwelling Units shall be fully habitable, and shall at a minimum meet all requirements for an efficiency unit as defined by Section 1207.4 of the California Building Code or Section 17958.1 of the California Health & Safety Code, as those Sections may be amended from time to time.

4. **Setbacks.**

i. **Single-Family Dwellings.**

a. No rear and side yard setback shall be required for an Accessory Dwelling Unit that is converted from any of the following, unless the Building Official or Fire Department determine that setbacks are required for fire and/or life-safety:

1. An existing living area.

2. An existing accessory structure.

3. A structure constructed in the same location and to the same dimensions as an existing structure.

4. All other Accessory Dwelling Units shall maintain a minimum rear and side-yard setback of four feet (4').

ii. **Multifamily Dwellings.**

a. No rear and side-yard setback shall be required for an Accessory Dwelling Unit that is converted from any of the following, unless the Building Official or Fire Department determine that setbacks are required for fire and/or life-safety:

1. An existing area of a multifamily dwelling that is not used as living space.
2. All detached Accessory Dwelling Units shall maintain a minimum rear and side-yard setback of four feet (4').

## 5. Height

- i. A Detached ADU shall not exceed 18 feet in height unless additional height is needed to match the roof pitch of the primary dwelling, in which case a 20-foot height maximum applies.
- ii. An Attached ADU shall be permitted to match the primary dwelling in both story and height. The roof style and pitch shall match the primary dwelling unit. If the height of the primary dwelling is less than 25 feet, then the Attached ADU shall be permitted to have a height of 25 feet.
- iii. ADU Conversions are not subject to the height restrictions noted in this Section.
- iv. For the purposes of this Section, "height" shall be defined as the vertical distance from the average level of the finished grade of the lot to the highest roof point of the structure being measured.

**F. Unpermitted Accessory Dwelling Units and Junior Accessory Dwelling Units.** Existing unpermitted Accessory Dwelling Units and Junior Accessory Dwelling Units can be permitted to legal units per the process described in Government Code Section 66311.7(a)-(f), as may be amended from time to time.

**G. Specific ADU Development Standards.** Except for 66323 Units described in subsection B(1) above, all Accessory Dwelling Units shall adhere to each of the development standards set forth in this Subsection. The development standards set forth in this Subsection shall supersede any conflicting development standard(s) provided elsewhere in this Code for the zone in which the Accessory Dwelling Unit is located or proposed to be located.

### 1. Lot and Unit Size Requirements – Single-Family Dwelling

- i. **Attached and Detached Accessory Dwelling Units.** The following lot and unit floor area regulations apply to all newly constructed Accessory Dwelling Units on lots with existing or proposed single-family dwellings. All references to square footage (sf) shall refer to livable space.

| <b>Lot Size in Square Feet</b> | <b>Maximum Allowable Floor Area of Any ADU Attached to Existing Primary Dwelling</b>                 | <b>Maximum Allowable Floor Area of Any ADU Detached from Existing Primary Dwelling</b>               |
|--------------------------------|--|--|
| <b>5,000 or less</b>           | <b>850 sf for ADU with 1 or less bedroom</b><br><br><b>1,000 sf for ADU with more than 1 bedroom</b> | <b>850 sf for ADU with 1 or less bedroom</b><br><br><b>1,000 sf for ADU with more than 1 bedroom</b> |
| <b>5,001 - 8,000</b>           | <b>850 sf for ADU with 1 or less bedroom</b><br><br><b>1,000 sf for ADU with more than 1 bedroom</b> | <b>1,000 sf</b>  |
| <b>8,001 and over</b>          | <b>850 sf for ADU with 1 or less bedroom</b><br><br><b>1,200 sf for ADU with more than 1 bedroom</b> | <b>1,200 sf</b>  |

- ii. **Interior Accessory Dwelling Unit.** The conversion of an existing structure or a portion of the existing primary residence to an Accessory Dwelling Unit is not subject to size requirements, provided that the conversion leaves the primary dwelling with a kitchen, bathroom, and at least one bedroom as required by the Building Code.
  - a. Attached Accessory Dwelling Units shall not exceed fifty (50) percent of the size of the habitable space of the primary residence on the lot. Attached Accessory Dwelling Units may exceed fifty (50) percent of the size of the habitable space of the primary dwelling to accommodate an Accessory Dwelling up to eight hundred (800) square feet in size.
    1. An existing accessory structure may be expanded up to 150 square feet beyond the same physical dimensions of the existing accessory structure only to accommodate ingress and egress to the Accessory Dwelling Unit.
    2. An Accessory Dwelling Unit proposed within an existing accessory structure that expands the accessory structure beyond 150 square feet shall be subject to the lot and floor area limitations set forth in Subsection 153.120.360.G.1.i.

2. **Design Standards – Architectural Features.** A newly constructed Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall adhere to the same Objective Design Standards that are noted in Section 153.135.050.
  - i. **Additional Design Standards for Two Story ADUs.** All newly constructed Accessory Dwelling Units which are proposed at two stories shall comply with the following additional objective standards:
    - a. All proposed two story ADUs shall limit second story window placement on elevations that are within four feet of a property line to windows with sill heights of at least five feet unless required to deviate to comply with minimum building standards.
    - b. All second story portions of a proposed ADU must provide a minimum of one (1) design element to provide relief from all exterior wall planes delineating the upper and lower floors of an ADU. Said design features include, but are not limited to:
      1. Secondary band or accent feature comprised of wood, fiber cement or vinyl materials, wherein said materials must be painted to match the existing or proposed window trim finish colors of the primary home.
      2. Juliet balconies along all exterior window openings wherein the maximum allowable projection for the railings cannot exceed 6 inches from the wall plane.
      3. Differentiating color scheme for exterior siding materials between upper floor and lower floor of the ADU.
3. **Mechanical Equipment.** All new mechanical equipment associated with a newly constructed Accessory Dwelling Unit shall be located on the ground no less than thirty inches (30”) from the side and rear property lines. Any existing equipment located on the roof or exterior walls of the existing Primary Dwelling Unit or accessory structure shall be provided with a decorative screen to shield such equipment from view and shall be placed at least six inches (6”) below the top of the lowest building parapet or decorative screen. No plumbing line shall be placed upon the exterior wall of a structure unless such line is enclosed or otherwise screened from view.
4. **Parking.**
  - i. **New parking.** No parking is required for Accessory Dwelling Units since all residential areas within the City are within ½ mile of public transit.

- ii. **Replacement Parking.** When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an Accessory Dwelling Unit or converted to an Accessory Dwelling Unit, the previously existing parking spaces do not need to be replaced.
  - a. If an Accessory Dwelling Unit that resulted in a reduction or elimination of off-street parking otherwise required by this Code is proposed to be removed or eliminated, all off-street parking that was eliminated with that Accessory Dwelling Unit shall be returned concurrently with the elimination of the Accessory Dwelling Unit, including a demolition permit.
  - b. Any new replacement parking garage proposed shall meet the requirements for residential off-street parking requirements for the underlying zoning in which the property is located.

5. **Vehicular Access.** The accessory dwelling unit shall utilize the same vehicular access that serves the existing main dwelling unit, unless the accessory dwelling unit has access from an alley contiguous to the lot.

#### H. Use and Sale Restrictions.

1. **Sale.** An Accessory Dwelling Unit may not be sold separately from the Primary Dwelling Unit(s) on the parcel or lot upon which the Accessory Dwelling Unit exists. An ADU shall only be sold or otherwise conveyed separately from the primary building on the lot if the primary building and the ADU were built or developed by a qualified non-profit corporation in accordance with Government Code Section 66340 and 66341, as amended from time to time, and an affordable housing agreement is entered into by the applicant and a qualified buyer.

2. **Rental.** The Accessory Dwelling Unit shall not be rented for any term or period of thirty (30) consecutive calendar days or less. If the Accessory Dwelling Unit is rented, the Owner shall obtain and maintain a current and valid business license, in accordance with Section 111.03 of this Code.

