

# CITY OF LOS ALAMITOS

3191 Katella Avenue  
Los Alamitos, CA 90720

## AGENDA PLANNING COMMISSION REGULAR MEETING

Wednesday, December 16, 2015 – 7:00 PM

### NOTICE TO THE PUBLIC

This Agenda contains a brief general description of each item to be considered. Except as provided by law, action or discussion shall not be taken on any item not appearing on the agenda. Supporting documents, including staff reports, are available for review at City Hall in the Community Development Department or on the City's website at [www.cityoflosalamitos.org](http://www.cityoflosalamitos.org) once the agenda has been publicly posted.

Any written materials relating to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Community Development Department, 3191 Katella Ave., Los Alamitos CA 90720, during normal business hours. In addition, such writings or documents will be made available for public review at the respective public meeting.

It is the intention of the City of Los Alamitos to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee, or a participant at this meeting, you will need special assistance beyond what is normally provided, please contact the Community Development Department at (562) 431-3538, extension 303, 48 hours prior to the meeting so that reasonable arrangements may be made. Assisted listening devices may be obtained from the Planning Secretary at the meeting for individuals with hearing impairments.

Persons wishing to address the Planning Commission on any item on the Planning Commission Agenda shall sign in on the Oral Communications Sign In sheet which is located on the podium once the item is called by the Chairperson. At this point, you may address the Planning Commission for up to **FIVE MINUTES** on that particular item.

1. **CALL TO ORDER**
  
2. **ROLL CALL**  
Chair Riley  
Vice-Chair Cuiilty  
Commissioner Andrade  
Commissioner DeBolt  
Commissioner Grose  
Commissioner Loe  
Commissioner Sofelkanik
  
3. **PLEDGE OF ALLEGIANCE**

**4. ORAL COMMUNICATIONS**

At this time any individual in the audience may address the Planning Commission and speak on any item within the subject matter jurisdiction of the Commission. If you wish to speak on an item listed on the agenda, please sign in on the Oral Communications Sign In sheet located on the podium. **Remarks are to be limited to not more than five minutes.**

**5. APPROVAL OF MINUTES**

**A. Approve the Minutes for the Regular Meeting of October 28, 2015.**

**6. CONSENT CALENDAR**

None.

**7. STAFF REPORTS**

**A. Resolution of Intention No. 15-20 (ZOA 15-10) – Vacant Lots and Buildings**

Consideration of a Resolution of Intention by the Planning Commission to make zoning code changes to clarify maintenance standards for Vacant Lots and Buildings (Citywide) (City initiated).

Recommendation:

1. Staff recommends that the Planning Commission adopt Resolution No. 15-20, entitled, "A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, TO DIRECT STAFF TO BRING BACK SUGGESTED CODE CHANGES TO THE PLANNING COMMISSION CONCERNING VACANT LOTS AND BUILDINGS (ZOA 15-10) (CITYWIDE) (CITY INITIATED)."

**8. PUBLIC HEARINGS**

**A. Continued Discussion of Nonconforming Use Provisions**

Continue discussion with Staff of desired provisions relating to Nonconforming Use Provisions, Zoning Ordinance Amendment (ZOA) 15-05 (Citywide) (City initiated).

Recommendation:

1. Continue the Public Hearing; and, if appropriate,
2. Direct Staff to finalize an ordinance incorporating amendments that are agreed upon by the Commissioners at the end of tonight's discussion; or alternatively,
3. Resolve to continue or cease continued discussion of this subject.

**B. Zoning Ordinance Amendment No. 15-09  
Allowing More Flexible Commercial Recreation Uses for Certain  
Parcels in the Planned Light Industrial Zone (City initiated)**

This is the initial discussion for the Planning Commission to consider a Zoning Ordinance Amendment (ZOA 15-09) to create a Limited Industrial Zone allowing more flexible commercial recreation uses for certain parcels in the Planned Light Industrial Zone to comply with the new 2015-2035 General Plan and to amend the Zoning Map by placing the Zone on specified parcels (City initiated).

**Recommendation:**

1. Open the Public Hearing; and,
2. Review, discuss and provide direction to Staff and the Assistant City Attorney before drafting the ordinance; and,
3. Continue the Public Hearing to January 28, 2016.

**9. ITEMS FROM THE COMMUNITY DEVELOPMENT DIRECTOR**

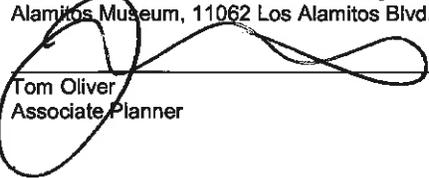
**10. COMMISSIONER REPORTS**

**11. ADJOURNMENT**

***APPEAL PROCEDURES***

Any final determination by the Planning Commission may be appealed to the City Council, and must be done so in writing at the Community Development Department, within twenty (20) days after the Planning Commission decision. The appeal must include a statement specifically identifying the portion(s) of the decision with which the appellant disagrees and the basis in each case for the disagreement, accompanied by an appeal fee of \$1,000.00 in accordance with Los Alamitos Municipal Code Section 17.68 and Fee Resolution No. 2008-12.

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted at the following locations: Los Alamitos City Hall, 3191 Katella Ave.; Los Alamitos Community Center, 10911 Oak Street; and, Los Alamitos Museum, 11062 Los Alamitos Blvd.; not less than 72 hours prior to the meeting.

  
\_\_\_\_\_  
Tom Oliver  
Associate Planner

Date

12/9/15

**MINUTES OF PLANNING COMMISSION MEETING  
OF THE CITY OF LOS ALAMITOS**

**REGULAR MEETING – October 28, 2015**

**1. CALL TO ORDER**

The Planning Commission met in Regular Session at 7:03 PM, Wednesday, October 28, 2015, in the Council Chambers, 3191 Katella Avenue; Chair Riley presiding.

**2. ROLL CALL**

**Present:** Commissioners: Chair John Riley  
Vice-Chair Mary Anne Cuiilty  
Commissioner Larry Andrade  
Commissioner Art DeBolt  
Commissioner Wendy Grose  
Commissioner Gary Loe (Arrived: 7:05 PM)  
Commissioner Victor Sofelkanik

**Absent:** None

**Staff:** Development Services Director Steven Mendoza  
Associate Planner Tom Oliver  
Assistant City Attorney Lisa Kranitz  
Department Secretary Dawn Sallade

**3. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Chair Riley.

**4. ORAL COMMUNICATION**

Chair Riley opened the meeting for Oral Communication for items not on the agenda.

There being no persons wishing to speak, Chair Riley closed Oral Communication.

**5. APPROVAL OF MINUTES**

**A. Approve the Minutes of the Regular Meeting of September 23, 2015.**

Motion/Second: Cuiilty/Sofelkanik.

Carried 6/0/1 (Andrade abstained): The Planning Commission approved the Minutes of the Regular meeting of September 23, 2015.

**6. CONSENT CALENDAR**

None.

## 7. STAFF REPORTS

### A. **Community Development Block Grant (CDBG) Discussion Regarding Future Fund Use.**

Discuss the use and priority of Community Development Block Grant (CDBG) funds with interested community members per a request from the Orange County Community Resources Department. The Planning Commission is acting as a conduit to provide an opportunity for interested parties to provide comments.

Associate Planner Tom Oliver summarized the Staff report, referring to the information contained therein, and indicated he's prepared to answer questions from the Planning Commission.

Chair Riley opened the Public Hearing.

There being no speakers, Chair Riley closed the item for public comment and brought it back to the Commission for their comments and action.

Chair Riley asked Staff if any action is needed to be taken by the Commission.

Mr. Oliver explained that the City Council will take the recommendations and tell Staff whether to submit the application or not.

Mr. Mendoza explained that the role of the Planning Commission is to provide a venue for the public to comment and provide input before a decision is made on the type of projects the City applies for.

### B. **Resolution of Intention No. 15-17 Marijuana Regulation**

Consideration of a Resolution of Intention by the Planning Commission to make zoning code changes concerning the sales, cultivation, distribution, delivery, storage and manufacturing of "Cannabis, Marijuana and Medical Marijuana."

