

## SUBCHAPTER 153.115 – DOWNTOWN OVERLAY



<b>Section</b>	<b>Contents:</b>
§153.115.010	Intent and Purpose
§153.115.020	Application
§153.115.030	Use Regulations
§153.115.040	Development Standards
§153.115.050	Other Applicable Regulations

### § 153.115.010 – Intent and Purpose

The Downtown Overlay (DO) is established to provide for special land use regulations within the Baldwin Park downtown area that implement General Plan policies focused on revitalization and encouraging uses that benefit from proximity to public transit. This subchapter is also intended set forth regulations that limit establishment of new uses which conflict with General Plan objectives for the downtown area.

### § 153.115.020 – Application

**A. Generally.** The regulations set forth in this subchapter apply to all land within the city for which the DO zone has been adopted by the City Council. The location and boundaries of the DO zone hereby established are shown on the zoning map and Figure 153.115.020.

**B. Use regulations.** The Downtown Overlay use regulations set forth in Table 153.115.030 shall apply only to those properties within the DO overlay zone that have the following underlying zone designations: Industrial Commercial (I-C), Neighborhood Commercial (C-1), and General Commercial (C-2). Where the underlying zone designation is a zone other than I-C, C-1, or C-2, the provisions of Table 153.115.020 shall not apply, and the use regulations of the underlying zone designation shall apply exclusively.

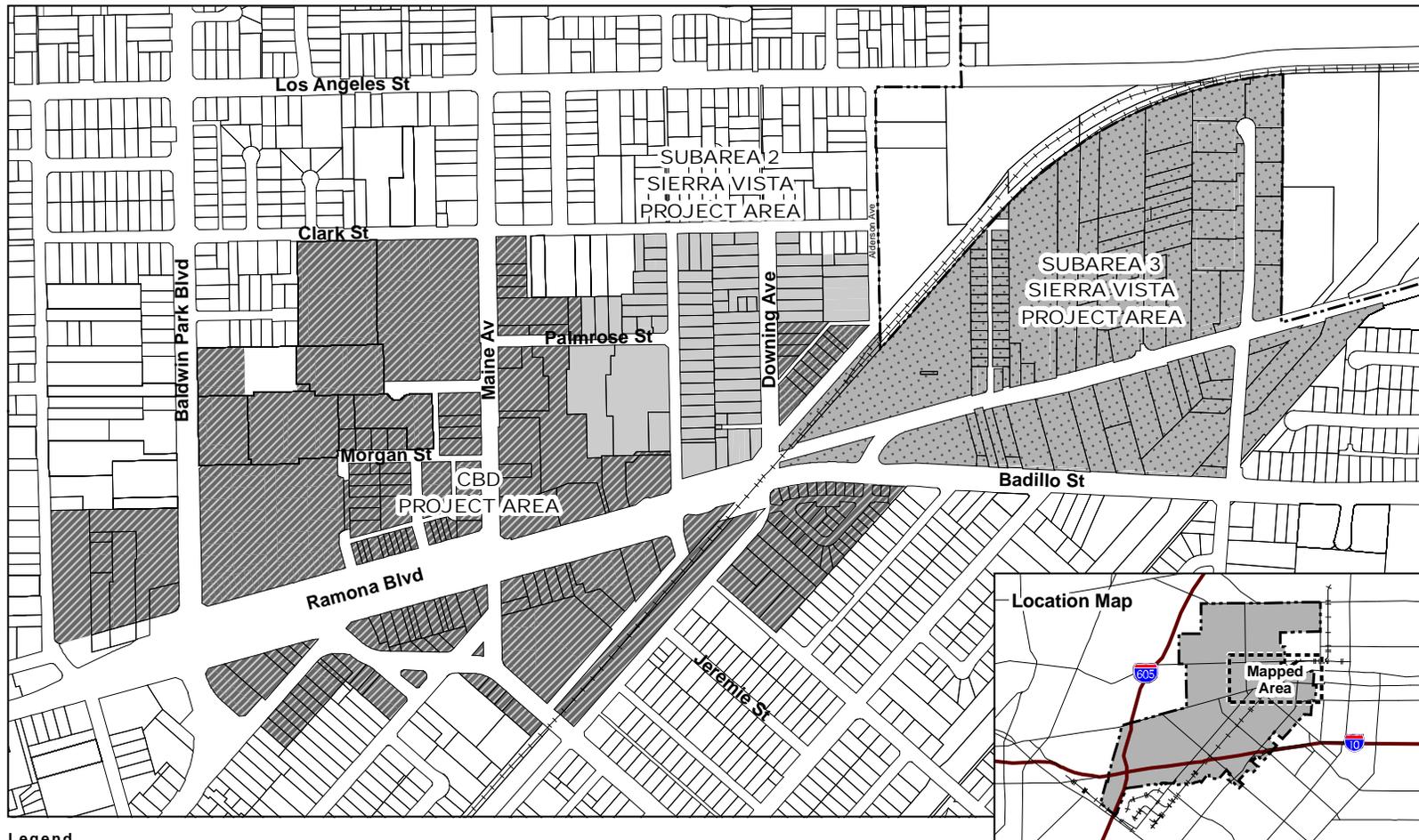
### § 153.115.030 – Use Regulations

**A. Permitted uses.** Table 153.115.030 identifies the permitted uses in the DO zone for properties where the underlying zone designation is I-C, C-1, and C-2.