#### Section 153.120.370 – Junior Accessory Dwelling Units - Use Regulations and Development Standards

A. **Junior Accessory Dwelling Units.** In accordance with the regulations and standards set forth in this Section, one (1) Junior Accessory Dwelling Unit shall be permitted as a matter of right, without any required discretionary review or discretionary permit, on any parcel of property with an existing or proposed single-family residential dwelling in any single-family residential zone as indicated in Table 153.040.020.

1. A lawfully established detached Accessory Dwelling Unit shall not be deemed a single-family dwelling unit for purposes of this Section.

B. **Density.** No more than one (1) Junior Accessory Dwelling Unit shall be permitted on any parcel of property. The Junior Accessory Dwelling Unit shall not be calculated as part of the allowable density for the lot upon which it is located.

1. A Junior Accessory Dwelling Unit shall not be considered a separate or new dwelling unit for purposes of providing service for water, sewer, or power.

C. **Development Standards.** All Junior Accessory Dwelling Units shall adhere to the following requirements and limitations.

1. **Building Standards.** All Junior Accessory Dwelling Units, and all electrical, plumbing, and mechanical systems, fixtures, and equipment in connection therewith, shall comply with all applicable Building Standards – including minimum room sizes as set forth in the California Residential Code.

2. **Location.** A Junior Accessory Dwelling Unit shall be constructed within the walls of an existing single-family dwelling or attached garage, or within the walls of a proposed single-family dwelling.

3. **Unit Size Requirement.** A Junior Accessory Dwelling Unit shall not exceed 500 square feet in size in interior livable space.

4. **Cooking Facilities Required.** A Junior Accessory Dwelling Unit shall include an efficiency kitchen, which shall include, at a minimum, all of the following:

a. A kitchen sink;

b. Cooking facility with appliances as required for an efficiency unit pursuant to California Health & Safety Code Section 17958.1 and California Building Code Section 1207.4 (or any subsequent amendments thereto); and,

c. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the Junior Accessory Dwelling Unit.

5. **Sanitation Facilities.** Junior Accessory Dwelling Units may share sanitation facilities with the existing single-family residence.

6. **Separate Entrance Required.** A Junior Accessory Dwelling Unit shall include an exterior entrance that is separate from the main entrance to the proposed or existing single-family dwelling.

a. If the Junior Accessory Dwelling Unit shares sanitation facilities with the existing single-family residence, the Junior Accessory Dwelling Unit shall also be accessible from the main living area of the primary single-family residence.

**D. Occupancy and Sale Restrictions.**

1. **Owner-Occupancy.** If the Junior Accessory Dwelling Unit shares sanitation facilities with the single-family residence, the Owner of the property on which a Junior Accessory Dwelling Unit is established shall reside either within the Junior Accessory Dwelling Unit or the remaining portion of the single-family residence.

a. Owner-occupancy shall not be required if the owner of the property is another governmental agency, land trust, or housing organization.

2. **Sale.** A Junior Accessory Dwelling Unit may not be sold separately from the primary single-family residence.

3. **Rental.** The Junior Accessory Dwelling Unit shall not be rented for any term or period of thirty (30) consecutive calendar days or less. If the Accessory Dwelling Unit is rented, the owner shall obtain and maintain a current and valid business license, in accordance with Section 111.03 of this Code.

4. **Deed Restriction.** Prior to the occupancy of a Junior Accessory Dwelling Unit and/or the issuance of any Certificate of Occupancy for a Junior Accessory Dwelling Unit, the owner shall cause a deed restriction, in a form approved by the City Attorney's Office, to be recorded in the County Recorder's Office and a copy to be filed with the Planning Division. The deed restriction shall run with the land and bind all future owners. The deed restriction shall include, at a minimum, the following:

a. Declaration prohibiting the sale of the Junior Accessory Dwelling Unit separate from the sale of the primary single-family residence;

b. Declaration that the Junior Accessory Dwelling Unit shall not be rented for any term or period of thirty (30) consecutive calendar days or less;

c. Declaration restricting the size, attributes, and uses of the Junior Accessory Dwelling Unit to that which conforms to this Section;

d. Declaration that for a Junior Accessory Dwelling Unit that shares sanitation facilities with the single-family residence, the owner of the property on which the Junior Accessory Dwelling Unit exists or is proposed to exist shall reside either within the Junior Accessory Dwelling Unit or the remaining portion of the single-family residence at all times;

e. Declaration that the Junior Accessory Dwelling Unit adheres all requirements of the Baldwin Park Municipal Code – including this Section, and that it will be maintained, used, and occupied in compliance with the requirements of the Baldwin Park Municipal Code – including this Section;

f. Declaration that all of the above deed restrictions may be enforced against future property owners.

The deed restriction may be removed, with City approval, if the owner eliminates the Junior Accessory Dwelling Unit with all required City approvals, permits, and inspections to the satisfaction of the City.

**SECTION 3.** Based on the foregoing findings and determinations, Baldwin Park Municipal Code Title XV (“Land Usage”), Chapter 153 (“Zoning Code”), Subchapter 153.135 (“Objective Design Standards) is hereby amended in its entirety and replaced with the following:

**Part 1. OBJECTIVE DESIGN STANDARDS FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENTS**

**153.135.010 INTENT AND PURPOSE.**

The purpose of this section is to regulate the design of single-family developments and allowable units per State law, such as Accessory Dwelling Units and Urban Dwelling Units, in manner that preserves the low-density character of neighborhoods in the R-1 zone in accordance with California Government Code Sections 65852.21 and 66411.7, promotes site planning and architectural design that add value to the property and neighborhood, and allows for creativity while establishing baseline standards.

**153.135.020 RELATIONSHIP TO OTHER STANDARDS AND REQUIREMENTS.**

The standards and limitations set forth in this section shall apply to all new construction primary dwelling units, accessory dwelling units, junior accessory dwelling units, urban development units and urban lot splits within R-1 zone, notwithstanding any other conflicting provisions of this chapter or title. In the event of a conflict between the provisions of this section and any other provision of this chapter, title, or other provisions of the Baldwin Park Municipal Code, the provisions of this section shall prevail.

**153.135.030 INTERPRETATIONS.**

The provisions of this Section shall be interpreted to be consistent with the provisions of California Government Code Sections 65852.21 and 66411.7 and shall be applied in a manner consistent with State law. Any requirement or development standard of the Baldwin Park Municipal Code shall not apply to the extent it is prohibited by any provision of State law for Accessory Dwelling Units, Junior Accessory Dwelling Units, Urban Development Units and Urban Lot Splits.

**153.135.040 SITE DESIGN**

- (A) Any units located closest to the street shall have the front door oriented toward the street. On a corner lot, units may be oriented toward the same street.
- (B) On lots fifty (50) feet or less in width, for development with an accessory unit, a common driveway shall be used to access both units. For urban lot splits,

reciprocal access via the driveway shall be required and recorded via a deed for both properties. No parking shall be permitted on such common driveways.

- (C) For any unit oriented toward an adjacent street, a pedestrian walkway separate from the driveway shall be provided to the primary entry. Such entries may also provide connection to any accessory dwelling unit, junior accessory dwelling unit, or other infill development unit located on the site.
- (D) Driveway approaches (curb cuts) shall be permitted only to provide access to approved garages, carports, and parking spaces.
- (E) All driveways that lead to a front-facing garage shall have a minimum five (5)-foot-wide landscaped area between the driveway and the adjacent side property line. For lots less than fifty (50) feet in width, the required landscaped area shall be a minimum of ten (10) percent of the lot width or three (3) feet, whichever is greater.
- (F) All garage faces shall be set back a minimum distance of twenty (20) feet from the front lot line or, on a corner lot, from the side lot line.
- (G) A detached garage or carport is permitted to have access to an abutting alley if:
  - 1. The garage or carport entrance is set back a minimum of four feet from the rear property line;
  - 2. A forty-five-degree visibility triangle is provided on either side of the garage or carport; and
  - 3. The garage door does not cross the property line when opened or closed.