Development Services Director Mendoza summarized the Staff report, and explained that a Resolution of Intention is required to start a process of amending the Code. There are some new regulations that the Governor has recently signed; he signed three new Bills that relate to marijuana regulation regarding everything from sales, cultivation, distribution, delivery, storage and manufacturing of cannabis, medical marijuana, and marijuana. The Assistant City Attorney Lisa Kranitz is busy drafting an ordinance that will work for the City of Los Alamitos but before she can bring an ordinance for the Planning Commission's consideration, you have to pass a Notice of Intention to give that process a start. We are a little rushed on this; we have

to have something in place by March 1, 2016 and the process to amend a code is pretty long so we need to begin this now.

Chair Riley asked who is asking for the March 1, 2016 requirement.

Assistant City Attorney Lisa Kranitz indicated that this is State law and basically the system that got set up is that the State is going to issue licenses for all sorts of commercial cannabis activities. Local control stays in that cities can require permits for everything. The way the statutes are written is that if a City does not have a prohibition in place by March 1, 2016, then the State will then be the sole regulator of cultivation in the City. There's also another thing you have to expressly prohibit, there's no exact timeframe on there, and that's delivery of medical marijuana being a starting point or an ending point in the City. Staff decided that we need to cover everything all at once; we don't want to just to the cultivation now and deal with the others later, for example. It will also cover personal marijuana cultivation by qualified patients and primary caregivers and exclude that as well because the State law does not cover the non-commercial activities which the Compassionate Use Act authorized.

Chair Riley asked what the Federal law says about medical marijuana.

Ms. Kranitz answered that they still prohibits it but there have been guidelines issued by the Fed's that basically say if you're complying with the State law, then they are no longer going to enforce it; they're not going to come after the State's where it's legal if they're within certain parameters.

A long discussion ensued.

Motion/Second: Grose/Cuilty

Unanimously Carried: The Planning Commission approved the adoption of Resolution No. PC 15-17, entitled, "A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, TO DIRECT STAFF TO DRAFT AN ORDINANCE TO ADDRESS THE SALES, CULTIVATION, DISTRIBUTION, DELIVERY, STORAGE AND MANUFACTURING OF CANNABIS, MEDICAL MARIJUANA AND MARIJUANA AND BRING BACK SUGGESTED CODE CHANGES TO FUTURE MEETINGS OF THE PLANNING COMMISSION (ZOA 15-07) (CITYWIDE) (CITY INITIATED).

## **8. PUBLIC HEARINGS**

### **A. Zoning Ordinance Amendment No. 15-04**

#### **Administrative Permitting of Restaurants with Outside Seating Areas**

Providing parameters to Staff to make zoning code changes that will allow restaurant outside seating on private sidewalks as a permitted use. The draft ordinance will be brought back to the Planning Commission for a public hearing for recommendation to the City Council (Citywide) (City initiated).

Development Services Director Mendoza summarized the Staff report, referring to the information contained therein, and indicated he's prepared to answer questions from the Planning Commission. Mr. Mendoza asked the following three questions of the Commission:

Chair Riley opened the Public Hearing.

Kevin Hayes, with Lincoln Property Company indicated this is of great interest to him. He said they own 5.9 million square feet of office and retail product in Orange County most of which he was responsible for acquiring and operating and so he sees this in a lot of different cities. He said they are about to break ground in Tustin on a relatively large ground up development with quite a bit of retail. In addition to that they have another 45,000 feet in their first phase of roughly a million square foot build. In addition to that they hope to be the City's largest and most sophisticated retail developer on the property next door per the General Plan update. He pointed out that there are a lot of issues that the Commission have to tackle and so he wanted to give them some perspective from the developer side as well as the retail leasing side. With respect to square footage, he urged the Commission to really carefully consider the square footage; it's about how the tenants are going to use it. If it's defined as the interior of that patio space and there is a five foot walkway between two sets of tables, those tables are typically four feet at a minimum which would be 260 square feet to have two rows of tables. To have it at 200 feet, the Commission is limiting it to a single row of tables on that 20 foot section.

With regard to parking, the most common way that they see this dealt with is that outside non-exclusive seating does not require parking.

Further, the fee that the City would charge relative to going through the permit process is irrelevant. It means absolutely nothing to the landlord or the tenant to get it. What would keep businesses from coming to the site is the difficulty in obtaining those permits and the ability to operate their business.

There being no further speakers, Chair Riley closed the item for public comment and brought it back to the Commission for their comments and action.

The Commission, Staff and the Assistant City Attorney participated in a round table discussion about the merits of developing a more streamlined process for establishing small outdoor dining areas. The discussion included the Commissioners questioning differing development standards but then settled on a template provided by the City of Murrieta. The Commission then went down the list of Murrieta's development standards where the Commission directed Staff to take those standards from Murrieta's example

and draft an Ordinance for the Commission's future consideration at the next meeting.

*A break was called at 9:20 PM and reconvened at 9:25 PM with all Commissioners present.*

**B. Discussion of Nonconforming Use Provisions**

Discuss with Staff desired provisions relating to Nonconforming Use Provisions, Zoning Ordinance Amendment (ZOA) 15-05 (Citywide) (City initiated).

Development Services Director Mendoza and Assistant City Attorney Lisa Kranitz summarized the Staff report, referring to the information contained therein, and indicated he's prepared to answer questions from the Planning Commission.

Staff walked the Commission through a lesson on Non Conforming laws from a report authored by the City of Tustin. The report was part of the agenda.

Chair Riley opened the Public Hearing.

Kevin Hayes, with Lincoln Property Company, stated this is their greatest failure that the property next door to City Hall (3131 Katella Avenue) that they acquired will be a legal non conforming use. They have now passed on three brand name office tenants that would have brought a lot of office workers to the property. They acquired the property in December of 2014. The old tenant, Supermedia, occupied the space through September of this year and is no longer there. The non conformity they have does not relate to the structure; it relates to the use. Their amortization clock would be tied to only operating retail. They've had to pass on CareMore, Speedo, Van's Shoes and a list of others and they can't put the capital investment into the building because of the amortization that they are sitting at. No reasonable buyer is going to buy an office building from them, or no bank will lend them money knowing that they're going to have a non conforming use in the property at the expiration of that lease or sometime during the time of that lease. What this amortization does for them is allows them with some certainty to apply capital dollars to the property in the event retail is not a viable option for them. It makes more sense to him that the property should be an office property. They've proposed an amortization period of 50 years for some of the uses. (Refer to Attachment 2 – the proposal is part of this packet.) Once ground leases get shorter than 50 years, they're no longer financeable. That will give them a period of time and some certainty because the way current code is drafted creates a lot of gray area for all developers.

The Commission talked at length about the difference between non-conforming parcels/lots, uses and structures discussing particular examples

of properties within the City and how the properties and property owners could be impacted by the existing code and any proposed changes to the code.

Commissioners inquired about what made the Supermedia Property non conforming. Staff filled in the Commission about the history of Lincoln property's quick purchase.

Motion/Second: Grose/DeBolt

Unanimously Carried: The Planning Commission continued the Public Hearing to the November Planning Commission meeting, to allow further discussion.

**9. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR**

A. Discussion of Holiday Schedule for November and December.

Following discussion, a consensus was reach by the Commission that the November 24<sup>th</sup> meeting will be moved to November 18<sup>th</sup> and the December 23<sup>rd</sup> meeting will be moved to December 16<sup>th</sup> due to the holidays.

**10. COMMISSIONER REPORTS**

None.

**11. ADJOURNMENT**

The Planning Commission adjourned at 10:34 PM.