**B. Conditional uses.** Certain uses may be subject to special conditions regarding the location, operation or design of the use. References to these provisions are made in Table 153.115.030.

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FIGURE 153.115.020



**Legend**

- CBD Project Area
- Subarea 2 Sierra Vista Project Area
- Subarea 3 Sierra Vista Project Area
- City Boundary
- Freeways
- Roads
- Railroad

LAST UPDATED: MAY 9, 2011.  
 SOURCE: CITY OF BALDWIN PARK, GIS 2006.

**RDAO Project Area Map**

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TABLE 153.115.030 Permitted and Conditionally Permitted Uses within the DO	P CUP A --	Permitted use Conditional use permit required Accessory use Use not allowed		
	Land Use	C-1	C-2	I-C
Alcoholic Beverage Sales (on- or off- site)	CUP	CUP	CUP	153.210 Part 18
Apparel Shop	P	P	P	153.210 Part 18
Appliance Store	--	P	P	153.210 Part 18
Art Store-Gallery	--	P	P	153.210 Part 18
Assembly <sup>1</sup> Establishment, located: (a) within the CBD or Sub-Area 2 and fronting Alderson Avenue, or (b) within Sub-Area 3	--	--	P	153.210 Part 18
Auto Supply Store	P	P	P	153.210 Part 18
Automobile Repair	--	--	--	
Automobile Service Stations	--	--	--	
Automobile Storage and Dismantling Yard	--	--	--	
Automobile Wash	--	--	--	
Automated Teller Machine (freestanding)	--	CUP	CUP	153.210 Part 18
Bakery	P	P	P	153.210 Part 18
Bank	--	CUP	CUP	153.210 Part 18
Barbershop/Beauty Parlor	--	P	P	153.210 Part 18
Beauty Salon/Spa (full service)	--	CUP	CUP	153.210 Part 18
Bookstore/Stationary Store	P	P	P	153.210 Part 18
Bowling Alley	--	CUP	CUP	153.210 Part 18
Check Cashing	--	--	--	
Drive-Through Establishment	--	--	--	
Dry Cleaners (drop-off only)	CUP	CUP	CUP	153.210 Part 18
Dry Cleaners (on-site)	--	--	--	
Fabrication Plant, located: (a) within the CBD or Sub-Area 2 and fronting on Alderson Avenue, or (b) within Sub-Area 3	--	--	P	153.210 Part 18
Florist	P	P	P	153.210 Part 18
Furniture Store	--	P	P	153.210 Part 18
Gift Shop	P	P	P	153.210 Part 18

TABLE 153.115.030 Permitted and Conditionally Permitted Uses within the DO	P CUP A --	Permitted use			Conditional use permit required Accessory use Use not allowed
		C-1	C-2	I-C	
Grocery Store over 10,000 square feet	--	--	--		
Hobby Shop	P	P	P		153.210 Part 18
Jewelry Store	--	P	P		153.210 Part 18
Laundromat	CUP	CUP	CUP		153.210 Part 18
Machine Shop, located: a. within the CBD and Sub-Area 2 and fronting on Alderson Avenue, or b. within Sub-Area 3	--	--	P		153.210 Part 18
Manufacturing Establishment a. within the CBD and Sub-Area 2 and fronting on Alderson Avenue, or b. within Sub-Area 3	--	--	P		153.210 Part 18 153.050.020
Offices with the primary purpose of actively assisting with redevelopment and revitalization within the Downtown Overlay and that regularly provide space for gatherings for community interest items related to that redevelopment and revitalization.	P	P	P		153.210 Part 18
Office (professional, medical and dental)	P	P	P		Only allowed on second floor or above within the CBD and Sub-Area 2, except for those areas fronting Alderson Avenue. Allowed on all floors, including ground floor, in Sub-Area 3 and all areas fronting Alderson Avenue within the CBD MU-1 zoning district and Sub- Area 2.
Pawn Shop	--	--	--		
Pet Store	P	P	P		153.210 Part 18
Restaurant	P	P	P		153.210 Part 18
Theater (live or cinema)	--	CUP	CUP		153.210 Part 18
Pet Store	P	P	P		153.210 Part 18