### **153.135.050 BUILDING DESIGN**

In addition to the architectural standards set forth in Section 153.130.050 (Architectural Standards), the following shall apply:

- (A) Massing and Articulation. The purposes of regulating building massing and articulation are to ensure a building fits well on a site, respects the scale of the neighborhood, and avoids bulky appearance. The following shall apply
  - 1. Street-facing facades on every floor shall not run in a continuous plane of more than ten (10) feet without one of the following treatments included on the façade at every building story:
    - i. Windows
    - ii. Entry door (ground floor only)

- iii. Change in plane (recess of projection) of at least one (1) foot in depth
  - iv. Change in material
  - v. Shutters
2. Street-facing facades on every floor shall not run in a continuous plane of more than ten (10) feet without one of the following treatments included on the façade at every building story:
- i. Windows
  - ii. Change in plane (recess of projection) of at least one (1) foot in depth
  - iii. Change in material
  - iv. Shutters

(B) Architectural Style

1. For the purpose of defining a known collection of architectural styles for the purposes of this section, the reference guide shall be the most currently published version of *A Field Guide to American Houses: the definitive guide to identifying and understanding America's domestic architecture* by Virginia Savage McAlester or *American House Styles: A Concise Guide* by John Milnes Baker, AIA. The City may identify an alternative source or sources, provided such source is made known publicly and readily available.
2. Using the building design reference document identified in subsection 153.135.050(B)(1), projects shall identify an architectural design style to be used. The building design shall incorporate at least five (5) of the following features characteristic of a single specific architectural design style, including building elements of that style, with roof type and characteristic pitch and exterior building wall symmetry or asymmetry required to be at least two (2) of the features:
- i. Roof type and characteristic pitch
  - ii. Roof rake, eave overhang, and cornice detail
  - iii. Building wall symmetry or asymmetry, and detail
  - iv. Window type, relative proportion, shape, and detail
  - v. Door type, relative proportion, shape, and detail
  - vi. Porch type, relative proportion, shape, and detail

vii. Characteristic building materials

3. Both primary units on a lot or in the circumstance of an urban lot split, each newly created lot, shall be designed and constructed in the same architectural style.
4. Every façade of each primary unit shall have architectural detailing as directed by the provisions of this subsection (B).

(C) Entries

1. The primary entry to any unit shall be defined by a porch, stoop, or recessed area consistent with the selected architectural style of the unit.
2. Columns used to frame the entry shall not extend more than above twelve (12) feet from the ground floor. Recessed areas shall have a minimum depth of three (3) feet for up to thirty (30) square feet

(D) Garage Frontage

1. Where a garage is located on the front half of the lot and the garage door faces a street and the lot width is fifty (50) feet or less in width, the garage frontage including the door width shall not exceed fifty (50) percent of the width of the front façade of the building. For lots wider than fifty (50) feet, the garage façade including the door shall not exceed forty (40) percent of the front façade of the building.
2. Side-loaded garages may be used to diminish the impact of garages along the street frontage. The use of at least two (2) of the following design elements shall be used on the street-facing side of the garage:
  - i. Landscaping with a mature height of at least twenty-four (24) inches.
  - ii. Raised planters with a minimum height of twelve (12) inches and landscaping with a mature height of at least twelve (12) inches.
  - iii. Windows.
  - iv. Decorative trellis.
  - v. Change in materials consistent with exterior materials of proposed unit.

(E) Roof Treatments

1. Rooflines lines greater than thirty (30) linear feet along a street-facing property line shall be vertically articulated with at least one of the following techniques:

- i. A change in height of a minimum of four (4) feet
  - ii. A change in roof form
  - iii. Dormers with a minimum length of eight (8) feet of façade, and a consistent roof form.
2. Rooflines lines greater than fifty (50) linear feet along a side or rear property line shall be vertically articulated with at least one of the following techniques:
  - i. A change in height of a minimum of four (4) feet
  - ii. A change in roof form
  - iii. Dormers with a minimum length of eight (8) feet of façade, and a consistent roof form.

(F) Windows

1. Window Trim or Recess. Trim at least one inch in depth must be provided around all windows, or the window must be recessed at least two (2) inches from the plane of the surrounding exterior wall. For double-hung and horizontal sliding windows, at least one sash shall achieve a two (2) inch recess.
2. Raw or clear anodized aluminum window frames are prohibited:

(G) Materials and Colors

1. At least three (3) materials or colors shall be used consistently on all building façades for both primary units and shall be appropriate to the selected architectural style of the building style referenced above in Subsection 153.135.050(B)(2). Roof and glazing material or color are excluded and do not count towards this requirement. The following building elements with materials and colors count towards this requirement.
  - i. Main building
  - ii. Wainscotting
  - iii. Trim work.
  - iv. Exterior doors
  - v. Garage doors

- vi. Decorative elements, including trellis, iron work, planter boxes, etc. with a minimum of ten (10) square feet in surface area.

(H) Vents, Gutters and Downspouts

- 1. All vents, gutters and downspouts, louvers, and exposed flashing shall be concealed within the wall or roof construction or if exterior, shall consist of materials and a style characteristic of the selected architectural design style referenced above in Subsection 153.135.050(B)(2). Plastic material shall be prohibited.

**Part 2. OBJECTIVE DESIGN STANDARDS FOR MULTI-FAMILY RESIDENTIAL AND MIXED-USE DEVELOPMENTS**

**153.135.060 INTENT AND PURPOSE**

This chapter establishes objective design standards for new multi-family residential developments and mixed-use developments with a residential component, with the intent of achieving and maintaining high-quality site planning and building design in a manner that conforms to community design priorities.

The provisions of this chapter apply to residential projects containing two (2) or more residential dwelling units, including duplexes, triplexes, flats, townhouses, and multi-story, mid-rise building types, and mixed-use projects with at least two-thirds of the square footage designated for residential use. Upon the request of an applicant and demonstrated ability to comply with the provisions of this chapter, such applications qualify for ministerial processing. This chapter does not apply to single-family residences, historic properties, commercial-only projects, or any other non-residential projects.

**153.135.070 RELATIONSHIP TO OTHER STANDARDS AND REQUIREMENTS**

These objective design standards supplement and are in addition to the development standards for the applicable zoning district in which a proposed project is located. Chapter 153 of Title XV of the code of ordinances establishes the City zoning regulations. Where conflict between these objective design standards and other provisions of chapter XV exists, the provisions of this chapter 153.135 shall govern.

**153.135.080 SITE DESIGN**

(A) *Site Planning and Orientation.*

- (1) *Vehicle entry to project.* Vehicle entries to multi-family residential projects shall be clearly indicated by textured paving or stonework that contrasts to the driveway materials.

(2) *Pedestrian entry.* Primary pedestrian entries to multi-family residential projects shall contain a combination of monumental architectural features consisting of a combination of trellises, columns, archways, or arcades and textured paving, stonework or tiles that clearly identifies and distinguishes the entrance.

**Table 1: Combined Features for Pedestrian Entries**

| ARCHITECTURAL FEATURE (S) | SURFACE TREATMENT (S) |
|---------------------------|-----------------------|
| Trellises                 | Textured paving       |
| Columns                   | Stonework             |
| Archways                  | Tiles                 |
| Arcades                   | Grasscrete            |

(3) *Street-facing building orientation.* Buildings facing a public or private street shall have front entries oriented to such street.

(4) *Non-street-facing orientation.* Buildings that are not adjacent to a public or private street shall have front entries that are oriented to one of the following interior common areas.

- a. Paseos
- b. Courtyards
- c. Open space, on-site

(5) *Mixed-use building orientation.* The non-residential components of a mixed-use development shall face primary street frontages and public sidewalks.