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John Riley, Chair

ATTEST:

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Steven Mendoza, Secretary

# City of Los Alamitos

## Planning Commission

**Agenda Report  
Staff Report**

**December 16, 2015  
Item No: 7A**

**To:** Chair Riley and Members of the Planning Commission

**Via:** Steven Mendoza, Development Services Director

**From:** Tom Oliver, Associate Planner

**Subject:** Resolution of Intention No. 15-20 (ZOA 15-10)  
Vacant Lots and Buildings

**Summary:** Consideration of a Resolution of Intention by the Planning Commission to make zoning code changes to Clarify Maintenance Standards for Vacant Lots and Buildings (Citywide) (City initiated).

**Recommendation:** Staff recommends that the Planning Commission adopt Resolution No. 15-20 entitled, "A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF LOS ALAMITOS, CALIFORNIA, TO DIRECT STAFF TO BRING BACK SUGGESTED CODE CHANGES TO THE PLANNING COMMISSION CONCERNING VACANT LOTS AND BUILDINGS (ZOA 15-10) (CITYWIDE) (CITY INITIATED)."

**Applicant:** City Initiated

**Location:** Citywide

**Approval Criteria:** In order to implement zoning changes it is necessary for the Planning Commission to first adopt a Resolution of Intention in accordance with Los Alamitos Municipal Code Section 17.70.020.

### Discussion

Unmaintained, vacant lots and buildings constitute a form of visual blight and are especially susceptible to nuisance conditions such as accumulations of trash and debris, vegetation overgrowth, and graffiti. As an exercise of its police power, the City can enact an ordinance requiring the owners of vacant lots to maintain or improve these properties so as to enhance their aesthetic appearance. The City's current code section concerning this subject (Los Alamitos Municipal Code Section 17.14.070.E) makes no clear mention of, for instance, fencing/screening materials or weed abatement. What should a vacant lot look like, if vacant for many months or years?

## **Recommendation**

Staff recommends that the Planning Commission consider changes to the section or sections of the municipal code that pertain to vacant lots. To begin this process, Staff recommends that the Planning Commission approve the attached Resolution of Intention and direct Staff to bring back suggested code changes to a future meeting of the Planning Commission.

*Attachment: 1) Planning Commission Resolution 15-20*

**RESOLUTION NO. 15-20**

**A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF LOS ALAMITOS, CALIFORNIA, TO DIRECT STAFF TO BRING BACK SUGGESTED CODE CHANGES TO THE PLANNING COMMISSION CONCERNING VACANT LOTS AND BUILDINGS (ZOA 15-10) (CITYWIDE) (CITY INITIATED).**

**WHEREAS**, the Planning Commission is interested in reevaluating Chapter 17 of the Los Alamitos Municipal Code as it relates to vacant lots and buildings; and,

**WHEREAS**, Los Alamitos Municipal Code Section 17.70.020 requires that the Planning Commission begin this process through adopting a Resolution of Intention; and,

**WHEREAS**, the Planning Commission considered this item on December 16, 2015.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1.** The Planning Commission of the City of Los Alamitos, California finds that the above recitals are true and correct.

**SECTION 2.** The Planning Commission resolves to initiate consideration of a City-initiated Zoning Ordinance Amendment incorporating code changes concerning vacant lots and buildings and will direct Staff to return to the Planning Commission with recommendations the wording of the amendments.

**PASSED, APPROVED, AND ADOPTED** this 16th day of December, 2015.

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John Riley, Chair

**ATTEST:**

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Steven Mendoza, Secretary

APPROVED AS TO FORM:

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Lisa Kranitz  
Assistant City Attorney

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF LOS ALAMITOS )

I, Steven Mendoza, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission held on the 16th day of December, 2015, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Steven Mendoza, Secretary

# City of Los Alamitos

## Planning Commission

**Agenda Report**  
**Public Hearing**

**December 16, 2015**  
**Item No: 8A**

**To:** Chair Riley and Members of the Planning Commission  
**Via:** Steven A. Mendoza, Development Services Director  
**From:** Lisa Kranitz, Assistant City Attorney  
**Subject:** Continued Discussion of Nonconforming Use Provisions

**Summary:** Continue discussion with Staff of desired provisions relating to Nonconforming Use Provisions, Zoning Ordinance Amendment (ZOA) 15-05 (Citywide) (City initiated).

### **Recommendation:**

1. Continue the Public Hearing; and, if appropriate,
2. Direct Staff to finalize an ordinance incorporating amendments that are agreed upon by the Commissioners at the end of tonight's discussion; or alternatively,
3. Resolve to continue or cease continued discussion of this subject.

**Applicant:** City Initiated

**Project Location:** Citywide

**Approval Criteria:** Section 17.70.020 of the Los Alamitos Municipal Code (LAMC) requires that any proposed amendment be recommended by a resolution to the City Council.

**Notice:** Since the number of real property owners exceeds 1,000, notices announcing the Public Hearing were published as a 1/8 page ad in the News Enterprise on October 14, 2015 for a hearing on October 28, 2015 which was continued to November 18<sup>th</sup>, and then was continued to tonight.

**Environmental:** An environmental determination will be made after parameters are provided.

## **Background**

On September 23, 2015 the Planning Commission adopted a Resolution of Intention to amend the provisions of Chapter 17.64 of the Los Alamitos Code relating to the City's nonconforming provisions. While the move to amend the City's Code was spurred on by ambiguous provisions that were brought to light in relation to the expansion of a nonconforming use in an existing building, the City's entire Nonconforming Use Chapter needs to be revised to be more "user friendly" for both Staff and the public. In order to revise the Code, Staff needs direction from the Planning Commission. Tonight's discussion is a continued hearing from October 28, 2015 and November 18, 2015.

## **Discussion**

To continue the discussion, the definitions that will be discussed in tonight's meeting are reiterated from the Los Alamitos Municipal Code in relating to nonconformities:

"Nonconforming lot" means a legal parcel of land having less area, frontage, or dimensions than required in the zoning district where it is located.

"Nonconforming structure" means a structure or a portion of a structure that was designed, and erected or structurally altered before the effective date of these regulations or subsequent amendments, and which, at the time it was constructed or altered, was in compliance with applicable building and zoning codes but no longer complies due to changes or amendments.

"Nonconforming use" means a use of a structure (either conforming or nonconforming) or land that was legally established and maintained before the adoption of this zoning code and that does not conform to current code provisions governing allowable land uses for the zoning district where the use is located.

## **Recommendation**

With the progress made in the November meeting, Staff has drafted a working document of an ordinance, attached to this report. You will note that there are questions interspersed in the draft ordinance as a guide to use for tonight's continued discussion.

Attachment: 1) Working Document Ordinance

## WORKING DOCUMENT

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

#### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, REPEALING CHAPTER 17.64 AND ADDING A NEW CHAPTER 17.64 RELATING TO NONCONFORMING USES**

**WHEREAS**, City Staff, the Planning Commission, and the City Council have all recognized that the City's Code on nonconforming uses needs to be clarified and updated; and,

**WHEREAS**, on September 23, 2015 the Planning Commission adopted a Resolution of Intention to amend the provisions of Chapter 17.64 of the Los Alamitos Municipal Code; and,

**WHEREAS**, the Planning Commission held a duly noticed public hearing to discuss the issue of nonconforming uses on October 28, 2015, which hearing was continued to November 18, 2015 and then again to December 16, 2015; and,

**WHEREAS**, after receiving input from the Planning Commission, Staff drafted a new Chapter 17.64 relating to nonconforming uses and prepared a Negative Declaration for said ordinance which was subject to a 21 day public review period; and,

**WHEREAS**, after the close of the public review period, the Planning Commission held a further duly noticed public hearing on \_\_\_\_\_, 2016; and,

**WHEREAS**, the Planning Commission took into consideration all information that was presented, both written and oral, at all of the public hearings; and

**WHEREAS**, the Planning Commission adopted Resolution No. TBD recommending that the City Council adopt this Ordinance; and,

**WHEREAS**, the City Council held a duly noticed public hearing on \_\_\_\_\_, 2016 at which time it considered all evidence presented, both written and oral.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS DOES HEREBY ORDAIN AS FOLLOWS:**

Section 1. Chapter 17.64 of the Los Alamitos Municipal Code is hereby repealed.