TABLE 153.115.030 Permitted and Conditionally Permitted Uses within the DO	P CUP A --	Permitted use		
		Conditional use permit required	Accessory use	Use not allowed
Land Use	C-1	C-2	I-C	Specific Regulations
Restaurant	P	P	P	153.210 Part 18
Second-Hand Store	--	--	--	
Upholstery Establishment, located: a. within the CBD and Sub-Area 2 and fronting on Alderson Avenue, or b. within Sub-Area 3	--	--	P	153.210 Part 18 153.050.020
Warehousing/Storage Establishment, located: a. within the CBD and Sub-Area 2 and fronting on Alderson Avenue, or b. within Sub-Area 3	--	--	P	153.210 Part 18
Water Store/Kiosk	--	--	--	
Welding Establishment	--	--	--	
(1) For the purposes of this table, “Assembly” shall mean the putting together of previously prepared materials to form a final and completed product while mitigating all impacts such as noise, odors, chemicals, pollution discharge and waste disposals as established by CEQA criteria. Those principal uses are assembly, compounding, or treating of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, glass, paper, plastic, and synthetics (from previously molded materials), rope, rubber (from previously molded materials), shell, textiles, wire, wood, yarn or some similar use as reasonably determined by the Community Development Director.				

C. **Prohibited uses.** If a use is not specifically listed in Table 153.115.030, that use is prohibited. However, the Zoning Administrator shall have the authority to determine whether the proposed use is permitted based on the finding that the use is similar to and no more detrimental than those permitted in the zone.

D. **Uses explicitly prohibited.** The uses prohibited in the DO shall be:

1. Automobile Repair
2. Automobile Service Stations
3. Automobile Storage and Dismantling Yard
4. Automobile Wash
5. Check Cashing
6. Drive-Through Establishment
7. Dry Cleaning Establishment (on-site)
8. Fabrication Plant, except as otherwise provided in subsection A above
9. Grocery Store over 46,400 square feet

10. Machine Shop, except as otherwise provided in subsection A above
  11. Manufacturing and/or Assembly Establishments, except as otherwise provided in subsection A above
  12. Office (Professional, Medical and Dental), except as otherwise provided in subsection A above
  13. Pawn Shop
  14. Second-Hand Store
  15. Upholstery Establishment, except as otherwise provided in subsection A above
  16. Warehousing/Storage Establishment, except as otherwise provided in subsection A above
  17. Water Store/Kiosk
  18. Welding Establishment
- E. Similar uses.** The Community Development Director is authorized to approve acceptance of any application for a use not specifically listed in Table 153.115.030, which, in his or her reasonable discretion, is substantially similar to a use permitted or conditionally permitted that Table. The Community Development Director or his or her designee is authorized to deny acceptance of any application for a use not specifically listed in Table 153.11.030 or subsection E above, which, in his or her reasonable discretion, is substantially similar to a use listed in subsection E or listed as not permitted in Table 153.11.030.
- F. Use open to the public.** Subject to subsection H below, the right to utilize a property for a use other than one listed as permitted or conditionally permitted in Table 153.115.030, shall be terminated if such use has not been actively open to the public for any 90 consecutive days after April 20, 2006, and such use shall not thereafter reopen.
- G. Waiver to use open to the public.** An application for a waiver of subsection G above, may be filed by or on behalf of the property owner; provided, that the application shall be filed within 90 days after the use cannot be reopened pursuant to subsection G above. Such waiver shall be granted by the Planning Commission if the property owner, or his or her representative, presents substantial evidence showing:
1. Strict application of this part would effect a taking of private property without just compensation or otherwise constitute a violation of the United States Constitution, California Constitution or other applicable Federal or State laws; or
  2. All of the uses listed in subsection A above, are economically infeasible for the property.
- H. Waiver fee.** The fee for filing a request for a waiver shall be the same as filing an application for a conditional use permit, as established by resolution of the City Council.

- I. **Appeal.** § 153.210.150 shall govern any appeal of a decision of the Planning Commission; provided that the fee for filing an appeal shall be the same as an appeal for a conditional use permit, as established by resolution of the City Council.

### **§ 153.115.040 – Development Standards**

All lots and structures within the Downtown Overlay zone shall comply with the development standards of the underlying zone.

### **§ 153.115.050 – Other Applicable Regulations**

In addition to the requirements contained in this subchapter, regulations contained in the following subchapters of this chapter may apply to development in these zones:

- 153.120 Standards for Specific Land Uses and Activities
- 153.130 Site Planning and General Development Standards
- 153.140 Performance Standards
- 153.150 Off-Street Parking and Loading
- 153.160 Landscaping Standards
- 153.170 Sign Regulations
- 153.180 Antennas and Other Telecommunication Facilities
- 153.200 Nonconforming Lots, Structures and Uses
- 153.210 Administrative Procedures