(6) *Side setback buffer.* Residential units in a solely residential project shall be buffered from adjacent non-residential and single-family residential uses by a landscaped buffer of a minimum four (4) feet width consisting of live plant materials that grow to a height of at least six feet. Such landscaping is permitted within the side yard setback.

(7) *Setback continuity.* Notwithstanding the minimum front and side yard setback standards established by sections 153.040 and 153.070, the front and side yard setbacks of a new building shall be allowed to match the same front and side yard setbacks as the existing adjacent structures.

**(B) Circulation – Vehicular and Pedestrian**

(1) *Principal vehicular access.* Principal vehicular access into residential developments shall be through an entry driveway. Access via a parking aisle is not permitted.

(2) *Landscaped island.* For properties containing more than one hundred fifty (150) feet of street frontage, a minimum eight (8)-foot-wide landscaped island shall be

incorporated into the driveway entry area for a minimum distance of at least twenty (20) to separate driveway lanes for ingress and egress.

(3) *Parking interconnectivity.* Parking areas shall be internally connected and shall use shared driveways within the development.

(4) *Pedestrian connectivity.* All structures, facilities, parking areas, amenities, common areas, and open space areas within a development shall be internally connected by pedestrian pathways.

(5) *Identification of pedestrian entrances and walkways.* Pedestrian entrances and walkways shall be distinguished from vehicle access areas by the use of materials that contrast the vehicle access areas through use of contrasting paving materials or paving color, a landscaped barrier, and/or grade differences.

(6) *Pedestrian walkway width.* Pedestrian walkways shall be a minimum of four (4) feet in width, with the exception of ground floor residential unit entry walks from the sidewalk to the front door, which shall be a minimum four (4) feet and maximum five (5) feet.

(7) *Separation of pedestrian pathways.* Pedestrian pathways shall be separated from interior roads by the following type of physical barrier:

- a. Grade separation of six (6) inches or more
- b. Planting strip of at least six (6) inches high and four (4) feet in width

(8) *Pedestrian pathways in parking lots.* Pedestrian pathways shall be provided in parking lots between parking areas and building entrances and shall consist of special paving as identified in section 153.135.050(B)(7) or a landscaped or trellis-covered path.

(9) *Pedestrian pathway connection to public sidewalks.* Pedestrian pathways that are immediately accessible from a building when exiting or entering shall be provided between the public sidewalk and such primary building entry.

(C) *Parking.* The following standards shall apply in addition to Section 153.150 (Off-street Parking Loading).

(1) *Parking facilities.* Parking shall be provided on site either in on-grade or underground structures, surface parking lots, carports, or attached garages.

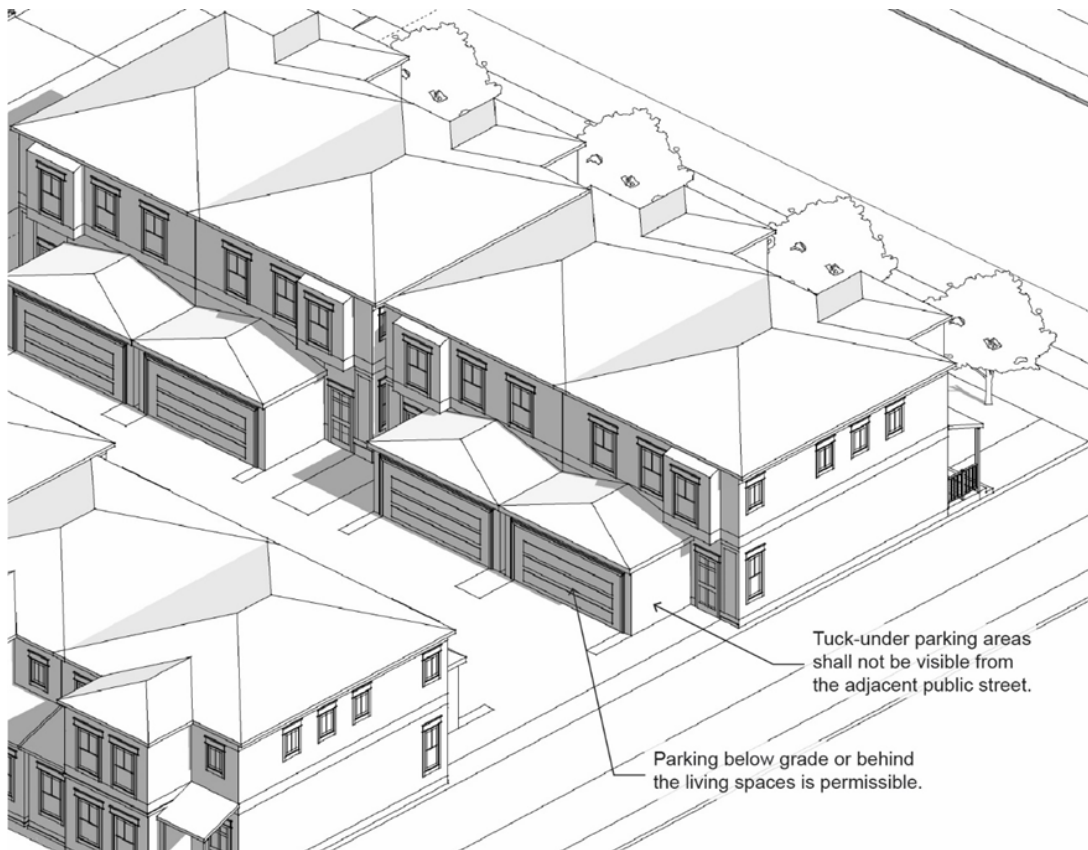
(2) *Multiple surface parking lots.* Where surface parking lots are provided for developments with more than forty (40) residential units or twenty thousand (20,000) square feet or more of leasable commercial space, such surface lots shall consist of a series of connected smaller parking lots, each with no more than seventy-five (75) spaces.

(3) *Parking structure walls.* All parking structure walls facing a public right-of-way and any other parking structure walls greater than 25 feet in length shall include design features consisting of textured surfaces, articulation, murals, decorative grating, and/or landscaping covering a minimum of fifty (50) percent of the wall surface area at full growth. The design of all parking structure walls shall include the same materials, colors, and surfaces as other buildings associated with the development. For the purposes of this subsection, articulation includes faux windows, arches, grillwork, building offsets, and stone/tile building materials.

(4) *Parking between ROW and building.* Parking between the public right-of-way (ROW) and a building shall not occupy more than thirty (30) percent of any linear street frontage of the site.

(5) *Carports.* Carport structures shall match the color, materials, and roof slope of the main structures in the project, except that flat, aluminum carports are prohibited. Carports shall be painted the same colors as the primary building in the project.

(6) *Tuck-under parking.* Parking below grade or behind the living spaces is permissible. Tuck-under parking areas shall not be visible from the adjacent public street.



**Fig. 1: Tuck Under Parking**

(D) *Open Space.* The following open space standards shall apply in addition to the requirements of section 153.040.040 (Required Open Space).

(1) *Location of open space.* Required common residential open space areas shall be located internal to the project site and shall not directly abut any adjacent public roadway.

(2) *Visibility.* Common open space areas that include children's play areas shall be sited so they can be seen from the interior of adjacent residential units and any abutting common areas. Common open space shall be located and arranged to allow a clear line of sight into the space from pedestrian walkways on the interior of the site. Continuous vegetative screens, solid fences, or solid walls that enclose common open space areas shall not exceed three (3) feet in height.

(3) *Private open space.* Private open space, including but not limited to patios and balconies, shall be contiguous to the unit served. Any balcony facing a public street shall be at least sixty (60) percent enclosed to screen any materials placed on the balcony.

(4) *Landscaped open space.* A minimum of fifty (50) percent of the common open space shall be provided as a landscaped area or garden, with the remaining area in hardscape or including at least one of the following amenities:

- a. Sports courts
- b. Swimming pools
- c. Children's play areas.