#### **~~Chapter 17.64 NONCONFORMING USES AND STRUCTURES~~**

**~~17.64.010 Purpose.~~**

~~—A. This chapter establishes uniform provisions for the regulation of legal nonconforming land uses, structures, and parcels. Within the zoning districts established by this zoning code, there exist land uses, structures, and parcels that were lawful before the adoption, or amendment of this zoning code, but that would be prohibited, regulated, or restricted differently under the terms of this zoning code or future amendments.~~

~~—B. It is the intent of this zoning code to discourage the long term continuance of these nonconformities, providing for their eventual elimination, but to permit them to exist under the limited conditions identified in this chapter.~~

~~—C. Generally, this chapter is intended to be administered in a manner that encourages the eventual abatement of these nonconformities. (Ord. 688 § 1, 2006)~~

#### **~~17.64.020 Applicability.~~**

~~—The provisions of this chapter apply to structures, land, and uses that become nonconforming due to reclassification of zoning districts under this zoning code. The provisions shall also apply when standards or regulations are adopted or changed which cause previously conforming structures, land, or uses to become nonconforming. (Ord. 688 § 1, 2006)~~

#### **~~17.64.030 Structures on substandard parcels.~~**

~~—A. Structures shall not be erected or enlarged on a substandard parcel unless the substandard parcel was a complete parcel of record on February 17, 1969, the effective date of Ordinance 169.~~

~~—B. A lot or parcel which is substandard in area and/or dimension and which was of record before the incorporation of the city on March 1, 1960, shall be accepted as a conforming parcel subject to all other development standards of the zoning district. The parcel shall not be further reduced below the area or dimension identified on the recorded map or other documents that establish the date on which the parcel was officially created. (Ord. 688 § 1, 2006)~~

#### **~~17.64.040 Exceptions—Public facilities and uses.~~**

~~—A. Facilities Directly Rendering Service. The provisions of this chapter shall not apply to public utility structures when the public utility structures pertain directly to the rendering of service or distribution, including generating plants, distribution, substations, water wells and pumps, gas storage, metering and valve control stations, but shall apply to structures or uses that do not immediately relate to direct service to consumers (e.g., including warehouses, corporation yards, storage, etc.)~~

~~—B. Changes to Facilities. Nothing in this chapter shall prevent the expansion, increase in capacity, modernization or replacement of public utility structures, provided that there shall be no change of an use unless approved by the commission, and further~~

~~provided that all setback requirements of the zoning district in which the use is located shall be maintained. There shall be no enlargement of the site unless approved by the commission. (Ord. 688 § 1,2006)~~

~~**17.64.050 Restrictions on nonconforming uses and structures.**~~

~~—A.— Time Limitation in Residential Zoning Districts. In residential zoning districts, a nonconforming structure that was designed, arranged, or intended for a use not allowed in the residential zoning district shall be completely removed, or altered and converted to a conforming structure, or may reach the age of thirty (30) years, computed from the date the structure was erected; provided, however, that this regulation shall not become operative until ten (10) years from the effective date of the ordinance codified in this title.~~

~~—B.— Time Limitation on Use of Land. Nonconforming uses of land other than those specified in subsection F of this section, (where no main structure is involved) shall be discontinued within two years from the date of the adoption of said ordinance.~~

~~—C.— Change to Another Nonconforming Use. If no structural alterations are made, a nonconforming use of a nonconforming structure may be changed to another use of the same or more restrictive classification upon the securing of a conditional use permit. If the nonconforming use is terminated or discontinued, the occupancy afterwards may not revert to a less restrictive use.~~

~~—D.— Expansion of Structure. A structure existing at the date of the adoption of said ordinance that is nonconforming in use, design, or arrangement shall not be extended, reconstructed, or structurally altered unless a conditional use permit is first secured in each case, or unless an enlargement, extension, reconstruction or alteration is in compliance with the regulations identified in this zoning code for the zoning district where the structure is located. A nonconforming structure may be maintained, repaired, or portions of it replaced without a CUP as long as the maintained, repaired, or replaced portion does not exceed twenty five (25) percent of the square footage of the original structure.~~

~~—E.— No Extension to Occupy Greater Area of Land. Except as otherwise provided in this chapter, uses of land or structures existing at the time of the adoption of said ordinance, or amendments to this title, may be continued although the particular use or the structure does not conform to the regulations specified by this zoning code for the zoning district in which the particular structure is located or use is made; provided, however, no nonconforming structure or use of land may be extended to occupy a greater area of land upon which the structure is situated than is owned by the property owner at the time of the adoption of said ordinance.~~

~~—F.— Reuse of Damaged or Partially Destroyed Structures. A nonconforming structure destroyed to the extent of more than fifty (50) percent of the fair market value as determined by the director preceding its destruction by fire, explosion, or other casualty or act of God, may be restored and used only if a conditional use permit is first~~

secured in each case, or used only in compliance with the regulations existing in the zoning district where it is located. (Ord. 688 § 1, 2006)

**17.64.060 Abandonment.**

— Abandoned nonconforming uses shall be subject to the following provisions:

— A. After Abandonment. If a nonconforming use is discontinued or abandoned, a subsequent use of the land or structure shall conform to the regulations specified for the zoning district in which the land or structure is located.

— B. Continuation of Abandoned Use.

— 1. Application to Continue Abandoned Use. However, if application is made for a continuation of an abandoned or discontinued nonconforming use, through a conditional use permit in compliance with Chapter 17.42 (Conditional Use Permits), within four months from the date the discontinuation or abandonment occurred, then the commission may grant an extension of the nonconforming use for a specified term.

— 2. Factors to Be Considered by Review Authority. In considering whether the extension is to be granted, the commission shall consider the nature of the nonconformity as it relates to the surrounding area and shall consider the harmony, or lack of harmony, with surrounding uses and developments and shall also consider the effect upon the surrounding community if the continuation is denied or granted. (Ord. 688 § 1, 2006)

**17.64.070 Amortization.**

— A. Amortization Time Schedule. Table 5-01 (Amortization Time Schedule) establishes the time schedule for the amortization of Type I, II, III, IV, and V structures. Structure type designations shall be as defined in the city building code. Time shall be measured from the date of issuance of certificate of occupancy for the structure.

**TABLE 5-01  
Amortization Time Schedule**

Type of Structure	Date of Removal or Alteration
Type I and II	50 years
Type III and IV	40 years
Type V	30 years

— B. Minimum Period. Except as otherwise provided in Section 17.64.050 (Time limitations on use of land), no structure shall be required to be removed or altered to

~~conform before a date that is ten (10) years from the date it became nonconforming under this zoning code.~~

~~— C. Process When Nonconforming Use or Structure. For purposes of notification to business and property owners of the nonconforming features and specific amortization dates applicable to various properties in the city, the following procedures shall apply:~~

~~— 1. Two Years' Notice Required. At least two years before the time when a structure or use shall be required to be altered or removed in compliance with the amortization schedule identified in subsection A of this section, the director shall notify the person or entity designated as the property owner on the latest available assessment roll.~~

~~— 2. Extension of Two Year Time Period. If the notice is not sent at least two years before to that time, then the date for alteration or removal shall be extended so as to afford an affected owner two full years from the date notice is sent before the alteration or removal is required.~~

~~— 3. Contents of Notice. The notice shall contain a description of the nature of nonconforming structure or use, the date of construction, the date of expiration, and inform the property owner that the structure or use must be altered, changed, terminated, or removed as the case may be. The notice shall inform the owner of the right of appeal to the council as described in subsection D of this section. The notice shall be sent "Certified Return Receipt Requested." The failure of the owner to receive the notice, or the refusal of acceptance of it, shall not toll the amortization period or the notice period.~~

~~— 4. Process When Use or Structure Nonconforming Due to Extension or Encroachment into Public Right of Way. Instead of the procedures outlined in subsections (C)(1), (2) and (3) of this section, the following provisions shall apply to a use of land or structure that is nonconforming in whole or in part because it extends or encroaches into an area that, but for the extension or encroachment, would be part of the paved and improved public right-of-way as established in the city's adopted plan of arterial highways.~~