(E) *Tree Preservation.* The provisions of section 153.165 (Tree Preservation and Protection) shall apply.

### **153.135.090 BUILDING DESIGN**

(A) *Architectural Style.*

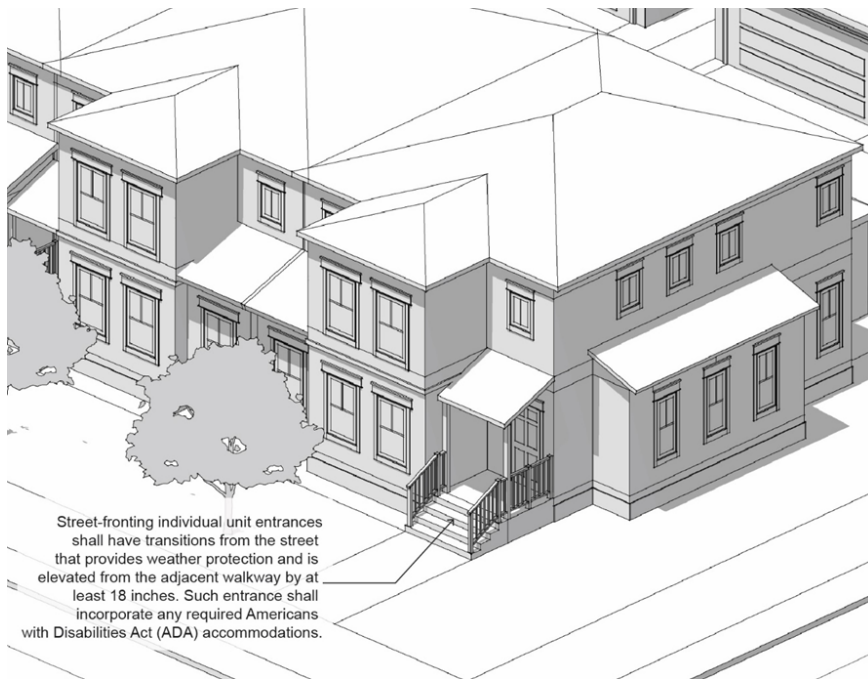
(1) *Building design reference guide.* For the purpose of defining a known collection of architectural styles for the purposes of this section, the reference guide shall be the most currently published version of *A Field Guide to American Houses: the definitive guide to identifying and understanding America's domestic architecture* by Virginia Savage McAlester or *American House Styles: A Concise Guide* by John Milnes Baker, AIA. The City may identify an alternative source or sources, provided such source is made known publicly and readily.

(2) *Identification of architectural style.* Using the building design reference document identified in subsection 153.135.060(A)(1), projects shall identify an architectural design style to be used. The building design shall incorporate at least five (5) of the following features characteristic of a single specific architectural design style,

including building elements of that style, with roof type and characteristic pitch and exterior building wall symmetry or asymmetry required to be at least two (2) of the features:

- i. Roof type and characteristic pitch
  - ii. Roof rake, eave overhang, and cornice detail
  - iii. Building wall symmetry or asymmetry, and detail
  - iv. Window type, relative proportion, shape, and detail
  - v. Door type, relative proportion, shape, and detail
  - vi. Porch type, relative proportion, shape, and detail
  - vii. Characteristic building materials
- (3) *Transitions from street.*

- (a) Street-fronting common building entrances and street-fronting individual unit entrances shall have transitions from the street consisting of a covered stoop or porch that provides weather protection and is elevated from the adjacent walkway by at least 18 inches. Such entrance shall incorporate any required Americans with Disabilities Act (ADA) accommodations.



**Fig. 2: Transitions from Street**

(b) For projects that front an arterial street, the street floor entrance level shall be raised at least two (2) feet to protect the privacy of ground floor units.

(B) *Roof Treatments.*

(1) *Roof variation.*

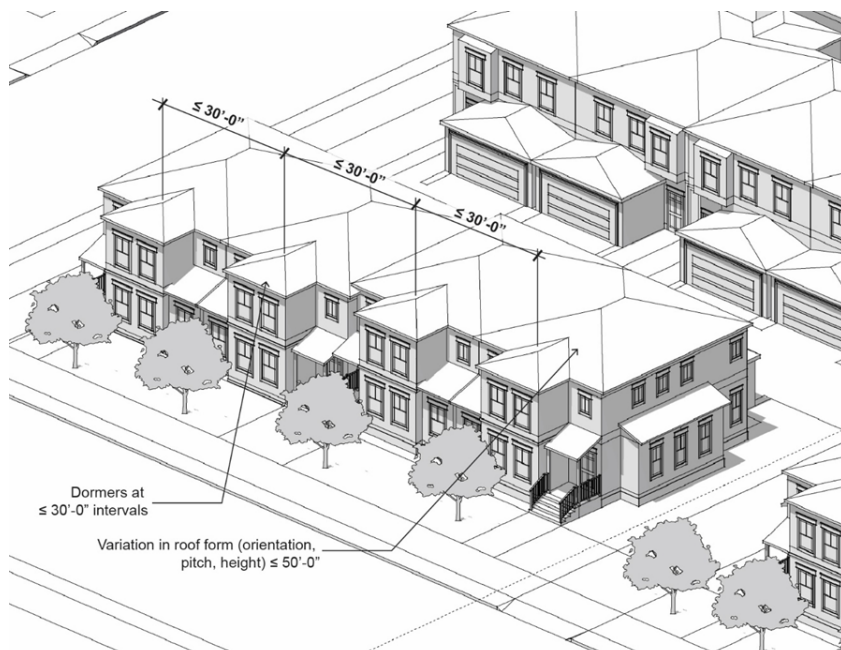
(a) Flat and low slope roof

Roof height shall be varied with a minimum two (2)-foot to maximum four (4)-foot vertical difference between a minimum 30 feet and a maximum 50 feet horizontally.

(b) Pitched roof

For a roof structure that extends more than fifty (50) feet along any building wall, the roof line shall vary by incorporating at least two (2) of the following architectural elements:

- Cornices a minimum of every thirty (30) feet
- Variation in roof form (orientation, pitch, height) every fifty (50) feet
- Dormers a minimum of every thirty (30) feet



**Fig. 3: Pitched Roof**

(2) *Prohibited roofs.* Mansard roofs and segments of pitched roofs applied only at the building's edge shall not be permitted.

(3) *Eave projection.* For buildings that provide eaves, each dwelling shall have and maintain an eave projection between 18 inches and 24 inches on at least two (2) opposing sides, except as may otherwise be prescribed by the selected architectural style referenced above in Subsection 153.135.100(A)(1).

(4) *Exterior roof ladders.* Exterior roof ladders shall be prohibited. Roof access shall only be provided from the building interior.

(5) *Vents, gutters, and drain spouts.* All vents, gutters and downspouts, louvers, and exposed flashing shall be concealed within the wall or roof construction or if exterior, shall consist of materials and a style characteristic of the selected architectural design style referenced above in Subsection 153.135.100(A)(1). Plastic material shall be prohibited.

(C) *Exterior Building Walls.*

(1) *Articulation.* All building walls facing a public or private street shall be articulated for at least eighty (80) percent of each wall length to break up building mass. All other building walls shall be articulated for at least sixty (60) percent of each wall length. Buildings shall have a break in massing through articulation at least every fifty (50) feet along the wall. Articulation shall be provided through changes in wall planes that protrude and/or recess with a minimum dimension of two (2) feet, except for balconies which shall protrude a minimum of four (4) feet. Articulation shall also consist of at least four (4) of the following approaches and reflect the selected architectural style of the building referenced above in Subsection 153.135.100(A)(1).

- (a) Recessed and/or protruding window openings that are recessed or protrude at least six (6) inches from the building façade
- (b) Recessed or protruding entrances, including porches and patios, that extend or protrude at least thirty-six (36) inches from the building façade
- (c) Balconies
- (d) Bay windows
- (e) Moldings
- (f) Recessed glazing and storefronts by at least six (6) inches
- (g) Vertical pilasters that reflect internal building structure and/or are integral to the selected architectural style

- (h) At least two (2) changes in color and texture along wall surfaces
- (i) Indented portions of walls
- (j) Lower wall wainscots, built-up or recessed reveals, trims, and other projections along different levels of wall surface
- (k) Cantilevers
- (l) Varied front door entry footprint within the same structure of a minimum four (4) feet



**Fig. 4: Articulation**

(2) *Massing*. For any lot adjacent to an R-1 zoning district, any building façade adjacent to that R-1 zoning district shall have any floor above the second floor stepped back from the second floor a minimum of four (4) feet starting with the second-floor building plane. Intrusion into the step-back plane is allowed for up to twenty-five (25) percent of the horizontal wall plane.

(3) *Detail articulation.* Exterior building wall and window details such as trim, shutters, and posts shall be characteristic of the selected architectural design style of the building referenced above in Subsection 153.135.100(A)(1).

(4) *Vertical elements.* Where vertical architectural elements are used based on their characteristic tie to the architectural design style selected, their vertical emphasis shall be minimized by use of a minimum of three (3) of the following approaches.

- (a) Incorporating horizontal bands, reveals, trims, and overhangs along different levels of the wall surface
- (b) Limiting towers or pilasters to a maximum height of one (1) story
- (c) Limiting tower elements to one (1) per building
- (d) Varying the spacing and distribution of architectural elements and details along building walls
- (e) Limiting entry treatments to the first story of the building



**Fig. 5: Vertical Elements**

(D) *Windows, Doors, and Balconies.*

(1) *Horizontal window bands.* Horizontal window bands over forty (40) feet in length shall be prohibited.

(2) *Street-facing windows.* Windows shall be provided facing the street for all units adjacent to the street.

(3) *Bay windows.* Bay windows shall project at least two (2) feet but no more than three (3) feet from the exterior building wall.

(4) *Security bars.* Security bars shall not be mounted on the outside of an exterior wall, window or door of any dwelling unit.

(5) *Operable windows.* Operable windows shall have screens for ventilation.

(6) *Window frames.* Raw or clear anodized aluminum window frames are prohibited.

(7) *Balcony depth.* Balconies shall have a minimum depth of four (4) feet.

(8) *Consistency with architectural style.* Door, window and balcony design, materials, and placement shall be characteristic of the chosen architectural design style of the building pursuant to the reference guide identified in Section 153.135.100(A)(1).

(9) *Window and door trims.* Windows and doors shall be either trimmed or recessed. When trimmed, the trim material shall not be less than three-and-one-half (3 feet 6 inches) inches in width by nine (9) inches in depth when protruding from the wall. Foam trim molding shall be prohibited on the ground floor. When recessed, the primary building siding material shall cover the recessed edge faces and wrap toward the interior face of the window glazing or door face by at least three (3) inches in depth.

(E) *Garage Doors.*

(1) *Garage door placement.* Garage doors shall not face a public street but shall be oriented toward an alley, private street, or driveway internal to the project.

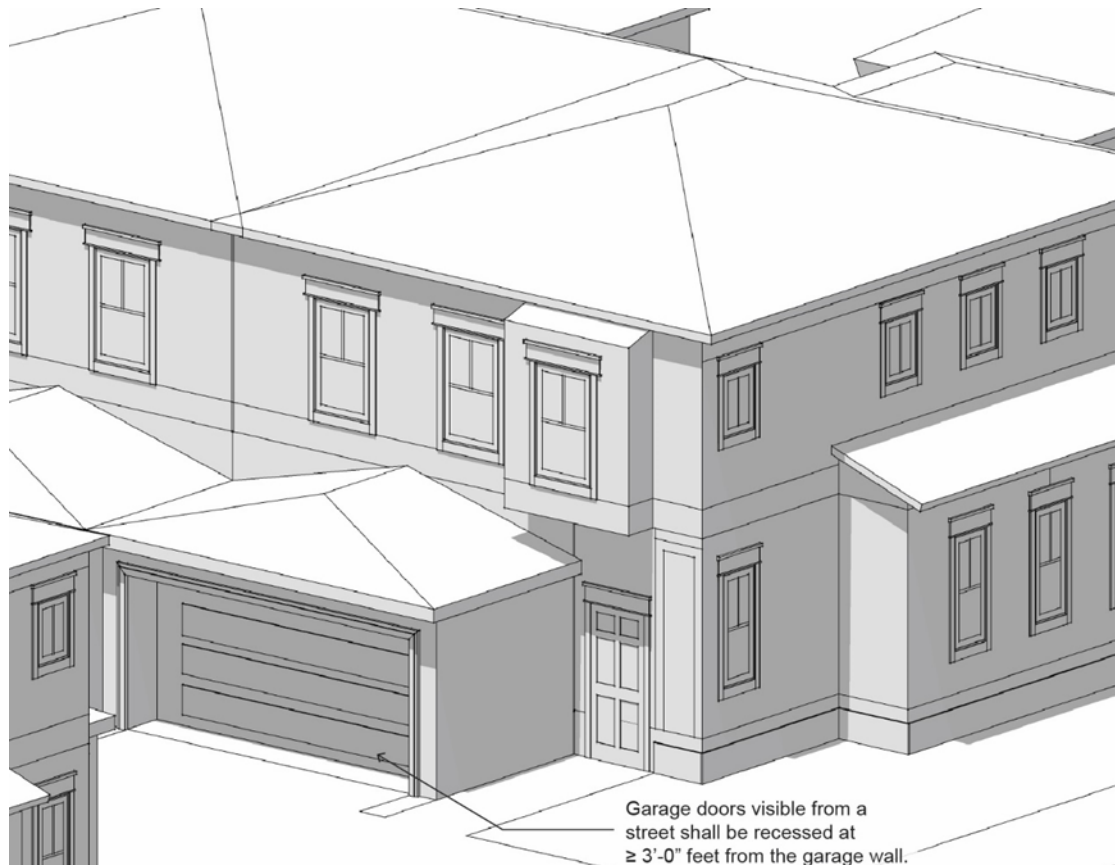
(2) *Garage door treatments.* Garage doors shall include at least one (1) of the following detail treatments:

(a) Windows

(b) Paneled surface

(c) Minimum of two (2) colors

(3) Garage doors visible from a street shall be recessed at least three (3) feet from the garage wall.



**Fig. 6: Garage Doors**

(F) *Stairwell.* Exterior stairways shall be designed as an integral part of the project's architecture and shall incorporate solid wall portions, columns, and/or a decorative balustrade. Stairwells shall not be oriented to the street, but shall face interior spaces (such as plazas, gathering areas, parking areas and pedestrian paths) and shall not be separated from these areas by landscaping, fences or walls taller than three (3) feet. The design shall be of the same materials and color of the building. Open metal and pre-fabricated stairwells shall be prohibited.

(G) *Corner Lot Treatments.* Buildings on corner lots that have two (2) stories shall include at least one (1) of the following features. Buildings that are three (3) stories or more at the corner shall include at least two (2) of the following features at the corner.