~~— a. In these cases, the nonconforming use of land or structure shall be altered or removed so as to comply with the regulations of this zoning code immediately after the time, as measured in subsection A of this section (Amortization time schedule), has passed and provided the owner has received a notice containing the following: a description of the nature of the nonconforming structure or use, the date of construction, the date of expiration, and notification informing the property owner that the structure or use must be altered, changed, terminated, or removed as the case may be.~~

~~— b. The notice shall so inform the owner of the right of appeal to the council. The notice shall be sent "Certified Return Receipt Requested." The failure of the owner to receive the notice, or the refusal of acceptance of it, shall not toll the amortization period or the notice period. If within thirty (30) days after the notice was mailed the owner requests in writing an appeal hearing before the Council, the hearing shall be noticed, conducted, and concluded in the same manner as identified in subsection D (Appeals procedure), of this section.~~

~~—D.— Appeals Procedure.~~

~~—1.— Time Period for Filing Appeal. The owner of a parcel who is notified of the parcel's nonconforming status may file a written appeal about the affected property with the director within thirty (30) days after the date when the notice was mailed to the owner as subsection C of this section (Process when nonconforming use or structure).~~

~~—2.— Contents of Appeal. The appeal shall state the ground or grounds of it and the appellant's address for receipt of notice of hearing on the appeal. The grounds may include, but shall not be limited to:~~

~~— a.— That the structure or use is not nonconforming;~~

~~— b.— That a different abatement period should be applied to the structure or use in question; or~~

~~— c.— Both of the previously mentioned grounds in the alternative.~~

~~—3.— Processing of Appeal.~~

~~— a.— Within thirty (30) days after receipt of a timely written appeal stating the ground or grounds for it and the address for receipt of notice, the director shall set the matter for hearing before the council and shall mail notice of the time, date, and place of the hearing to the appellant at the address stated in the written appeal.~~

~~— b.— The council shall then conduct a hearing on the validity of the ground or grounds stated in the written notice of appeal, which hearing may be continued from time to time.~~

~~— c.— The appellant shall have the burden of establishing the validity of the grounds. The council may consider staff reports presented and other evidence relevant to the issues raised. If the grounds include the appellant's contention that a different abatement period should be applied, the evidence may include, but shall not be limited to:~~

~~— i.— The date upon which the structure was constructed;~~

~~— ii.— The original cost of it; and~~

~~— iii.— Whether that cost could be recovered by the original owner or successor or successors within the stated abatement period under generally accepted accounting practices.~~

~~— iv.— Within thirty (30) days subsequent to the conclusion of the hearing, the council shall render its decision in writing and a copy of the decision shall be mailed to the appellant at the address specified in the written appeal. The decision of the council shall be final and conclusive upon adoption.~~

~~—4.— Exclusive Remedy. The procedures identified shall constitute the exclusive administrative remedy available to a person or entity affected by the amortization schedule identified in this chapter.~~

~~—5.— Validity of Appeal. An appeal shall not be effective for any purpose unless it is in writing and contains those items and is filed within the applicable period of time specified. In addition, an appeal shall not be valid for any purpose unless the fee as set~~

~~by the city's fee resolution shall be paid contemporaneously with the filing of an appeal to the city clerk.~~

~~E. Amortization of Conditional Use Permit. If a property being operated or used in compliance with a conditional use permit is a nonconforming use at the time the permit is issued, or later becomes nonconforming due to amendments to this zoning code, the amortization schedule as identified in subsection A of this section, above, shall run against that property, beginning with the date of issuance of the permit or the date the use becomes nonconforming. (Ord. 688 § 1, 2006)~~

**Section 2.** A new Chapter 17.64 is hereby added to the Los Alamitos Municipal Code to read as follows:

### **Chapter 17.64**

### **NONCONFORMING USES, STRUCTURES AND PROPERTY**

#### **17.64.010 Purpose.**

A. This Chapter is intended to permit continuation of nonconformities as to parcel size, use, occupancy and building types that were legally established but no longer comply with all of the standards and requirements of this Title. To that end, this Chapter establishes the circumstances under which nonconformities may be continued or changed and provides for the removal of nonconformities when their continuation conflicts with the public health and safety.

B. This Chapter is not intended to limit the City's ability to eliminate a public nuisance.

C. Nothing herein shall prevent the City from declaring a nonconformity to constitute a danger to the public health or safety and take lawful action to remedy that danger.

#### **17.64.020 Applicability.**

A. The provisions of this Chapter apply to structures, land, and uses that have become nonconforming due to changes in this Title or reclassification of zoning districts under this zoning code as well as nonconformities that exist because of changing in the Building Codes. The provisions shall also apply when standards or regulations are adopted or changed which cause previously conforming structures, land, or uses to become nonconforming.

B. For purposes of this Chapter, the terms "nonconformity" or "nonconformities" shall refer to: legal nonconforming uses; legal nonconforming

structures; legal nonconforming lots; and legal nonconforming building types, all as more specifically defined in Chapter 17.76 of this Code.

### **17.64.030 Nonconforming Uses.**

**A.** Nonconforming uses shall be allowed to remain provided such use is not abandoned, intensified, or the building that the nonconforming use is located in is not expanded or reconstructed.

*Question – Is this true for nonconforming uses of property as well as where it is just land and/or accessory building and no other structure?*

**B.** Change to Another Nonconforming Use. If no structural alterations are made, a nonconforming use of a structure may be changed to another use of the same or more restrictive classification upon the securing of a conditional use permit provided that such change. In no event shall a nonconforming use be changed to a more intense use, even with a conditional use permit. Once a nonconforming use is changed to a more restrictive classification, then it may not revert to the original nonconforming use.

*Question – Should an AUP/CUP be required to change to another or less intense nonconforming use? If so, what factors that could be included:*

- 1. Proposed new use will be no less compatible with the purposes of the zone and surrounding uses than the nonconforming use it replaces.*

*Question – What if you have a nonconforming use in a conforming structure? Can you make structural alterations if the alteration is not limited to the nonconforming use?*

*Example – What if the building that the x-fit is in wanted to do structural alterations that did not impact the size/location of the x-fit?*

**C.** Expansion of a nonconforming use. A nonconforming use may not expand its square footage beyond that for which it was legally approved.

**D.** Once a nonconforming use is terminated, discontinued, or abandoned, the occupancy afterwards may not revert to a nonconforming use.

**E.** Nonconforming use of land.

*Question – Do we want to provide an amortization period where there is no structure involved?*

### **17.64.XXX Nonconforming Structures.**

**A.** Nonconforming structures may only be continued and maintained provided there is no alteration, enlargement, or addition to any building or structure.

**B.** A nonconforming use of a nonconforming structure shall not be allowed to change to any use which would increase the nonconformity of the structure, such as changing an office building to a medical office building if there was not sufficient parking.

*Question – What if you have nonconforming use of a nonconforming structure and you want to change it to a conforming use of a nonconforming structure – do we still want the limit that it cannot intensify the nonconformity? Can it change if it can't come up to code – such as insufficient landscaping or setbacks?*

*Question – Should parking be brought into conformity? Residential, Commercial, or Industrial?*

**C.** Maintenance, nonstructural repairs, nonstructural modifications and nonstructural interior alterations to a nonconforming structure are permitted if the changes and improvements do not enlarge or extend the structure, or otherwise increase the degree of the nonconformity. Structural repairs do not include exterior improvements, such as a façade improvement, which are intended to better the appearance of the property.

**D.** Structural repairs and modifications, including additions and enlargements, may be allowed subject to a XXX. In addition to the findings required by Chapter XXX, it is also necessary to find that the structural repairs and modifications do not increase the degree of the nonconformity or otherwise provide for a use which would cause an increase in the degree of nonconformity.