- (1) Change in primary wall material and color
- (2) Change in wall plane or a minimum depth of two (2) feet
- (3) Entry to ground floor retail or primary building entrance

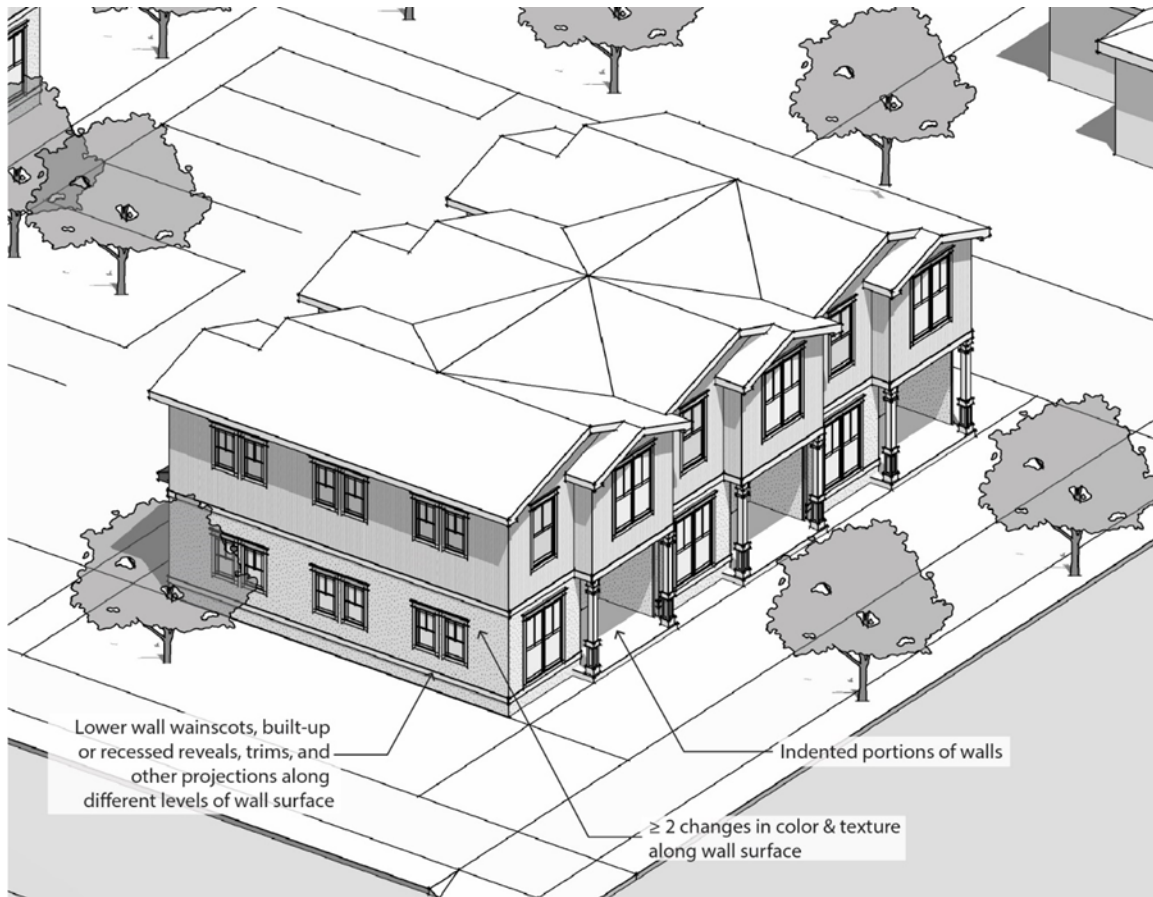
- (4) Different fenestration pattern from the primary exterior building wall



**Fig. 7: Corner Lot Treatment**

(H) *End Unit Treatments.* Units at the ends of buildings shall incorporate windows on each floor and shall include at least two (2) of the following articulation methods for every twenty (20) feet of the exterior building wall length.

- (1) At least two (2) changes in color and texture along wall surfaces
- (2) Indented portions of walls
- (3) Lower wall wainscots
- (4) Built-up or recessed reveals, trims, and other projections along different levels of wall surface
- (5) Vertical pilasters that are load bearing and/or are integral to the selected architectural style
- (6) Cantilevers



**Fig. 8: End Unit Treatment**

(I) *Building Materials.*

(1) *Exterior building wall materials.* The following table identifies permitted and prohibited exterior building wall materials. Materials not listed are prohibited unless approved through a discretionary review process.

**Table 2: Materials**

| Exterior Building Wall Materials                         |   |
|--|---|
| Brick  | P |
| Stone (unpainted)  | P |
| Stucco and plaster                                       | P |
| Finished wood, wood veneer, engineered wood, wood siding | P |
| Fiber-reinforced cement siding and panels                | P |
| Concrete (poured in place or precast)                    | S |
| Ceramic tile   | S |
| Glass (transparent spandrel)                             | S |
| Glass (block)  | A |
| Metal  | N |

|   |   |
|---|---|
| Corrugated metal                            | N |
| Vinyl                                       | N |
| Plastic                                     | N |
| Glass (mirrored, tinted, reflective)        | N |
| Gloss tiles                                 | N |
| T-111 Plywood                               | N |
| Composite wood panel                        | N |
| Rough stucco                                | N |
| Exterior Insulation Finishing System (EIFS) | N |

KEY

P: Primary or secondary material

S: Secondary or accent material

A: Accent material only

N: Not allowed/prohibited

Primary material – a material of the highest use percentage on the building, at least 60 percent.

Secondary material – a material used by a lesser percent than the primary material, a maximum of 40 percent.

Accent material – a material used for wall, window or roof trim, or on building elements, including doors and dormers.

(2) At least two (2) materials shall be used on any exterior building wall, in addition to glazing, railings, and trim.

(3) Sustainable materials shall be used for a minimum of twenty-five (25) percent of the building exterior, and shall consist of a minimum of one (1) of the following properties:

(a) Certified as zero or low volatile organic compounds (VOC) pursuant to State Green Building Code.

(b) Qualified as rapidly renewable by being harvested within ten (10) years.

(c) Salvaged from the existing site.

(d) Produced within Southern California.

(e) Containing a recycled content of 80 percent or above.

(4) Buildings with false exterior building walls or false fronts, exclusive of parapets used to shield rooftop equipment, are prohibited.

(5) Materials shall be characteristic of the selected architectural design style pursuant to subsection 153.135.060(A)(1).

(J) *Roofing Materials.*

(1) *General.* Each structure shall have and maintain roof materials consisting of wood shake, shingle, asphalt, composition, fiber cement, or tile (slate, concrete or clay). Metal roofing and roofing of a glossy or reflective surface are prohibited.

(2) *Roofing material compatibility.* Roofing materials shall be compatible with the selected architectural style and design of the structure pursuant to subsection 153.135.060(A)(1).

(3) *Natural barrel clay tile roof replacement.* Natural barrel clay tile roofs shall be replaced with the same material and color in repairs, remodels, and additions.

(4) *Roof color treatment.* The colors of natural roofing materials (such as barrel tiles and slate) shall be left natural and not be altered by staining or painting. Colors of synthetic roofing materials shall simulate natural materials by use of earth tones, as defined in Section 153.220.060 (E Definitions). The blending of more than two (2) colors on a roof is prohibited.

(K). *Colors.*

(1) An earth-tone color palette shall be required for all structures. Additionally permitted colors are off-whites and light grays, Within the permitted color palette, the primary exterior color of the building shall be limited to an earthen hue background color, off-white, or light gray which is integral or uniformly applied to the exterior material, while special architectural features may use brighter colors as an accent.

(2) The number of colors appearing on the entire building exterior shall be a minimum of two (2) and a maximum of four (4) colors (or tones of the same color), including trim and accent colors. The selection of colors shall be the same among multiple buildings within a project. Changes in color due to a change in building material are not considered an additional color.

**153.135.100 SITE DETAILS**

(A). *Landscaping.* The following objective landscape design standards are in addition to the landscape standards in sections 153.160.030(A)-(E), 153.160.040(A)-(D), 153.160.050, and 153.150.110(C)-(D) of this Chapter 153.

(1) *Front setback buffer.* The front yard setbacks of street-facing residential ground-floor units shall include a minimum four (4)-foot deep landscaped area along the adjacent public sidewalk.

(2) *Landscaping along driveways and buildings.* A strip of landscaping at least two (2) feet wide shall be installed and maintained adjacent between any driveway and abutting property line and adjacent to buildings, except where a paved surface is required to accommodate HVAC and similar equipment.

(3) *Landscaping in yard setbacks.* Front yard setbacks and side yard setbacks adjacent to a public right-of-way and/or private streets shall be landscaped in their entirety, except for driveways and pedestrian walkways.