*Question – Do we want an administrative use permit/conditional use permit?*

*Question – Do we only allow if the modification is necessary to immediately protect the public health and safety?*

*Question – Do we want to put a limit on the amount of work that can be done – i.e., 50% of the appraised value?*

*Question – Do we want to distinguish between residential and non-residential?*

1. Notwithstanding the above, additions or enlargements may be made to a building that is designed for and used as a residence without requiring any additional parking space or changes to an existing driveway; provided that such alterations or enlargements neither trigger the need for additional parking nor occupy the only portion of a lot that can be used for required parking or access to parking.

*Note – This needs to be reconciled with the changes we previously made regarding driveways and parking.*

2. Notwithstanding the above, a second unit in compliance with Section XXX, may be developed on a lot that contains a single-unit dwelling that is nonconforming with respect to development standards. If the single-unit dwelling is

nonconforming because it does not meet parking standards, a second unit may only be established when parking is provided to meet the applicable requirements of Section XXX for the primary dwelling unit as well as the second unit.

3. In a building which is nonconforming due to parking, a change of use or intensification of the existing use shall only be allowed if the full amount of the required parking for new use is provided. Parking deficiencies associated with other existing uses may be maintained.

4. Any additions shall conform to the setbacks in effect at the time the application for the addition is submitted.

E. A structure shall not be considered nonconforming because of condemnation

F. A structure shall not be considered nonconforming because of a loss of required parking spaces due to conformance with the Americans with Disabilities Act.

G. Structural Alteration to Building Containing Nonconforming Use. Façade and interior building improvements may be made to a conforming structure provided that such improvements do not expand the nonconforming use.

#### **17.64.XXX Nonconforming Lots.**

A. Any lot that is smaller than the minimum lot size required by this Title, or does not meet any of the applicable dimensional requirements, shall be considered a legal nonconforming lot if it is described in the official records on file in the Office of the Orange County Recorder as a lot of record. The lot shall not be further reduced below the area or dimension identified on the recorded map or other documents that establish the date on which the parcel was officially created.

B. A lot of record may be used as a building site subject to compliance with all other applicable requirements, unless a variance or other modification or exception is approved as provided for in this Title.

#### **17.64.XXX Nonconforming Use of Land.**

*Question – Do we want an amortization period of a nonconforming use of land?*

#### **17.64.XXX Nonconforming Building Types.**

#### **17.64.XXX Repair and Replacement of Damaged or Destroyed Nonconforming Building Types and Structures.**

*Question – If a building is destroyed over a certain % of value – usually 50% - should the building be allowed to be rebuilt?*

*Question – Does it matter if the building is nonconforming because it doesn't meet development standards vs. nonconforming because it is the wrong building type (i.e., Shenandoah)?*

*Question – Does it matter if it is residential vs. nonresidential?*

*Question – Can a pre-existing nonconforming use be resumed in a rebuilt structure?*

#### **17.64.XXX Continuation of Nonconformity.**

**A.** Legal nonconformities, including a nonconformity of building type, may be continued and maintained in compliance with the requirements of this Chapter unless the Building Official deems the nonconformity to be a public nuisance because of health or safety concerns. If possible, the Building Official shall impose conditions on the nonconformity to eliminate the health or safety concerns.

**B.** The right to continue a legal nonconformity attaches to the land and shall not be affected by a change in ownership.

#### **17.64.XXX Abandonment.**

**A.** A nonconforming use of land or a structure shall be considered to be abandoned after 180 days of nonuse. Once abandoned, all subsequent uses of such land or structure shall conform to the regulations specified for the zoning district in which the land or structure is located.

*Question – Should this be a longer period of time?*

**B.** Upon determination that a use has been abandoned, the Department of Community Development shall send a notice to the owner as shown on the last equalized assessment roll. If the owner disagrees with the City's determination, an appeal may be filed with the Planning Commission in accordance with Section 17.68.020 of the Los Alamitos Municipal Code. The burden of proof shall be on the owner to show that the use has not been abandoned.

*Question – If it is determined that use has been abandoned – do you want to allow it to continue by CUP?*

*Question – Do we need to deal with abandonment of nonconforming structures – would we ever make them come down?*

Lisa may add to this section: A determination that a use has been abandoned requires both (1) evidence of an intention to abandon, and (2) an act or failure to act which shows or implies that the owner does not continue to claim or retain an interest in the nonconforming use. Evidence may include, but is not limited to, removal of equipment, furniture, machinery, structures, or other components of the nonconforming use, disconnected or discontinued utilities, or lack of business records to document continued operation. Maintenance of a valid business license shall of itself not be considered a continuation of the use. Without further action by the city, any subsequent use of the site or structure shall comply with all of the regulations of the applicable zoning district and all other applicable provisions of this zoning ordinance.

**17.64.XXX Exceptions—Public facilities and uses.**

**A. Facilities Directly Rendering Service.** The provisions of this Chapter shall not apply to public utility structures when the public utility structures pertain directly to the rendering of service or distribution, including generating plants, distribution, substations, water wells and pumps, gas storage, metering and valve control stations, but shall apply to structures or uses that do not immediately relate to direct service to consumers (e.g., including warehouses, corporation yards, storage, etc.).

**B. Changes to Facilities.** Nothing in this Chapter shall prevent the expansion, increase in capacity, modernization or replacement of public utility structures, provided that there shall be no change of a use unless approved by the Commission, and further provided that all setback requirements of the zoning district in which the use is located shall be maintained. There shall be no enlargement of the site unless approved by the Commission.

**SECTION 3.** The following definition is hereby added to Section 17.76.020 of the Los Alamitos Municipal Code:

**“Nonconforming Building Type” shall mean [add definition]**

*Question – What about nonconforming signs?*

# City of Los Alamitos

## Planning Commission

### Agenda Report Public Hearing

**December 16, 2015**  
**Item No: 8B**

**To:** Chair Riley and Members of the Planning Commission

**Via:** Steven A. Mendoza, Development Services Director

**From:** Tom Oliver, Associate Planner

**Subject:** Zoning Ordinance Amendment 15-09  
Allowing More Flexible Commercial Recreation Uses for Certain  
Parcels in the Planned Light Industrial Zone (City initiated)

**Summary:** This is the initial discussion for the Planning Commission to consider a Zoning Ordinance Amendment (ZOA 15-09) to create a Limited Industrial Zone allowing more flexible commercial recreation uses for certain parcels in the Planned Light Industrial Zone to comply with the new 2015-2035 General Plan and to amend the Zoning Map by placing the Zone on specified parcels (City initiated).

#### **Recommendation:**

1. Open the Public Hearing; and,
2. Review, discuss and provide direction to Staff and the Assistant City Attorney before drafting the ordinance; and,
3. Continue the public Hearing to January 28, 2016.

**Applicant:** City Initiated

**Location:** Various parcels in the Planned Light Industrial (P-M) Zoning District

**Approval Criteria:** Section 17.70.020 of the Los Alamitos Municipal Code (LAMC) requires that any proposed amendment be recommended by a resolution to the City Council.

**Noticing:** Notices announcing the Public Hearing for December 16, 2015, were mailed to all property owners within

500 feet of the proposed location on December 2, 2015. A Public Hearing notice regarding this meeting was also published in the News Enterprise on December 2, 2015.

**Environmental:**

The City Council of the City of Los Alamitos, California, certified the Final Program Environmental Impact Report on March 23, 2015 for the Los Alamitos General Plan to include land use changes for various parcels and adopting environmental findings, a statement of overriding considerations and a mitigation monitoring and reporting plan pursuant to the California Environmental Quality Act. The zone changes fall within the Program EIR.

**Background**

The 2012 – 2035 General Plan was approved and a Program Environmental Impact Report (EIR) was certified by the City Council on March 23, 2015. As part of the new General Plan, a Limited Industrial land use designation was created and placed on certain industrial parcels as shown on Attachment 1. The City is now required to create the corresponding zone and place it over the same properties to create consistency with the General Plan. These changes will have to be approved by an ordinance of the City Council upon recommendation of the Planning Commission. In its April 22<sup>nd</sup> meeting, the Planning Commission approved a Resolution of Intention directing Staff to bring back such draft Zoning Ordinance Amendments to the Planning Commission.

Industrial areas tend to have lower purchase/lease costs than retail and office areas, are not often adjacent to noise-sensitive neighbors, and contain simple building forms that can be adapted to a number of uses. As a result, many industrial parks in Southern California are dealing with encroachment from uses such as gymnastics, batting cages, day-care facilities, and sports or fitness schools. Such uses do not necessarily induce existing industrial businesses to leave, but they do offer challenges of compatibility. Industrial businesses can be quite sensitive to liability issues from parents with children navigating the same streets that lack sidewalks and carry large trucks.

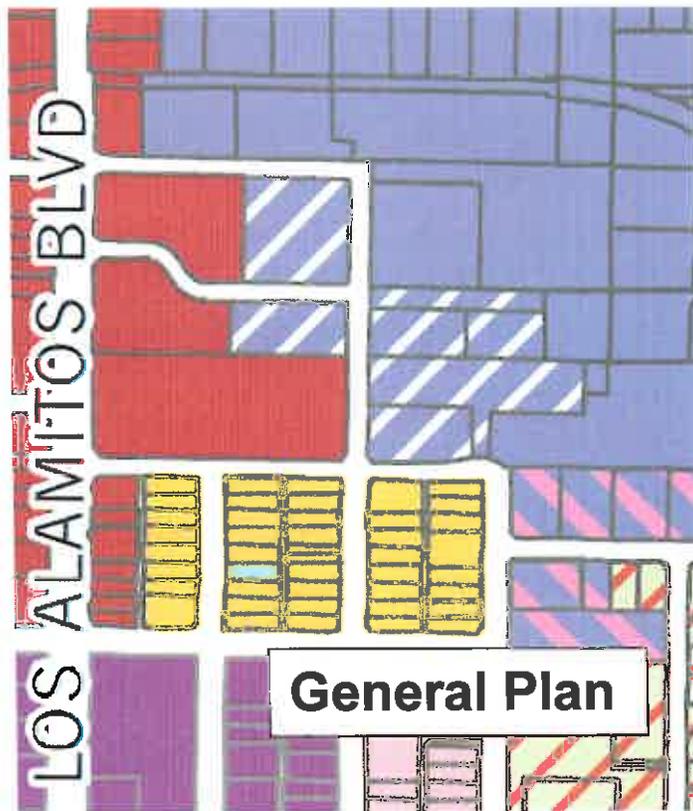
The General Plan seeks to limit non-industrial businesses in the primary industrial areas. Accordingly, the General Plan provides a new land use designation (Limited Industrial) to allow some flexibility for these non-industrial uses outside of the primary industrial area, while prohibiting certain non-industrial businesses in the Planned Industrial land use designation.

The General Plan states that the Limited Industrial land use designation is “a specific area of the City that explicitly permits forms of industrial, commercial recreation, and

public/quasi-public uses that do not involve heavy equipment or large trucks. The Planned Industrial land use designation clearly delineates the area intended to accommodate industrial businesses over the long term without encroachment by family-oriented, non-industrial uses.” Staff has thus far made the following recommendation toward that goal:



## Limited Industrial



### Definition

The Limited Industrial land use designation in the General Plan is defined as follows:

“Limited Industrial land use. All uses permitted in Planned Industrial as well as commercial recreation uses within industrial buildings such as soccer, gymnastics, archery, indoor health/fitness, and batting cages.”

## Discussion

### Adding Limited Industrial

The current zoning code Section 17.10 *Commercial/Industrial Zoning Districts* provides the purpose and land use requirements for the Planned Light Industrial zone. Therefore, this would be the appropriate section of the code where this new Limited Industrial should be placed.

Initial Staff Recommendation: It is recommended that within Section 17.10.10 *Purpose of zoning districts* of the Municipal Code, Section 17.10.010.D be added as the new “Limited Industrial” zone with its land use requirements that describe the area. Here is how that “purpose” for this could look if approved:

- “D. L-I (Limited Industrial) Zoning District. The Limited Industrial (L-I) zoning district is created to allow some flexibility for certain non-industrial uses outside of the primary industrial area with the following objectives:
- a. Provides a specific area of the City that explicitly permits forms of industrial, commercial recreation, and public/quasi-public uses that do not involve heavy equipment or large trucks;
  - b. Will clearly delineate itself from the traditional industrial area intended to accommodate industrial businesses over the long term.”

### Amending Land Use Table

So that any changes to permitted land uses made to the Planned Light Industrial Zone are made in the Limited Industrial Zone, in Section 17.10.020, Table 2-04 *Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts*, the two zones should share a column in the table. However, recreational type establishments will now be permitted only in the Limited Industrial zone and, therefore, this will be footnoted in the table. There is a question of whether these uses would become conditional or permitted in the new zone.

Initial Staff Recommendation: Here are how those changes to Section 17.10.020, Table 2-04 *Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts* can appear if approved, highlighted in yellow:

**Table 2-04  
Allowed Uses and Permit Requirements for  
Commercial / Industrial Zoning Districts (see Parking Requirements, Chapter 17.26)**

LAND USE	PERMIT REQUIRED BY ZONING DISTRICT			Specific Use Regulations
	C-O	C-G	P-M/L-I	
<b>EDUCATION, PUBLIC ASSEMBLY AND RECREATION</b>				
Adult entertainment businesses	—	—	P	17.48
Amusement and recreation establishments, indoor <sup>(3)</sup>	CUP	CUP	--- <sup>(23)</sup>	
Amusement and recreation establishments, outdoor <sup>(3)</sup>	—	—	--- <sup>(23)</sup>	
Arcades	CUP	CUP	—	17.38.060
Auditoriums, meeting halls, and theaters	CUP	—	—	
Bingo	P	P	P	5.16
Health/fitness facilities/spas	—	CUP	--- <sup>(23)</sup>	
Industrial training center	—	—	P	
Libraries and reading rooms	P	—	—	
Live entertainment, incidental to an allowed use	CUP <sup>(3)</sup>	CUP <sup>(3)</sup>	—	
Museums	—	P	—	
Outdoor commercial recreation facilities	—	—	--- <sup>(23)</sup>	
Religious facilities	CUP	—	—	
Schools, commercial - small	P <sup>(1)</sup>	P <sup>(1)</sup>	--- <sup>(23)</sup>	
Schools, commercial - large	CUP <sup>(2)</sup>	CUP <sup>(2)</sup>	--- <sup>(23)</sup>	

(23) These Land Uses are "P" "permitted" in the L-I (Limited Industrial) Zone only. "Amusement and recreation establishments, outdoor" require a CUP in the L-I (Limited Industrial) Zone.

**Amending Property Development Standards Table**

So that any changes to the development standards made to the Planned Light Industrial Zone are made in the Limited Industrial Zone, in Section 17.10.030, Table 2-05 *Commercial/Industrial Zoning Districts General Development Standards*, the two zones should share a column in this table as well.

**Initial Staff Recommendation:** Here are how those changes to Section 17.10.020, Table 2-04 *Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts* can appear if approved, highlighted in yellow:

**TABLE 2-05  
Commercial/Industrial Zoning Districts General Development Standards**

Development Feature	Requirement by Zoning District		
	C-O	C-G	P-M/L-I
<b>Parcel size</b>	<i>Minimum area, width, and depth for new parcels.</i>		
Parcel area (sq. ft.)	No requirement	6,000	6,000
Parcel width (ft.)	No requirement	60	60 <sup>(3)</sup>
Parcel depth (ft.)	No requirement	100	100 <sup>(4)</sup>
<b>Parcel coverage</b>	50%	90%	1.50 FAR
<b>Height limit – Main Structures (ft.)</b> <sup>(1)</sup>	3 stories or 40 ft. <sup>(2), (6)</sup>	3 stories or 40 ft. <sup>(2)</sup>	3 stories or 40 ft. <sup>(2)</sup>
<b>Setbacks</b>	<i>Minimum setbacks required. Also see Section 17.16.140 (Sight Safety Triangle)</i>		
Front	15 ft. <sup>(3)</sup>	None required.	<input type="checkbox"/> Where the site abuts an arterial or local street that is a boundary with any residential or commercial zoning district, a 50-foot setback shall be required. The 20 feet nearest the street shall be landscaped; the remainder may be used for parking.  <input type="checkbox"/> If the site abuts an arterial or local street that is not a boundary with a residential or commercial zoning district, a 10-foot setback shall be required.
Sides	Not required unless abutting a residential zoning district, then 10 ft.	Not required unless abutting a residential zoning district, then 15 ft.	
Street side yard (Corner parcel)	10 ft.	None required.	
Rear	10 ft., unless rear parcel abuts a C-G or P-M zoning district, then no setback is required	Not required unless abutting a residential zoning district, then 15 ft.	
Metal structures			150 ft. from any property line along a freeway or major / secondary highway. 100 ft. from the property line along any other dedicated street <sup>(7)</sup>
<b>Access</b>	<i>As required by Section 17.16.030 (Access)</i>		
<b>Fences, hedges, and walls</b>	<i>As required by Section 17.16.060 (Fences, hedges, and walls) and Section 17.16.140 (Sight safety triangle)</i>		
<b>Landscaping</b>	<i>As required by Chapter 17.20 (Landscaping)</i>		
<b>Materials storage</b>	<i>As required by Section 17.38.120 (Outdoor storage)</i>		
<b>Off-Street parking</b>	<i>As required by Chapter 17.26 (Off-Street Parking and Loading)</i>		
<b>Refuse and recycling storage areas</b>	<i>As required by Section 17.16.110 (Refuse and recycling storage areas)</i>		

TABLE 2-05 Commercial/Industrial Zoning Districts General Development Standards			
Development Feature	Requirement by Zoning District		
	C-O	C-G	P-M/L-I
Screening and buffering	As required by Section 17.16.130 (Screening and buffering)		
Signs	As required by Chapter 17.28 (Signs)		
Site plan review	As required by Chapter 17.50 (Site Plan Review)		

### Zoning District and General Plan Designations

At this point, a little housekeeping needs to be accomplished in the Municipal Code to eliminate any confusion through future changes that will be made to this table. In Municipal Code Section 17.04.020 there is a Table 2-01 that should reflect the changes to all Zoning Districts and all General Plan Designations that have been, or will be, made in concert with the new General Plan.

Initial Staff Recommendation: Here are how those changes to Section 17.04.020, Table 2-01 *Zoning District and General Plan Designations* can appear if approved, highlighted in yellow:

**Table 2-01  
Zoning Districts and General Plan Designations**

Zoning District Symbol	Zoning District Name	General Plan Land Use Designation
<b>Residential Zoning Districts</b>		
R-1	Single-family residential zoning district	Single Family Residential
R-2	Limited multiple-family residential zoning district	Limited Multiple Family Residential
R-3	Multiple-family residential zoning district	Multiple Family Residential
M-H	Mobilehome park zoning district	Multiple Family Residential
<b>Commercial / Industrial Zoning Districts</b>		
C-O	Commercial-professional office zoning district	Retail Business
C-G	General commercial zoning district	Professional Office
P-M	Planned light-industrial zoning district	Planned Industrial
L-I	Limited industrial zoning district	Limited Industrial
<b>Special Purpose Zoning Districts</b>		

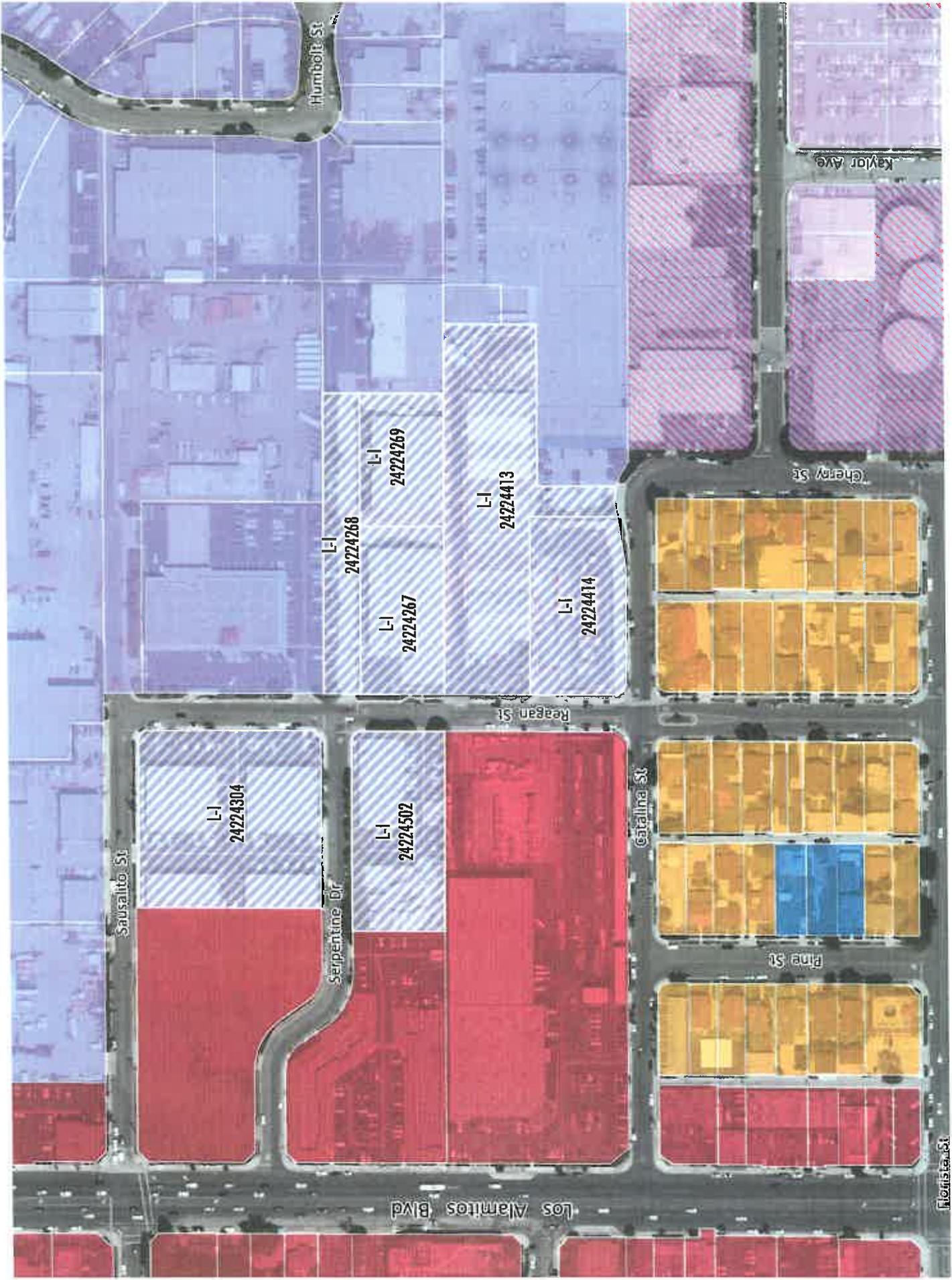
O-A	Open area zoning district	Open Area/Easement Overlay
C-F	Community facilities zoning district	Community & Institutional and Community & Institutional/JFTB
M-U	Mixed use zoning district	Mixed Use
SP	Specific Plan	Specific Plan
<b>Overlay Zoning Districts</b>		
-TC	Town center	Commercial
-MOZ	Medical Overlay	Medical Overlay
-ROZ	Retail Overlay	Retail Overlay

## Recommendation

Staff recommends that the Planning Commission open the Public Hearing to discuss this subject and provide necessary direction to Staff and the Assistant City Attorney to formalize the Planning Commission's direction into a future Ordinance, thereby continuing the Public Hearing to the January 28, 2016 meeting for adoption.

*Attachments: 1) Mapped Changes (the General Plan Map)  
2) Aerial Photo of Site*

# Attachment 1



Limited Industrial - After

0 125 250 500 Feet



Limited Industrial - Before