(4) *Native plants.* Landscaped areas shall include at least twenty-five (25) percent native plant species selected from those listed by the California Native Plant Society specific to the Eastern San Gabriel Valley on Calscape.

(5) *Areas to be landscaped.* Landscaping shall be provided in all outdoor areas that are not specifically used for parking, driveways, walkways, patios, or other required improvements and amenities. Landscaping materials shall not be located such that at maturity they obstruct pedestrian paths and vehicular access along the public right-of-way, private streets, and driveways. Landscaping adjacent to pedestrian and vehicular paths shall either be raised planting surfaces or separated by a minimum six (6)-inch-high concrete curb.

(6) *Trees, shrubs, and groundcover.* Trees shall consist of both evergreen and deciduous varieties, the distribution of which shall be the applicant's choice, provided that no more than fifty (50) percent of trees shall be deciduous. At least five (5) different species of shrubs and groundcover shall be used in planter areas.

(7) *Use of turf.* Notwithstanding compliance with the California State Model Water Efficient Landscape Ordinance, the maximum area permitted for turf shall be thirty (30) percent of the total landscaped area on site. Turf shall not be used in planting strips narrower than five (5) feet wide and slopes over fifteen (15) percent to ensure adequate irrigation and to prevent run-off.

(8) *Decorative water features.* When decorative water features (such as pools, ponds or waterfalls) are used in landscaped areas, such features shall incorporate water recycling, and, as available, use of reclaimed water.

(9) *Water-efficient landscaping.* Landscape and irrigation plans shall conform to the requirements of section 153.160 (Water-efficient Landscaping Standards) of this Chapter 153.

(10) *Non-plant landscaping materials.* No more than twenty (20) percent of any landscaped area shall consist of the following non-plant materials. Gravel shall be prohibited.

- a. Decomposed granite
- b. Bark
- c. Decorative pebbles
- d. Rocks
- e. Boulders

(11) *Prohibited artificial materials.* Artificial turf and plants are prohibited.

(B). *Pavement.*

(1) *Pedestrian paving.* Pedestrian pathway paving materials shall consist of any of the following: stamped or scored concrete, interlocking unit pavers, tiles, bricks, or stone. Asphalt shall be prohibited. Decorative paving shall be used to delineate crossings at circulation drives and parking aisles and shall consist of any of the materials listed in Section 153.135.050(B)(4).

(2) *Driveway entry treatment.* The first twenty (20) feet of a vehicular driveway entry shall be composed of at least one (1) of the following treatments and shall be provided for the full width of the driveway: pavers, stamped or scored concrete, stone, brick, or exposed aggregate.

(3) Driveway material prohibited. The use of asphalt for driveways is prohibited.

(C). *Trash and Recycling Collection Areas.* In addition to the requirements set forth in section 153.130.070 (Refuse Collection Facilities), the following shall apply.

(1) *Design.* Enclosures shall be designed to use the same materials and colors as the buildings they serve.

(2) *Proximity to residences.* Enclosures shall not be located within twenty (20) feet of any adjacent property zoned for or occupied with residential use, and from any pedestrian path or vehicle driveway.

(3) *Lighting.* Lighting of enclosures shall be provided for nighttime security and use and shall conform to Section 153.135.070(G) Exterior Lighting.

(4) *Access.* Access to the enclosure and enclosure dimensions shall conform to solid waste provider requirements.

(5) *Separation.* Enclosures shall be separated from adjacent parking stalls with a minimum three (3)-foot wide planter area.

(D). Utility and Mechanical Equipment.

(1) *Roof-mounted.* Roof-mounted mechanical units shall be fully screened from view from adjacent public rights-of-way and incorporated into the roof design through increased slope, screening, or enclosures. Screening and enclosures shall match the materials, colors, and style of the building architecture.



**Fig. 9: Roof Mounted Mechanical Units**

(2) *Ground-mounted.* Ground-mounted mechanical, electrical, and utility equipment shall be placed a minimum of ten (10) feet away from any pedestrian pathway and/or vehicle driveway. Ground-mounted equipment shall be screened by a wall or fence that shall match the color of the primary buildings in the project, or landscaping. Screening height shall exceed the equipment height by a minimum of one (1) foot, but in no case shall be taller than six (6) feet.

(3) Utility and mechanical equipment shall not be located within any required open space area.

(4) *Air Conditioning Units.* Air conditioning and HVAC units shall be located along the side or rear of the building, or on the roof, consistent with sections 153.135.070.(D)(1) and (2).

(5) *Water Heater Units.* Water heater units shall be located within the building envelope and not exterior of the building walls.

(E) *Mailbox Locations.* Mailboxes shall be placed either at an on-site location adjacent to or incorporated into a common area for all residents, or at individual units.

(F). *Exterior Lighting.* All pedestrian pathways, vehicle parking areas, bicycle parking areas, structure entries, trash enclosures, landscaped areas, and common open space areas shall be illuminated for safety and security consistent with the requirements of section 153.140.040 (Light and Glare) of this Chapter 153. Light fixtures shall be decorative and wall pack lights are prohibited. Lighting shall be recessed or hooded, downward directed, and located to illuminate only the intended area.

### **153.135.110 ADDITIONAL STANDARDS FOR MIXED-USE DEVELOPMENTS**

(A) *Ground-floor non-residential exterior building wall transparency.* Ground-floor building walls for spaces with non-residential uses that face public streets and sidewalks shall consist of a minimum of sixty (60) percent windows that extend between three (3) and eight (8) feet in height above the finished floor. The purpose is to provide unobstructed views into the non-residential space. The windows shall have a visible light transmittance greater than eight (80) percent, and without tint or coloration in the glass substrate.

(B) *Public area.* Any building that extends more than seventy-five (75) linear feet along a street-facing property line shall include an open space area directly accessible from the sidewalk. Such space shall have minimum dimensions of sixteen (16) feet and minimum area of three hundred (300) square feet to accommodate either a publicly accessible courtyard/plaza or outdoor seating for public dining.

(C) *Loading areas.* Loading areas for the commercial components of mixed-use developments shall be located out of view of any public right-of-way and shall be shielded or enclosed to ensure compliance with the noise standards set forth in section 153.140.070 (Noise).

(D) *Mailboxes.* In mixed-use developments, separate mailbox and package delivery/pick-up areas shall be provided for the residential and commercial components of a project.

### **153.135.120. DEVIATIONS FROM STANDARDS**

For proposed projects that deviate from one or more design standards, such applications shall be subject to the provisions of Section 153.210 Part 7 Administrative

Adjustment. Project applications where a deviation from a standard is requested shall not be considered a ministerial review.

SECTION 4. In accordance with Government Code section 66326, the City Clerk is directed to submit a copy of this Ordinance to the California Department of Housing and Community Development within 60 days after adoption.

SECTION 5. The City Council hereby finds that the adoption of the Ordinance is consistent with the General Plan as a matter of law under Government Code section 66314(c).

SECTION 6. 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 section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 7. To the extent the provisions of the Baldwin Park Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 8. The City Clerk is directed to certify the adoption of this Ordinance and post or publish this Ordinance as required by law.

SECTION 9. This Ordinance takes effect 30 days after its adoption. .

PASSED AND APPROVED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026

\_\_\_\_\_  
DANIEL DAMIAN, MAYOR

ATTEST:

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    ) ss:  
CITY OF BALDWIN PARK        )

I, Christopher Saenz, City Clerk of the City of Baldwin Park, do hereby certify that the foregoing Ordinance No. \_\_\_\_ was duly approved and adopted at a regular meeting of the City Council on \_\_\_\_\_, 2026 by the following vote:

AYES: COUNCILMEMBER:

NOES: COUNCILMEMBER:

ABSENT: COUNCILMEMBER:

ABSTAIN: COUNCILMEMBER:

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Christopher Saenz

CITY CLERK